# TITLE 16

## PLANNING AND ZONING

## FEBRUARY 2013

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# Division I. – GENERAL PROVISIONS

## Chapter 16.02

## TITLE

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### 16.02.010 Title.

This title shall be known as the "Land Development and Planning Ordinance of the City" which incorporates such common names as "Zoning Ordinance" and "Subdivision Ordinance." (Ord. 740 section 10.1.10, 1984).

### 16.02.020 Severability.

Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 890 section 2, 1993)

# Chapter 16.04

# DEFINITIONS

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

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

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

**16.04.035 Acceptable site.**
For purposes of siting 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)

**16.04.212 Eco-roof**

Eco-roof means a vegetated roof constructed for water quality and quantity control. Eco-roofs are vegetated roof covers with growing media and plants taking the place of bare membrane, gravel ballast, shingles or tiles. The number of layers and the layer placement vary from system to system and roof type, but all eco-roofs include a single to multi-ply waterproofing layer, drainage, growing media and the plants, covering at least 50% of the roof deck surface. (Ord. 1338, 2010)

**16.04.215 Equipment shelters.**

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

**16.04.218 Façade.**

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

**16.04.220 Family.**

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

**16.04.222 Floor area ratio.**

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

**16.04.223 Frontage road.**
Frontage road means a public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street (see also service roads). (Ord. 1043 section 3,
2000)

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

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

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

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

**A.** The residential character of the building is maintained;

**B.** The activity occupies less than one-quarter of the ground floor area of the building;

**C.** The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the rights of neighboring residents to enjoy

the peaceful occupancy of their homes. Business visitors to the premises shall not exceed eight (8) per day and delivery trucks shall not exceed one (1) per day;

**D.** The occupation shall not be carried on in an accessory building of the residence where the building is larger than six hundred (600) square feet;

**E.** No signs are permitted, except for a single unilluminated nameplate not to exceed two (2) square feet in area;

**F.** All home occupations require a city business license. (Ord. 890 section 7, 1993; Ord. 830 section 1, 1989; Ord. 740 section 10.1.20(B) [part], 1984)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**16.04.385 Lowest floor.**
Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building

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

**16.04.387 Manufactured home - manufactured housing unit.**
Manufactured home and manufactured housing unit mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes only, the term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes and for Chapter 16.16, the term manufactured home does not include park trailers, travel trailers and other similar vehicles. For purposes of Chapter 16.16, a manufactured home shall be certified to meet the 1976 HUD Standards, as amended. (Ord. 859 section 1,1991; Ord. 804 section 2(B), 1987)

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

**16.04.400 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, 1989; 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)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**16.04.615 Traffic Impact Analysis.**

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

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

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

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

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

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

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

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

**16.04.670 Vision clearance area.**
Vision clearance area means the triangle area at the intersection of two streets, a driveway and a street, or a street and a railroad, two sides of which are measured from

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

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

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

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

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

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

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

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

**16.04.715 Zero-lot line development.**

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

# 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 to the Planning Director.

**B.** Decision to Issue Interpretation. Generally, the Planning Director and/or the Planning Commission are authorized to make interpretations and/or determinations that specific standards of this Ordinance are not applicable and/or are impractical when applied to certain proposals.

For more complex interpretations, i.e interpretations that are discretionary and that do not have objective approval criteria, the Planning Director shall advise the applicant and any other person who requested a written copy of the decision within 14 days after the request is made. 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. The decision shall become effective 10 days after delivery/mailing, unless an appeal is filed. Any such appeal shall be processed as described in Chapter 16.89.

**C.** Public Notice. For more complex interpretations, i.e interpretations that are discretionary and that do not have objective approval criteria, 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)

**D.** Interpretations On File. For more complex interpretations, 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 upon a recommendation of the Mayor, Council Liaison to the Planning Commission, and Planning Commission Chairperson, Members of the Planning Commission 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; Ord 1329, 2010)

**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:**


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**16.08.030 Zone boundaries.**
**16.08.040 Zoning of annexed areas.**
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**16.08.160 Safety and Functionality Standards**


### 16.08.010 Compliance with title.

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

### 16.08.020 Zoning map.

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

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

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

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

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

**16.08.060**
(Ord. 740 section 10.3.05(F), 1984; renumbered as 16.64.040(I)(6) by Ord. 1043 section 3, 2000)

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

**16.08.080 Area and yard reductions.**

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

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

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

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

**16.08.090 Sidewalks required.**

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

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

**16.08.100 Height allowances.**

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

**16.08.110 Fences.**

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

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

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

**1.** The arbor shall not exceed eight (8) feet in height (including the fence and vegetation);

**2.** The arbor, or any part of the arbor, shall not obstruct the view of drivers or pedestrians navigating the streets and/or sidewalks in the area;

**3.** Vegetation on the arbor shall not be allowed to grow solid at any time, creating a solid barrier that blocks visibility;

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

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

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

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

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

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

**F.** 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.

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

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

**1.** Fencing installed as part of a new subdivision shall comply with either (a) or (b) below.

**2.** Fencing installed by a property owner on an individual lot shall comply with either (a), (b), or (c) below.

**a.** Solid fencing shall be no greater than four (4) feet in height; or

**b.** Fencing shall be constructed with black open wire material, wooden slats, or some other material that allows visual access between he pathway and adjacent uses; or

**c.** Solid fencing shall be set back at least three (3) feet from the property line that abuts the pathway. (Ord 1338, 2010)

**16.08.120 Siting and review process for Wireless Telecommunications Systems Facilities.**

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

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

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

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

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

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

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

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

**1.** Building and Electrical Permits only:

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

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

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

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

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

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

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

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

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

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

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

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

**c.** A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection

equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, including, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, and equal to or over 100 feet high, with a maximum height of 130 feet.

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

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

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

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

**3.** All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this section. Underground facilities may encroach upon required yards or may be placed in appropriate easements.

**4.** All detached WTS facilities shall be landscaped at the base of the towers/poles, and completely around the equipment shelters. The landscaping shall conform to the ODOT standards for plant size and spacing.

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

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

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

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

**9.** Any WTS facility sited on or designed with any of the following attributes shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of city approval prior to construction; Wilderness Area; Wildlife Preserve;

Endangered Species; Historical Site; Indian Religious Site; Flood Plain; Wetlands; High Intensity White lights in residential neighborhoods; Excessive radio frequency radiation exposure.

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

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

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

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

**c.** A plot plan showing:

**i**. The lease area;

**ii**. Antenna structure;

**iii**. Height above grade and setback from property lines;

**iv**. Equipment shelters and setback from property lines;

**v**. Access;

**vi**. Connection point with land line system; and

**vii**. All landscape areas associated with the WTS facility.

**d.** Anticipated capacity of the WTS facility (including number and types of antennas which can be accommodated).

**e.** The method(s) of stealth design (where applicable).

**f.** An engineer's statement that the radio frequency emissions at grade, or at the nearest habitable space when attached to an existing structure comply with FCC rules for such emissions; the cumulative radio frequency emissions if collocated.

**g.** The radio frequency range in megahertz and the wattage output of the equipment.

**h.** A description of the type of service offered (voice, data, video, etc.) and the consumer receiving equipment.

**i.** Identification of the provider and backhaul provider, if different.

**j.** A facilities maintenance regimen.

**k.** The zoning and comprehensive plan designation of the proposed site.

**l.** The FAA determination.

**m.** The distance from the nearest WTS facility.

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

**a.** Items in section (E) above.

**b.** Alternatives for locating/relocating support structures within 250 feet of the proposed site.

**c.** Photo simulations of the proposed WTS facility from the four cardinal compass points and/or abutting right-of-way, whichever provides the most accurate representation of the proposed facility from a variety of vantage points.

**d.** An engineer's statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography, dropped coverage, etc.).

**e.** An engineer's statement demonstrating the reasons why the WTS facility must be constructed at the proposed height.

**f.** Verification of good faith efforts made to locate or design the proposed WTS facility to qualify for a less rigorous approval process (building permit and/or building permit and site and design review approval).

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

## 16.08.130 Standard transportation improvements.

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

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

**a.** Normal operation, maintenance, repair, and preservation of existing transportation facilities.

**b.** Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

**c.** Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

**d.** Landscaping as part of a transportation facility.

**e.** Emergency measures necessary for safety and the protection of property.

**f.** Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan, except for those that are located in exclusive farm use or forest zones.

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

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

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

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

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

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

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

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

**16.08.140 Temporary vendor.**

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

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

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

**2.** Any person engaged in delivery, exhibition, sale or offering of food on a site for a period of time not to exceed 2 hours during any 24 hour period;

**3.** Any contractor who is engaged in constructing, maintaining, or repairing a structure, utility, equipment, or landscaping on a site; or

**4.** Any person conducting a garage sale per Section 5.04.020.

**B.** Permit process.

**1.** A request for a Temporary Vendor permit shall be processed as a Type I decision pursuant to the procedures set forth in Chapter 16.89. A Temporary Vendor permit applicant shall demonstrate that the proposed activity meets all fire and life safety codes, and is in compliance with this section and with all other applicable sections of the Canby Municipal Code.

**2.** An application for a Temporary Vendor permit shall include a site plan drawn to scale, which includes all existing lot lines, setbacks, structures, landscaped areas, paved areas, and parking and loading spaces; and illustrates the proposed location

and layout of all the Temporary Vendor's structures, equipment, furnishings, signage, and inventory.

**3.** The Temporary Vendor activity (e.g., retail, restaurant, etc) shall be an outright permitted use in the zoning district in which it is located; Or if the use is conditionally permitted in the zoning district, a Conditional Use Permit approval shall be required prior to issuance of a Temporary Vendor permit.

**4.** A "Site and Design Review" permit is not required for a permitted Temporary Vendor.

**5.** Any signage displayed by the Temporary Vendor must be in compliance with Chapter 16.42 sign standards, and all required Sign permits must be obtained.

**6.** A Temporary Vendor must obtain a City of Canby business license.

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

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

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

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

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

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

**1.** Is non-conforming in terms of meeting minimum required vehicle parking or loading space requirements; or

**2.** Has been granted a vehicle parking exception, and currently has less than the required minimum number of off-street vehicle parking spaces.

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

**16.08.150 Traffic Impact Study (TIS).**

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

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

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

**1.** Changes in land use designation, zoning designation, or development standard.

**2.** Changes in use or intensity of use.

**3.** Projected increase in trip generation.

**4.** Potential impacts to residential areas and local streets.

**5.** Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.

**6.** Potential impacts to intersection level of service (LOS).

**D.** TIS General Provisions

**1.** All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.

**2.** Prior to TIS scope preparation and review, the applicant shall pay to the city the fees and deposits associated with TIS scope preparation and review in accordance with the adopted fee schedule. The city's costs associated with TIS scope preparation and review will be charged against the respective deposits. Additional funds may be required if actual costs exceed deposit amounts. Any unused deposit funds will be refunded to the applicant upon final billing.

**3.** For preparation of the TIS, the applicant may choose one of the following:

**a.** The applicant may hire a registered Oregon Traffic or Civil Engineer to prepare the TIS for submittal to the city. The city Traffic Engineer will then review the TIS and the applicant will be required to pay to the city any fees associated with the TIS review; or

**b.** The applicant may request that the city Traffic Engineer prepare the TIS. The applicant will pay to the city any fees associated with preparation of the TIS by the city Traffic Engineer.

**4.** The TIS shall be submitted with a concurrent land use application and associated with application materials. The city will not accept a land use application for process if it does not include the required TIS.

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

**6.** A TIS determination is not a land use action and may not be appealed.

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

**1.** The study area will generally comprise an area within a ½-mile radius of the development site. If the city determines that development impacts may extend more than ½ mile from the development site, a larger study area may be required. Required study intersections will generally include (in addition to the primary access points) collector/collector and above intersections with an anticipated peak hour traffic increase of five-percent from the proposed project.

**2.** If notice to ODOT or other agency is required pursuant to noticing requirements in Chapter 16.89, the city will coordinate with those agencies to provide a comprehensive TIS scope. ODOT may also require a TIS directly to support an OR 99E approach permit application.

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

**1.** Introduction and Summary. This section shall include existing and projected trip generation including vehicular trips and mitigation of approved development not built to date; existing level and proposed level of service standard for city and county streets and volume to capacity for state roads; project build year and average growth in traffic between traffic count year and build year; summary of transportation operations; traffic queuing and delays at study area intersections; and proposed mitigation(s).

**2.** Existing Conditions. This section shall include a study area description, including information about existing study intersection level of service.

**3.** Impacts. This section should include the proposed site plan, evaluation of the proposed site plan, and a project-related trip analysis. A figure showing the assumed future year roadway network (number and type of lanes at each intersection) also shall be provided. For subdivision and other developments, the future analysis shall be for the year of proposed site build-out. For proposed comprehensive plan and/or zoning map amendments, the future analysis year shall be 20 years from the date of the City's adopted TSP, or 15 years, whichever is greater.

**4.** Mitigation. This section shall include proposed site and area-wide specific mitigation measures. Mitigation measures shall be roughly proportional to potential impacts. See Subsection K below for rough proportionality determination.

**5.** Appendix. This section shall include traffic counts, capacity calculations, warrant analysis, and any other information necessary to convey a complete understanding of the technical adequacy of the TIS.

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

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

or may be a stand-alone study, depending on the level of study required in the scoping checklist. The through-trip study shall include all of the following:

1. Existing number of through-trips per day on adjacent residential local streets or neighborhood routes.

2. Projected number of through-trips per day on adjacent residential local streets or neighborhood routes that will be added by the proposed development.

3. Traffic management strategies to mitigate for the impacts of projected through-trip consistent.

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

1. Local residential street volumes should not increase above 1,200 average daily trips

2. Local residential street speeds should not exceed 28 miles per hour (85$^{th}$ percentile speed).

**I.** Mitigation. Transportation impacts shall be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. Mitigation measures may be suggested by the applicant or recommended by ODOT or Clackamas County in circumstances where a state or county facility will be impacted by a proposed development. The city shall determine if the proposed mitigation measures are adequate and feasible. ODOT must be consulted to determine if improvements proposed for OR 99E comply with ODOT standards and are supported by ODOT. The following measures may be used to meet mitigation requirements:

1. On-and off-site improvements beyond required standard frontage improvements.

2. Development of a transportation demand management program.

3. Payment of a fee in lieu of construction, if construction is not feasible.

4. Correction of off-site transportation deficiencies within the study area that are substantially exacerbated by development impacts.

5. Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.

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

**1.** Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.

**2.** Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or street that serve the proposed use may be required.

**3.** The city may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.

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

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

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

**a.** Net new trips means the estimated number of new trips that will be created by the proposed development within the study area.

**b.** Planning period trips means the estimated number of total trips within the study area within the planning period identified in the TSP.

**c.** Existing trips means the estimated number of existing trips within the study area at the time of TIS preparation.

**d.** Estimated construction cost means the estimated total cost of construction of identified improvements in the TSP. (Ord 1340, 2011)

### 16.08.160 Safety and Functionality Standards.

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

**A.** Adequate street drainage, as determined by the city.

**B.** Safe access and clear vision at intersections, as determined by the city.

**C.** Adequate public utilities, as determined by the city.

**D.** Access onto a public street with the minimum paved widths as stated in Subsection E below.

**E.** Adequate frontage improvements as follows:

**1.** For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.

**2.** For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.

**3.** For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.

**F.** Compliance with mobility standards identified in the TSP. If a mobility deficiency already exists, the development shall not create further deficiencies. (Ord 1340, 2011)

# Chapter 16.10

# OFF-STREET PARKING AND LOADING

**Sections**

**16.10.010 Off-street parking required – exceptions.**
**16.10.020 Definitions.**
**16.10.030 General requirements.**
**16.10.040 Prohibited near intersections.**
**16.10.050 Parking standards designated.**
**16.10.060 Off-street loading facilities.**
**16.10.070 Parking lots and access.**
**16.10.080 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. Elm Street on the west, and NW Third Avenue on the north.

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

## 16.10.020 Definitions.

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

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

**16.10.030 General requirements.**

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

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

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

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

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

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

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

**1.** One of the parcels has excess parking spaces, considering the present use of the property; and the other parcel lacks sufficient area for required parking spaces. Excess parking spaces can be determined by considering when the uses need the parking spaces, such as time of day or day of week.

**2.** The total number of parking spaces meets the standards for the sum of the number of spaces that would be separately required for each use. If the applicant can demonstrate that the uses do not have overlapping parking needs (based on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.

**3.** Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying present use of the excess parking area on one lot by patrons of the uses deficient in required parking areas.

**4.** Physical access between adjoining lots shall be such that functional and reasonable access is provided to uses on the parcel deficient in parking spaces.

**5.** Adequate directional signs shall be installed specifying the joint parking arrangement.

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

**1.** Residential densities greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures); or

**2.** The proposed development is pedestrian-oriented by virtue of a location which is within convenient walking distance of existing or planned neighborhood activities (such as schools, parks, shopping, etc.) and the development provides additional pedestrian amenities not required by the code which, when taken together, significantly contribute to making walking convenient (e.g., wider sidewalks, pedestrian plazas, pedestrian scale lighting, benches, etc.). (Ord. 890 section 10, 1993; Ord. 854 section 2 [part], 1991; Ord. 848, Part V, section 16.10.030, 1990; Ord. 1043 section 3, 2000; Ord. 1338, 2010)

**16.10.040 Prohibited near intersections.**

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

**16.10.050 Parking standards designated.**

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

## TABLE 16.10.050

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

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

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

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

### 16.10.060 Off-street loading facilities

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

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

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

**1.** Commercial uses – 13’ x 35’

**2.** Industrial uses – 12’ x 60’

**3.** Berths shall have an unobstructed minimum height of 14’.

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

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

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

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

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

**16.10.070 Parking lots and access.**

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

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

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

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

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

**i.** minimizing dust generation,

**ii.** minimizing transportation of aggregate to city streets, and

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

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

**b.** Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf

block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

**4.** The full width of driveways must be paved in accordance with (3) above:

**a.** For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and

**b.** To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.

**5.** Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.

**6.** Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

**7.** Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.

**8.** Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

**9.** Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

**B. Access.**

**1.** The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this ordinance are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.

**2.** The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilized jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts shall be placed on permanent files with the city recorder.

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

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

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

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

**7.** The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to

protect the public health, safety and general welfare. (Ord. 890 section 12, 1993; Ord. 1237, 2007; Ord. 1338, 2010)

## Minimum Access Requirements

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

| *Dwelling units* | *Minimum number of accesses required* | *Minimum access width* | *Sidewalks & Curbs (in addition to driveways)* |
|---|---|---|---|
| 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:<br>1 access<br>OR<br>Option B:<br>2 accesses | 20 feet<br><br>12 feet | Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway. |
| 50-499 | Option A:<br>1 access<br>OR<br>Option B:<br>2 accesses | 30 feet<br><br>20 feet | Curbs required; Minimum of one sidewalk connection to residences and parking areas |
| Over 500 | As required by Site and Design Review Board | | As required by Public Works Director |

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

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

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

| *Parking spaces required* | *Minimum number of accesses required* | *Minimum access width* | *Sidewalks & curbs (in addition to driveways)* |
|---|---|---|---|
| 1-250 | 1 | 24 feet | Curbs required; sidewalks on one side minimum |
| Over 250 | As required by Public Works Director | | |

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

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

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

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

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

**d.** 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.

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

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

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

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

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

**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.

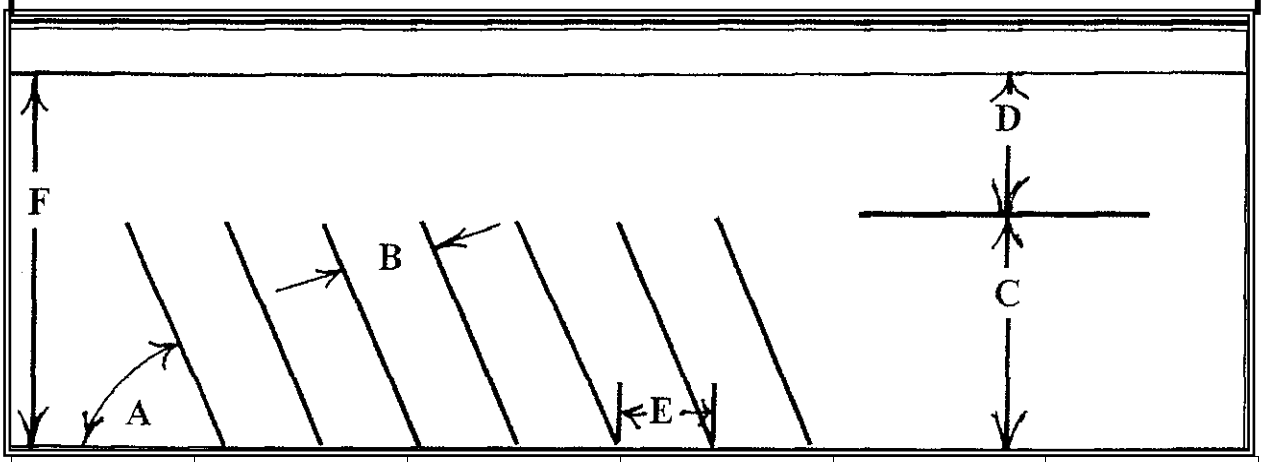
**f.** The minimum distance between driveways for single-family residential houses and an intersection shall be thirty (30) feet. The distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)]. (Ord. 890 section 12, 1993; Ord. 872, 1991; Ord. 854 section 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.** Location: Bicycle parking shall be located in well-lit, secure locations within fifty (50) feet of the main entrance to a building, but not further from the entrance than the closest automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

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

| TABLE 16.10.100 BICYCLE PARKING STANDARD | |
|---|---|
| LAND USE CATEGORY | MINIMUM REQUIRED BICYCLE PARKING SPACES |
| Residential | |
| Multi-family residential, general | 1 space per unit |
| Multi-family residential, seniors or with physical disabilities | 4, or 1 space per 5 units, whichever is greater |
| Institutional | |
| Schools - Elementary | To be determined through design review |
| Schools - Jr. High/Middle School | To be determined through design review |
| Schools - St. High | To be determined through design review |
| College | To be determined through design review |
| Transit Centers/Park & Ride Lots | 5% of auto spaces *(or 100% of demand, depending on accessibility to bicyclists)* |
| Religious Institutions | 1 space per 40 seat capacity |
| Hospitals | 1 space per 5 beds |
| Doctor, Dentist Offices | 2, or 1 space per 1000 $ft^2$, whichever is greater |
| Libraries, Museums, etc. | 2, or 1 space per 1000 $ft^2$, whichever is greater |
| Commercial | |
| Retail Sales | 0.33 space per 1000 $ft^2$, whichever is greater |
| Auto-oriented Services | 2, or 0.33 space per 1000 $ft^2$, whichever is greater |
| Groceries/Supermarkets | 0.33 space per 1000 $ft^2$ |
| Offices | 2, or I space per 1000 $ft^2$, whichever is greater |
| Restaurants | 1 space per 1000 $ft^2$ |
| Drive-in Restaurants | 1 space per 1000 $ft^2$ |
| Shopping Centers | 0.33 space per I000 $ft^2$ |
| Financial Institutions | 2, or 0.33 space per $1000^2$ ,whichever is greater |
| Theaters, Auditoriums, etc. | 1 space per 30 seats |
| Downtown Commercial Zone | 4 spaces per block |
| Industrial | |
| Industrial Park | 2, or .1 space per 1000 $ft^2$, whichever is greater |
| Warehouse | 2, or .1 space per 1000 $ft^2$, whichever is greater |
| Manufacturing, etc. | 2, or .15 space per 1000 $ft^2$, whichever is greater |

NOTES:
*Each individual use needs to be evaluated for bicycle parking – e.g., a commercial accessory use in an industrial district may have different requirements than the industrial uses around it. Similarly, in mixed-use developments, the amount of each use and required bicycle parking needs" evaluation. Finally, within each use category one needs to consider the different user categories - residents, employees, customers, etc. - and parking requirements for each.*
(Ord. 1019 section I, 1999; Ord. 1043 section 3, 2000; Ord. 1076, 2001)

# Chapter 16.12

# CLASSIFICATION OF ZONES

**Sections:**

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

## 16.12.010 Zones designated.

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

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

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

## 16.12.020 Uses Permitted

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

# Chapter 16.14

# AG - AGRICULTURAL ZONE

**Sections:**

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

## 16.14.010 Uses permitted outright.

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

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

**B.** Accessory structures and uses, including those located on a lot which is adjacent to the lot housing the principal use or structure. (Ord 740 section 10.3.17(A), 1984)

## 16.14.020 Conditional uses.

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

**A.** Public building or land use, including public utility;

**B.** Single-family dwelling; one single-family dwelling per lot. (Ord. 740 section 10.3.17(B), 1984)

## 16.14.030 Development standards.

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

**A.** Minimum lot area: five acres;

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

**C.** Minimum yard requirements:

**1.** Street yard, twenty feet,
**2.** Interior yard, ten feet;

**D.** Maximum building height: thirty-five feet;

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

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

# 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 over-sized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

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

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

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

**D.** Minimum yard requirements:

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

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

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

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

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

**E.** Maximum building height:

**1.** Principal building: thirty-five feet.

**2.** Detached accessory structure:

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

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

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

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

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

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

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

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

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

**G.** Other regulations:

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

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

**3.** Required yards on southern and western exposures may be reduced by not more than five feet for eaves or canopies to provide shade.

**4.** Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet. (Ord. 890 section 17, 1993; Ord. 740 section 10.3.18(C), 1984; Ord. 955 section 5, 1996; Ord. 981 section 45, 1997; Ord. 1080, 2001; Ord. 1111 section 7, 2003; Ord 1237, 2007; Ord. 1338, 2010)

# Chapter 16.18

# R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE

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

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

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

**G.** Other regulations:

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

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

**3.** Required yards on southern and western exposures may be reduced by not more than five feet for eaves or canopies to provide shade.

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

# Chapter 16.20

## R-2 HIGH DENSITY RESIDENTIAL ZONE

(Ord 890 section 20, 1993)

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

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

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

**F.** 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.

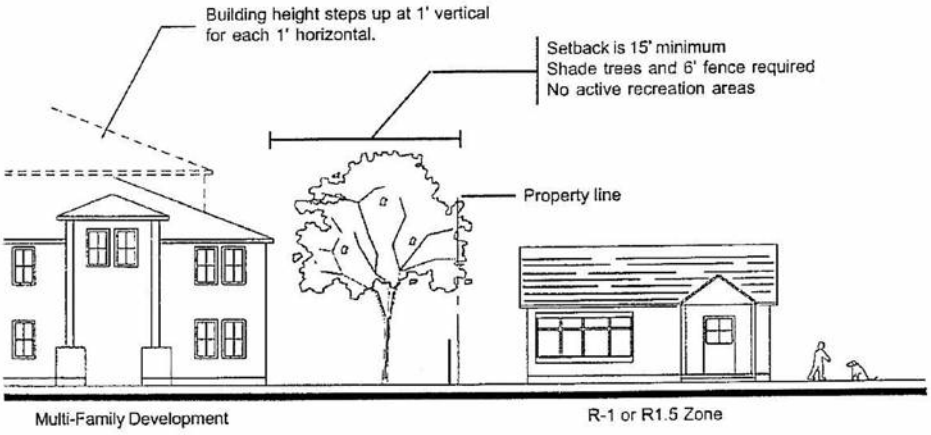
**2.** All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements.

**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.

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

**Figure 16.20-1**
**Special Transition and Compatibility Standards when Multi-Family is adjacent to R-1or R1.5**



# 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)

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

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

The standards in sections 16.21.030 through 16.21.050 apply to single family dwellings, manufactured homes, and two family dwellings (duplexes). Where a proposal is for an alteration or addition to a existing development, the standards of this section apply only to the portion being altered or added. If the applicant can demonstrate that implementation of

the standards would be impractical due to lot size, shape, slope, or other natural feature of the property that does not generally apply to other properties in the city, the Planning Director may waive any of the standards which are demonstrated to be impractical. (Ord. 1107, 2002)

**16.21.030 Single family and two-family dwelling design menu.**

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

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

**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 menu in Table 16.21.070 shall apply. This menu replaces the general menu contained in Chapter 16.49 for such applications.

**B.** A design review application for multi-family dwellings shall be considered to be compatible if

**1.** At least five of the Design Elements for Street Facing Facades are achieved.

**2.** a minimum of 60 percent of the total possible points from the Design Menu are accumulated for the whole development;

**3.** 10 percent of the points used to meet (2) above are from the LID category; and,

**4.** the applicant has received a minimum of one point in each applicable category.

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

### Table 16.21.070 Multi-Family Design Menu

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

| Design Criteria | Possible Points | | | | |
|---|---|---|---|---|---|
| **Parking** | **0** | **1** | **2** | **3** | **4** |
| Screening of parking and/or loading facilities from public right-of-way | Not screened | Partially screened | Fully screened | - | - |
| Parking lot lighting provided | No | Yes | - | - | - |
| Parking location (behind building is best) | Front | Side | Behind | - | - |
| Number of parking spaces provided (% of minimum required) | >120% | 101-120% | 100% | - | - |
| **Tree Retention** | **0** | **1** | **2** | **3** | **4** |
| Percentage of trees retained | <10% | 10-50% | 51-75% | >75% | - |
| Replacement of trees removed | <50% | ≥50% | - | - | - |
| **Building Orientation to the Street** | **0** | **1** | **2** | **3** | **4** |
| Primary entrances face the street | Not street-facing | Entrance breezeway faces street | All entrances face the street | - | - |

| Design Criteria | Possible Points | | | | |
|---|---|---|---|---|---|
| **Building Orientation to the Street, cont.** | **0** | **1** | **2** | **3** | **4** |
| Site's frontage has buildings within 25 feet of front lot line. (Full points may be given when courtyards are adjacent to the frontage.) | 0-25% of street frontage | 26-50% of street frontage | ≥51% of street frontage | - | - |
| **Screening of Storage Areas and Utility Boxes** | **0** | **1** | **2** | **3** | **4** |
| Trash storage is screened from view by solid wood fence, masonry wall or landscaping. | No | Yes | - | - | - |
| Trash storage is located away from adjacent property lines. | 0 - 10 feet from adjacent property | 11 - 25 feet from adjacent property | >25 feet from adjacent property | - | - |
| Utility equipment is screened from view. | Not screened | Partially screened | Fully screened | - | - |
| **Prevention of Monotonous and Incompatible Design** | **0** | **1** | **2** | **3** | **4** |
| Horizontal length of all buildings is a maximum of 120 feet. | 101 - 120 feet | 81 - 100 feet | ≤80 feet | - | - |
| Roofs have a gable, hip or gamble form, minimum pitch of 3 to 12 with at least 6-inch overhang. | No | Yes | - | - | - |
| A minimum of 15% of street façade areas contains windows or doors. All windows provide trim, recess, or other method of providing shadowing. | No | Yes | - | - | - |
| Garages are located to minimize their visual impact. | Front of building | Side of building | Back of building | - | - |
| Exterior design features include offsets, balconies, projections, window reveals, or similar elements to break up large building expanses. | Less than one design feature within every 30 feet of longest façade. | One design feature within every 30 feet of longest façade. | Two or more design features within every 30 feet of longest façade. | - | - |
| **Private Open Space and Landscaping** | **0** | **1** | **2** | **3** | **4** |
| Private open space provided in addition to what is required for the base zone. | No additional open space. | Patios or balconies (at least 48 square feet) provided for 50% of units. | Patios or balconies (at least 48 square feet) provided for 51-100% of units. | Sport court, tot lot, pool or community room is provided. | - |
| Number of non-required trees provided. | - | At least one tree per 500 square feet of landscaping. | - | - | - |

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

(Ord. 1338, 2010)

**Figure 16.21-1**
**Garage Standard 1**

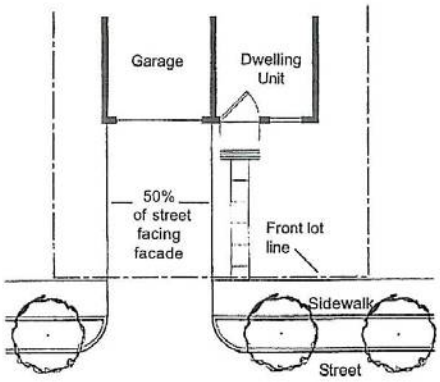



**Figure 16.21-2**
**Garage Standard 2**

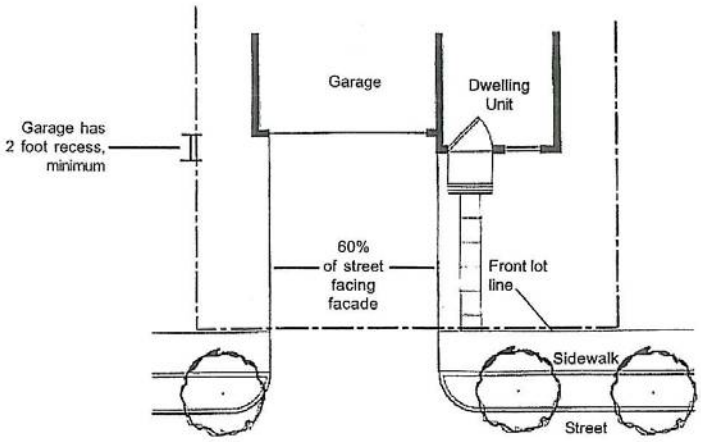


**Figure 16.21-3**
**Garage Standard 5a**

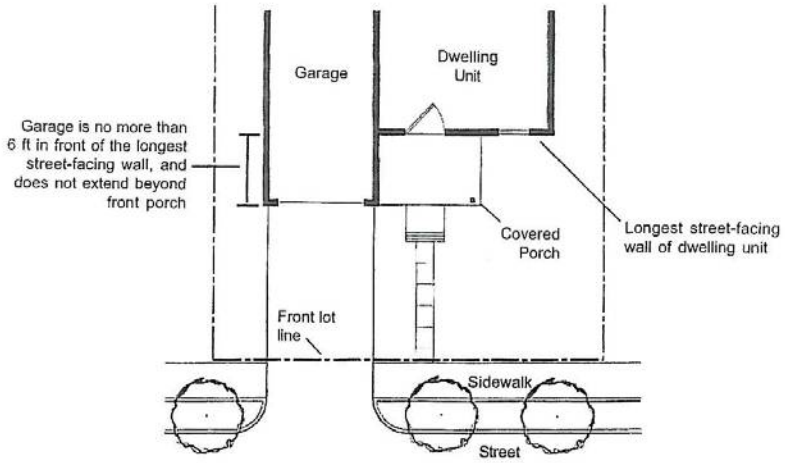



**Figure 16.21-4**
**Garage Standard 5b**

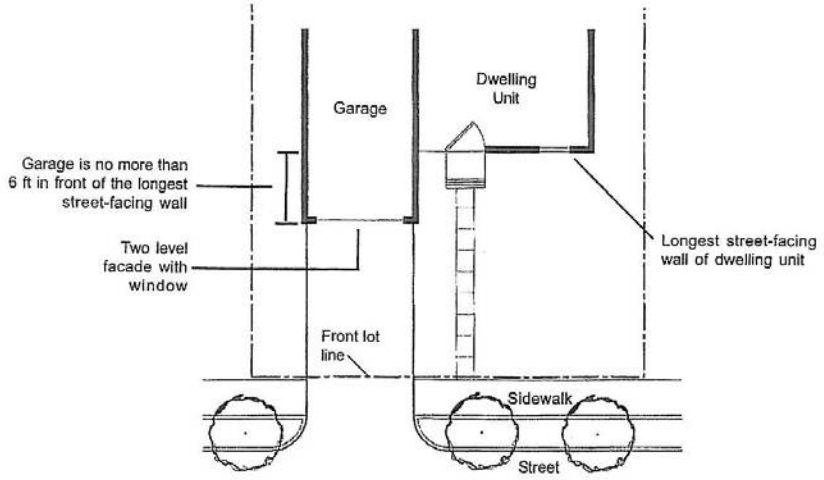


**Figure 16.21-5**
**Garage Standard 6**

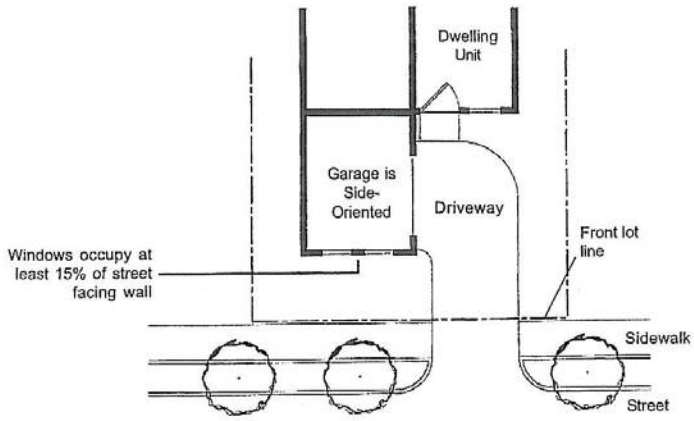
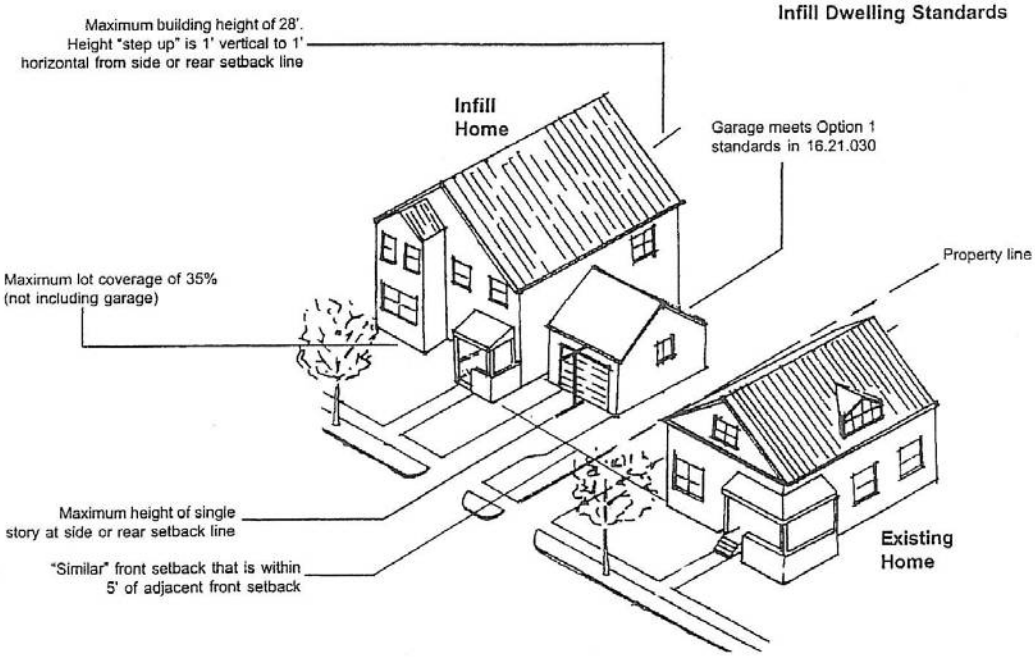



**Figure 16.21-6**
**Infill Dwelling Standards**



# Chapter 16.22

# C-1 DOWNTOWN COMMERCIAL ZONE

**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;

**I I.** 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, widows, or display windows (no blank walls). Murals, art niches, benches, or light sconces at blank walls where windows are not feasible: no treatment = 0; mural or other treatment = 1; windows or display windows = 2. | 0 | 1 | 2 |
| Awnings and rain protection of durable canvas, vinyl, glass or acrylic. No awning slope over 45 degrees, with flat or semi-flat awnings along First Avenue and at buildings with windows above entries. Awnings are discontinuous, with lengths generally under 30 linear feet for longer buildings: no awnings = 0; awnings meet criteria = 2. | 0 | | 2 |
| **Parking** | | | |
| Off-street parking (if required) located behind or to side of building: No = 0; side = 1; behind = 2 | 0 | 1 | 2 |
| **Bonus Points** | | | |
| Provide usable pedestrian space such as plaza, outdoor seating, or extra-wide pathway/sidewalk near one or more building entrances: No = 0; Yes = 1. | 0 | 1 | |
| Planters and window boxes: No = 0; Yes = 1. | 0 | 1 | |
| Public art (e.g., fountain, sculpture, etc.): No = 0; Yes = 1. | 0 | 1 | |
| Second story residential or office: No = 0; Yes = 1 | 0 | 1 | |

# Chapter 16.24

# C-R RESIDENTIAL/COMMERCIAL ZONE

**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; Ored. 749 section 1(A), 1984, Ord. 740 section 10.3.31(A), 1984; Ord. 995 section 10 & 11, 1996; Ord. 981 section 30 & 31, 1997; Ord. 1019 section 10, 1999; Ord 1237, 2007)

**16.32.020 Conditional uses.**

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

**A.** Commercial recreation uses;

**B.** Motels, hotels and similar accommodations;

**C.** Other heavy commercial or light industrial uses as determined by the Planning Commission;

**D.** Waste and/or recycling transfer operations.

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

**F.** Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

**G.** Major public facility, except as modified by Section 16.32.010. (Ord. 960, section 2, 12/18/96; Ord. 890, section 32, 1993; Ord. 740 section 10.3.31(B), 1984; Ord. 981 section 32, 1997; Ord 1237, 2007)

**16.32.030 Development standards.**

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

**A.** Minimum lot area: five thousand square feet;

**B.** Minimum width and frontage: fifty feet;

**C.** Minimum yard requirements:

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

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

**D.** Maximum building height:

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

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

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

**F.** Other regulations:

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

**2.** 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 |

# Chapter 16.35

# CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

**Sections:**

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

## 16.35.010 Purpose.

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

**A.** Provide efficient circulation and access;

**B.** Allow flexibility in siting development, including a range of industrial and commercial/industrial land uses;

**C.** Provide visual continuity for streetscapes and developments;

**D.** Encourage durable, high quality building materials.

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

## 16.35.020 Applicability.

It is the policy of the City of Canby to apply the I-O zone to all lands within the 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 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.** Building orientation standards. The following standards are intended to ensure direct, clear, and convenient pedestrian access:

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

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

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

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

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

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

**M.** All landscaped areas shall be irrigated.

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

**16.35.060 Design guidelines.**

The Industrial Area Master Plan provides design guidelines for reviewing development applications. The guidelines, which are incorporated into Table 16.35.000, 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% of 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 modification to master plane = 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 2** |
| **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 ratio. | **0 1** |
| When site includes designated open space, park or trail connection: 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. | **0 1 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** |
| Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas, and similar features): no=0; yes=1; yes and public access provided (i.e., through an easement)=2. | **0 1 2** |
| Amount of grass or other plantings 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 the street: parking or drive separates building from street=0; at least 20% of elevation within 5 feet of minimum setback=1; at least 20% of elevation is at minimum setback=2. | **0 1 2** |
| Building entrances visible from the street: no=0; yes=1. | **0 1** |
| Buildings use quality materials: concrete, wood, or wood siding=0; concrete masonry, stucco, or similar material=1; brick or 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 16.38

# HISTORICAL PROTECTION OVERLAY ZONE (A)

**Sections:**

**16.38.010 Purpose.**
**16.38.020 Uses permitted.**
**16.38.025 Exemptions.**
**16.38.030 Conditional uses.**
**16.38.040 Severability.**

## 16.38.010 Purpose.

The Historical Protection Overlay Zone is intended to be used in conjunction with any of the city's underlying base zones (example: R-1/A, C-2/A, etc.) to assure that the future development of the site will provide ample protection for identified historically architecturally significant structures, features or sites. The Historical Protection Overlay Zone is intended to be applied only to those specific properties which, because of generally recognized significance to the community, warrant protection, preservation, or enhancement of their historical or architectural characteristics. Additional to the regulatory aspects of this zoning, it should be noted that city staff will provide information or tax benefits and landmark requirements to interested persons. (Ord. 740 section 10.3.36(A), 1984)

## 16.38.020 Uses Permitted.

Primary Uses. A Historic Landmark or properties within a Historic District may be used for any use which is allowed in the underlying district, including home occupations, provided such use is not detrimental to the preservation of the historic resource, subject to the specific requirements for the use, and all other requirements of this section. Uses permitted outright in the Historical Protection Overlay Zone are the uses permitted outright in the underlying base zone, provided that a site plan review is to be conducted prior to the issuance of any permit for construction. This site plan review is to focus on those particular aspects of the site which are of historical or architectural significance. If the City Planner, in conducting the site plan review, determines that the proposed development will result in the removal, demolition, or exterior alteration of the site or building which will tend to affect the historical or architectural characteristics of the site, he shall process the application according to the provisions of Chapter 16.110, Historic Preservation. (Ord. 740 section 10.3.36(B), 1984; Ord. 905, 1994; Ord 1061, 2000)

## 16.38.025 Exemptions.

The following are exempt from requirements of CMC 16.38.

**A.** Approved Public Art Murals as defined in CMC Chapter 2.80.020. (Ord. 1341, 2011)

**16.38.030 Conditional uses.**

Conditional uses in the Historical Protection Overlay Zone shall be as follows:

**A.** The uses listed as conditional in the underlying base zone.

**B.** Uses listed below under subsection C, which are not otherwise allowed in the underlying district, may be allowed, subject to the specified review procedure. Approval shall not be granted unless the proposal satisfies the criteria under section 16.50 and the applicant demonstrates that the use, if allowed:

**a.** will preserve or improve a resource which would probably not be preserved or improved otherwise; and

**b.** will not significantly adversely affect surrounding uses; and

**c.** will utilize existing structures rather than new structures. Alterations and additions to existing structures shall satisfy the provisions of section 16.110.080.

**C.** Public Hearing Review. The following uses may be permitted by the Planning Commission as conditional uses in all districts, after a public hearing, when the proposal satisfies the requirements under subsection B, above:

**a.** art and music studios

**b.** galleries

**c.** offices

**d.** craft shops

**e.** bed and breakfast establishments

**f.** gift shops

**g.** museums

**h.** catering services

**i.** book stores

**j.** boutiques

**k.** restaurants

**l.** antique shops

**m.**community center for civic or cultural events.

**n.** other uses determined by the Planning Commission to be similar to those above.

The State Historical Preservation Office will receive notice of any public hearing scheduled for such use permits.

***Note:*** All the above listed uses would probably also require a "Change of Occupancy" permit, approval of handicapped access, and approval of change of stairs, doors, etc., under the Uniform Building Code. (Ord. 740 section 10.3.36(C), 1984; Ord. 905 section 3, 1994; Ord. 1061, 2000)

**16.38.040 Severability**

Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 905 sections 4, 1994)

# Chapter 16.40

# HAZARD OVERLAY ZONE (H)

**Sections:**

**16.40.010 Purpose.**
**16.40.014 Flood insurance maps.**
**16.40.016 Floodways - alteration of watercourse.**
**16.40.018 Subdivisions, partitions and lot line adjustments.**
**16.40.020 Uses permitted outright.**
**16.40.030 Conditional uses.**
**16.40.040 Specific conditions relating to fish and wildlife protection.**
**16.40.050 Special conditions relating to mobile homes and travel trailers.**

## 16.40.010 Purpose.

The Hazard Overlay Zone is intended to be used in conjunction with any of the city's underlying base zones (example: R-1/H, M-2/H, etc.) to assure that the development of the site will not result in an unacceptable level of risk because of hazardous conditions. The Hazard Overlay Zone is intended to be applied only to those specific properties which have been identified as having steep slopes or potential for flooding. (Ord. 740 section 10.3.37(A), 1984)

## 16.40.014 Flood insurance study.

The flood insurance study, including the flood insurance rate map, dated June 17, 2008, as presently adopted, and as may be amended by the Federal Emergency Management Agency, are adopted by reference and declared to be part of this chapter. Copies of the flood insurance rate maps shall be kept on file with the official zoning map of the city. (Ord. 804 section 3(A), 1987; Ord. 1286, 2008)

## 16.40.016 Floodways - alteration of watercourse.

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the Planning Commission shall work closely with the city Building Official to assure that encroachments into floodways are minimized and the requirements of the Flood Hazard Protection Ordinance (Chapter 15.12 of this code) are met. (Ord. 804 section 3(B), 1987)

## 16.40.018 Subdivisions, partitions and lot line adjustments.

In approving applications for subdivisions, land partitions and lot line adjustments in H overlay zones, it must be found that the proposed development will:

**A.** Be consistent with the need to minimize flood damage, based upon accurate base flood elevation data;

**B.** Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

**C.** Have adequate drainage to reduce exposure to flood damage. (Ord. 804 section 3(C), 1987)

**16.40.020 Uses permitted outright.**

Uses permitted outright in the Hazard Overlay Zone shall be as follows:

**A.** One single-family dwelling per lot, provided that it is designed, located and constructed with a base floor elevation which is at least one foot above the base flood elevation determined in compliance with the requirements of the Federal Flood Insurance Program;

**B.** Agriculture, including all accessory structures necessary to the conduct of agricultural activity, provided that such structures comply with the requirements of the Federal Flood Insurance Program, and excluding commercial processing, sales, manufacturing, or packaging plants, except when used for items grown primarily on the premises;

**C.** Accessory structures and use, provided that they comply with the requirements of the Federal Flood Insurance Program;

**D.** Water intake or sewer outflow structures which meet county and state requirements for construction, as well as the requirements of the Federal Flood Insurance Program. (Ord. 740 section 10.3.37(B), 1984)

**16.40.030 Conditional uses.**

Conditional uses in the Hazard Overlay Zone shall be as follows:

**A.** All uses not listed in section 16.40.020 as permitted outright, but listed as either permitted or conditional uses in the underlying base zone. In reviewing such conditional use permit applications, the Planning Commission shall require full compliance with the requirements of the Federal Flood Insurance Program, proof of base floor elevations at least one foot above base flood levels, and may impose special conditions to mitigate or minimize hazards to life and property;

**B.** Aggregate removal operations. (Ord. 740 section 10.3.37(C), 1984)

**16.40.040 Special conditions relating to fish and wildlife protection.**

In reviewing any discretionary application for development in an "H" overlay zoned area, the Planning Commission and City Council shall consider the potential impacts of the development upon fish, wildlife and open space resources of the community. Where it is found that the potential for such impacts is significant, the hearing body shall impose whatever conditions or restrictions upon the development are necessary to mitigate or minimize such impacts. Grading plans shall be submitted for the review of the Planning Commission prior to the commencement of any road building or major site grading. Tree-cutting plans shall be submitted for review prior to the removal of any trees having trunks of greater than six inches in diameter. Grading plans and tree-cutting plans shall be reviewed

by the commission except in the case of minor tree cutting in isolated cases which shall require only the prior approval of the city forester. The commission may require the developer to plant selected species of trees or other vegetation to stabilize slopes and enhance wildlife habitat areas. (Ord. 740 section 10.3.37(D), 1984)

**16.40.050 Special conditions relating to mobile homes and travel trailers.**

All manufactured housing units to be placed or substantially improved within the areas designated A-1 through A-30, AH or AE, on the flood insurance rate map of the City of Canby, as now drawn or as may be amended, shall be:

**A.** Elevated on a permanent foundation such that the lowest floor of the unit is a minimum of one foot above the base flood elevation; and

**B.** Anchored to a foundation system in compliance with the standards established by the Federal Emergency Management Agency. (Ord. 804 section 3 (D), 1987)

# Chapter 16.41

# DOWNTOWN CANBY OVERLAY (DCO) ZONE

**Sections**


**16.41.010 Purpose.**
**16.41.020 Applicability.**
**16.41.030 Uses permitted outright.**
**16.41.040 Conditional uses.**
**16.41.050 Development standards.**
**16.41.060 DCO site and design review guidelines.**
**16.41.070 DCO site and design review standards.**


## 16.41.010 Purpose.

The purpose of the Downtown Canby Overlay (DCO) zone is to:

**Figure 1**
Commercial development example concept

**Figure 2**
Cohesive architectural elements create a human-scale environment

**A.** Encourage more intense development in the Core Commercial area and allow for more intensive development in the Transitional Commercial area over time. Intensity of development and the relationship between setbacks, lot coverage and floor area ratio address this objective. Floor area ratios (FAR) are intended to work with building height and setback standards to control the overall bulk of the building. The proposed FAR in conjunction with the maximum lot coverage ensures that the development will be a minimum of two floors along the street in the C-1 portion of the Core Commercial area.

**B.** Create a pedestrian friendly environment in the Core Commercial and Transitional Commercial areas while allowing for a more auto-oriented focus in the Outer Highway Commercial area. A comfortable pedestrian-oriented environment and limited setbacks are important in the Core Commercial and Transitional Commercial areas. In the Outer Highway Commercial area, a portion of development should be closer to the road to provide visual connection and signal that

drivers are entering an urban area. Larger setbacks in the Outer Highway Commercial area also allows for more landscaping, access and other improvements between buildings and street.

**Figure 3**
A high degree of transparency (windows) helps create a sense of interaction between activities inside and outside the building

**C.** Ensure that building sizes reflect desired uses in the Core Commercial and Transitional Commercial areas. Requirements limit the size of the building footprint to 40,000 square feet in these areas. For the purpose of understanding the scale of development, the proposed maximum allows for the creation of a high end grocery store (e.g., New Seasons, Whole Foods or Zupans). The proposed maximum differentiates developments in this area from those in the Outer Highway Commercial area. Maximum building footprints are much larger in the Outer Highway Commercial area.

**Figure 4**
More auto-oriented uses in the Outer Highway Commercial area

**D.** Ensure compatibility among adjacent uses within the Transitional Commercial area as it changes over time. Requirements for massing and form will help ensure compatibility if uses in this area increase over time, while allowing for a broader range of building sizes than currently exists.

**E.** Maintain an attractive, visually pleasing environment that is relatively free of structures or activities that detract from it. Most buildings have areas devoted to services and equipment. These uses can be noisy, noxious and unsightly. Screening requirements reduce the impact of these structures and activities. Placement on an alley also may be an option. Furthermore, limitations on exterior storage and display will help reduce visual clutter while allowing flexibility for retail merchants and eating and drinking establishments.

**Figure 5**
Smaller-scale commercial use in the Transitional Commercial area

**F.** Ensure adequate accessibility to and within sites by a variety of travel modes, along with attractively designed parking and loading areas. Parking standards for automobiles and

bicycles are intended to allow for ready access to commercial uses by all modes and create attractive "green" sites that enhance human and environmental health. (Ord 1296, 2008)

**16.41.020 Applicability.**

**A.** It is the policy of the City of Canby to apply the DCO zone to all lands located within the boundaries illustrated on the Downtown Canby Framework Diagram; the boundaries of the overlay district, and boundaries of the three sub-areas, are as shown in this chapter, Figure 11. The three sub-areas are established as follows:

**Figure 6**
Example of high-quality screening design

**Figure 7**
Example of well-planned landscaping

**1.** Core Commercial Area. This area straddles Highway 99E and includes portions of both the C-1 and C-2 zones and forms the densest commercial area of the city, as well as the city's primary community facilities – city hall, police station, library, etc.

**2.** Transitional Commercial Area. This is the transitional area that lies between the more intense Downtown Core Commercial area and the established single-family neighborhoods to the north and northeast. The two Transitional Commercial nodes are tucked between 3rd and 4th and Fir and Douglas on the west side of Downtown, and 3rd and 4th and Holly and Knott on the east side.

**3.** Outer Highway Commercial Area. The Outer Highway Commercial area extends along Highway 99E both south of Elm Street and north of Locust Street. This area is quite different from the Core Commercial and Transitional Commercial areas, by nature of its highway access and orientation. The design focus in this area is less about creating a high-quality pedestrian experience, and more about ensuring that automobile-oriented design is built to the highest standard possible.

**B.** The DCO zone has the following effect with regard to other chapters of this ordinance:

**Figure 8**
These buildings in the commercial core illustrate desired design features in that area

**Figure 9**
Examples of less intensive development in the Transitional Commercial area

**Figure 10**
Examples of development in the Outer Highway Commercial area

**1.** Permits land uses which are permitted by the underlying zone districts, with some exceptions, as set forth in Sections 16.41.030 and 16.41.040.

**2.** Replaces selected development standards in the underlying zone districts, as set forth in Section 16.41.050.

**3.** Sets forth alternative design review standards and criteria tailored to implement the goals of the overlay zone, as set forth in Section 16.41.060. (Ord. 1296, 2008)

**C.** The DCO does not apply to approved Public Art Murals as defined in CMC Chapter 2.80.020. (Ord. 1341, 2011)

**16.41.030 Uses permitted outright.**
Unless modified pursuant to the following Subsection, uses permitted outright in the underlying base zones are permitted outright in the DCO zone, subject to the respective zone district boundaries.

**A.** Uses permitted in the C-1 zon**e** are permitted in the DCO zone, except in the Transitional Commercial (TC) sub-area, the following residential uses are also permitted, provided they meet all R-2 development standards in Chapter 16.20:

**1.** Single-family dwelling having common wall construction;

**2.** Two-family dwelling;

**3.** Multi-family dwelling;

**4.** Accessory dwelling attached to a primary dwelling (sharing a common wall);

**5.** Boarding, lodging or rooming house;

**6.** Nursing home, convalescent home, home for the aged, board and care home, foster care home, etc;

**7.** Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks;

**8.** Accessory uses. (Ord 1296, 2008)

**16.41.040 Conditional uses.**

Unless modified pursuant to the following Subsection, conditional uses in the underlying base zones are conditionally permitted in the DCO zone, subject to the respective zone district boundaries.

**A.** Uses conditionally permitted in the C-1 zone are conditionally permitted in the DCO zone, except in the Transitional Commercial (TC) sub-area, any use listed above in 16.41.030 is permitted outright. (Ord. 1296, 2008)

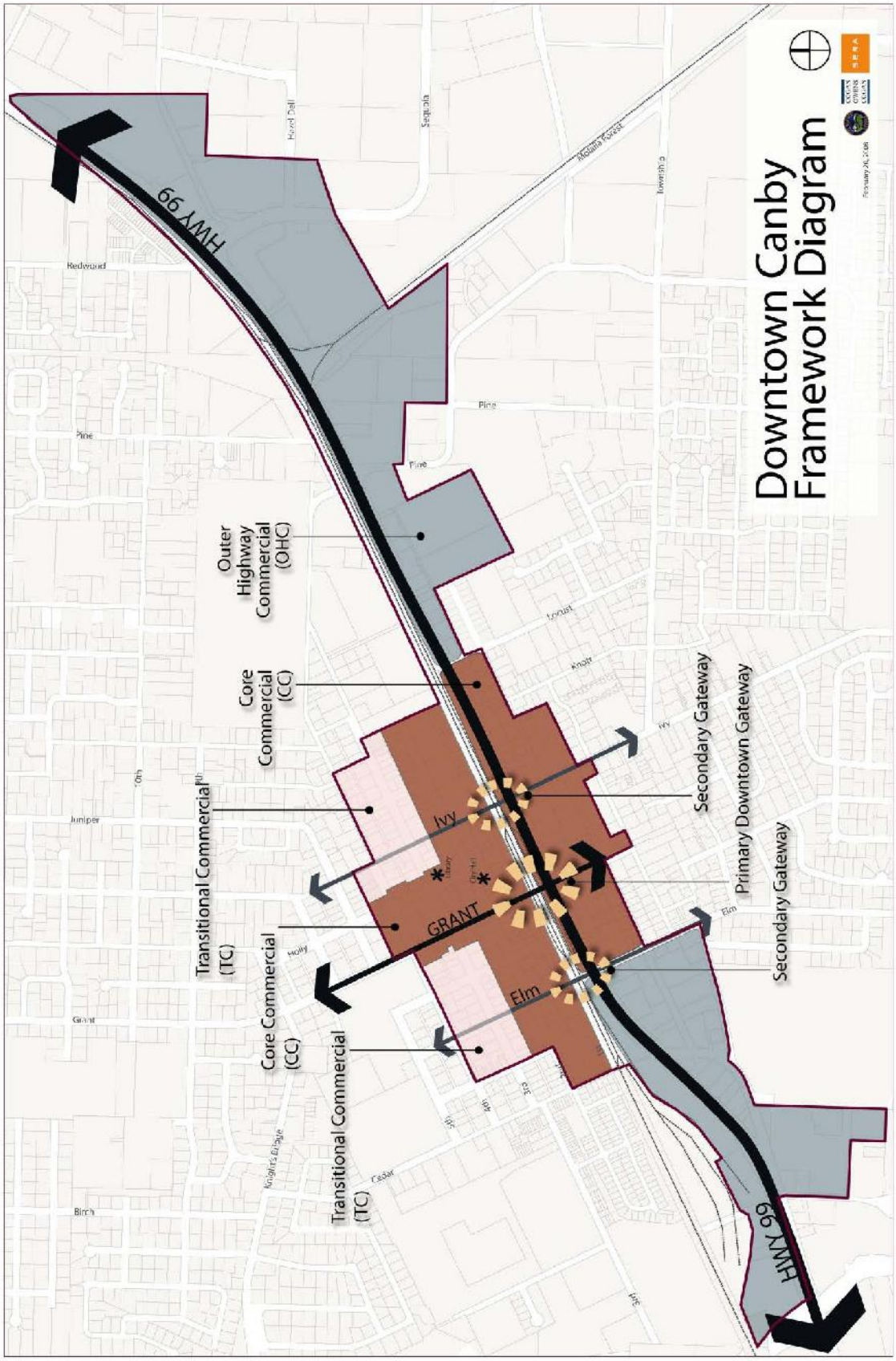



**Figure 11** Downtown Canby Overlay Zone

**16.41.050 Development standards.**

The following subsections indicate development standards required in the DCO zone. These standards supplement, and in some cases replace, the development standards in the underlying base zones. Where the standards set forth in the following subsections conflict with standards in the underlying base zone, the DCO development standards set forth below supersede the base zone standards.

**A.** Setbacks, Floor Area Ratio, Building Footprint and Height Requirements.

**1.** Setbacks. Minimum and maximum setbacks for each DCO subarea are described in Table 1 and must meet the following requirements:

**a.** Mechanical units used for the heating/cooling of dwelling units are exempt from interior yard and rear yard setback requirements.

**b.** At least x% of the length of each lot frontage shall be developed with a building(s) built at the minimum setback from the street lot line (see Table 2 and Figure 12).

**c.** Where feasible, buildings should be located at one or both street-facing corners of a lot.

**d.** At the street intersections identified as gateways in Figure 11 (Downtown Canby Overlay Zone Map), any new building shall be located at the corner of the lot facing the intersection.

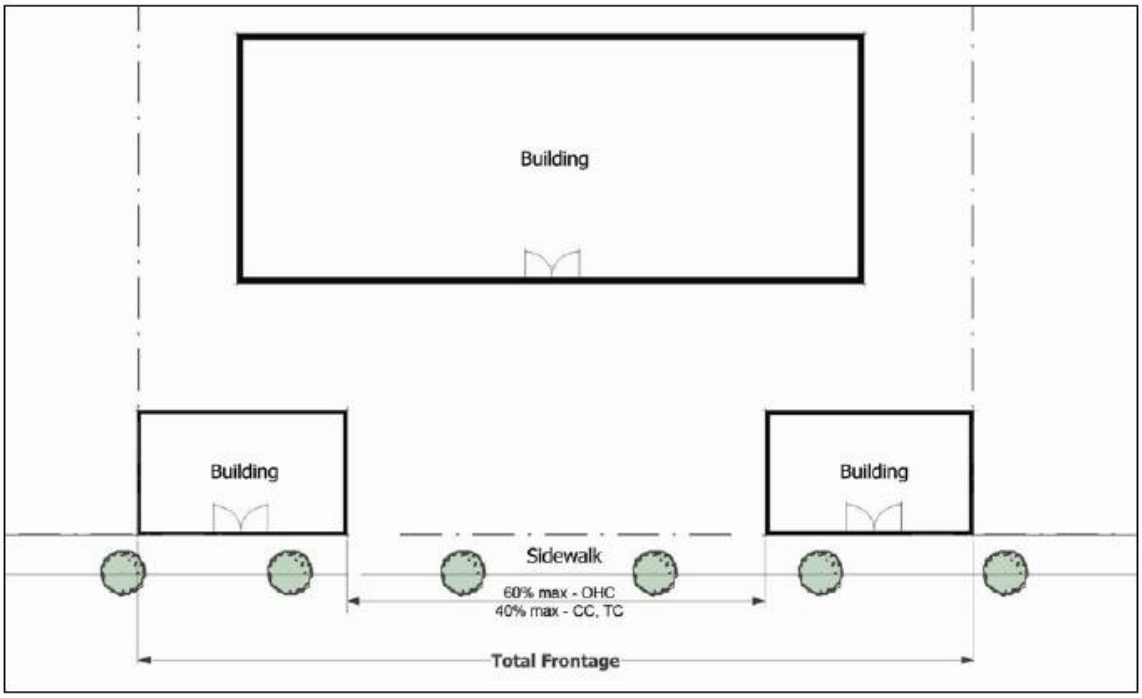
**Table 1.** Setback Requirements

| Standards | CC subarea | TC subarea | OHC subarea |
|---|---|---|---|
| Minimum setback | 0 feet | 0 feet | 10 feet |
| Maximum setback from street lot lines | 10 feet | 15 feet | -- |

**Table 2.** Street Lot Minimum Setback Requirements

| Standards | CC subarea | TC subarea | OHC subarea |
|---|---|---|---|
| Minimum percentage (x) | 60% | 60% | 40% |

**Figure 12** Illustration of Building Façade Requirements




**2.** Floor area ratio, building footprint, and building height. Minimum floor area ratio, maximum building footprint, and maximum building height requirements for each DCO subarea are described in Table 3 and illustrated in Figures 13, 14, and 15. Footprints are exclusive of exterior displays or merchandise (e.g., garden centers).

**Table 3.** Floor Area Ratio Requirements

| Standards | CC subarea | TC subarea | OHC subarea |
|---|---|---|---|
| Minimum floor area ratio | 0.8, C-1 zone only | 0.4 | 0.25 |
| Maximum building footprint (square feet) | 30,000 total | 20,000 total | 80,000 per use |
| | | | 100,000 all uses within footprint if more than 1 use (see Figure 13) |
| Maximum building height (see Figure 14) | 60 feet | 45 feet | 45 feet |

**Figure 13** Building Footprint for Multi-Use Structure

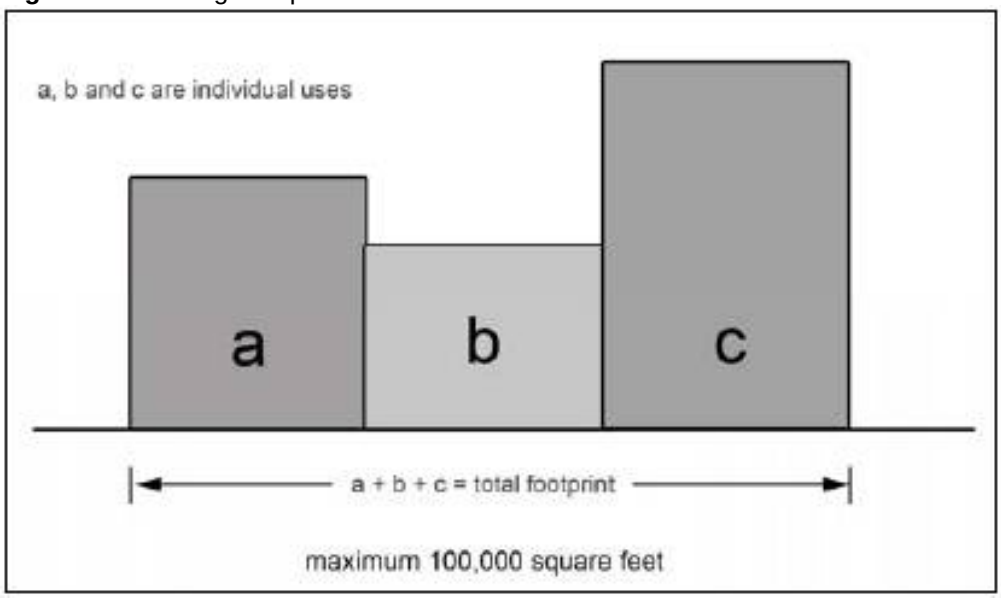



**Figure 14** Building Height Limitations

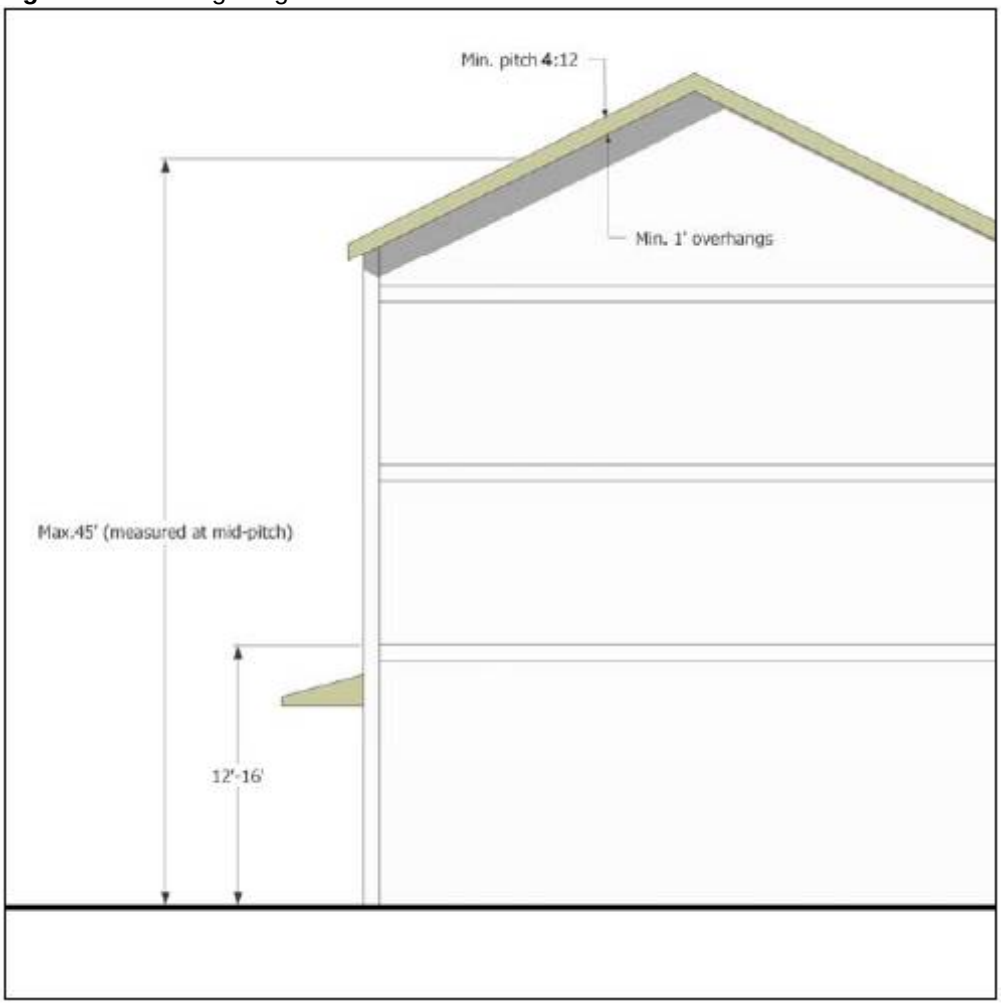
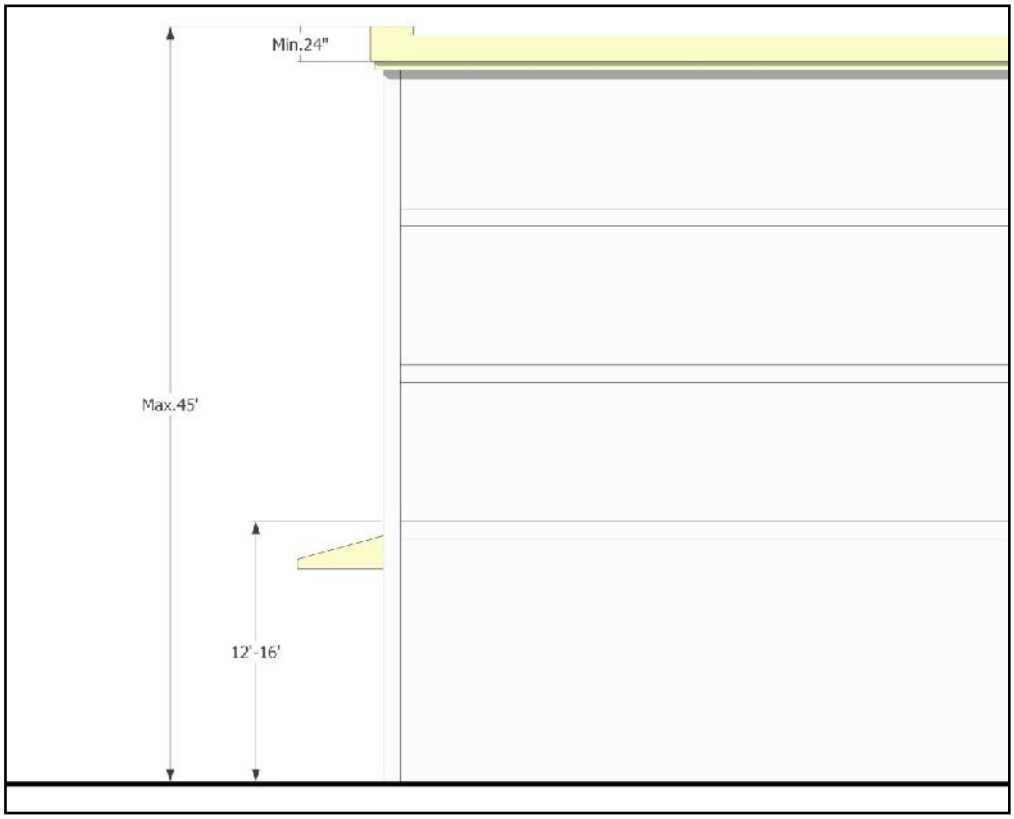


**Figure 15** Building Height Limitations (continued)




**3.** Screening. All exterior garbage collection areas, recycling collection areas and mechanical equipment shall be screened with a site obscuring fence, landscaping on all sides, wall, other enclosure, or architectural element per the requirements below (see Figure 16 for examples of good screening design). All non-conforming/non-screened exterior garbage collection areas, recycling collection areas and mechanical equipment may be brought into conformance.

**a.** Location. Wherever possible, locate screened areas away from the street away from public view. Shared garbage/recycling collection areas are encouraged.

**b.** Materials. Materials used to construct screening structures shall be consistent and compatible with the exterior materials on adjacent buildings located on the same lot as the screened area or located on a contiguously-owned abutting lot, and shall be consistent with the material requirements of Section 16.41.070.E and 16.41.070.F.

**c.** Buffering. Screening structures shall be buffered from surrounding areas on all sides with landscaping or other buffering elements.

**d.** Rooftop structures. Rooftop mechanical structures shall be screened and not visible from any visible public right-of-way at the same elevation as, or lower than, the base of the building. Screening structures should be compatible with the overall building design and may include the following elements or approaches:

**Figure 16**
Screening examples

**(1)** By providing parapets as tall as the tallest part of the equipment with a minimum height of 3 feet and 6 inches;
**(2)** By incorporating an architectural screen around all sides of the equipment;
**(3)** By setting the equipment back from the building edge with a setback of at least 3 feet for every 1 foot of building height.

**4.** Parking. Parking areas shall meet the following standards in addition to all other applicable requirements.

**a.** Location. In the CC and TC subareas, parking and vehicle maneuvering areas shall not be located between a building and the street. This standard applies to primary street facing facades and secondary street facing facades, as defined in Sections 16.41.060.C.

**b.** Side of building parking areas. In the CC, TC, and OHC subareas, parking shall be permitted between a building and an interior lot line that is not a rear lot line, provided the following standards are met:

**(1)** Parking and maneuvering areas shall be set back a minimum of 15 feet from the front lot line;
**(2)** A minimum 5 foot wide landscaped strip shall surround and abut the perimeter of the parking and maneuvering area, except where vehicular driveways and pedestrian accessways are permitted to interrupt the landscaped strip, and except where the parking and maneuvering area is part of a larger parking area in which case a perimeter landscaping strip is not required between the side of building parking area and the remainder of the parking area;
**(3)** Parking and maneuvering areas, including accessways and driveways, must not exceed 40 percent of a lot frontage in the TC and CC subareas, or 60 percent of a lot frontage in the OHC subarea;
**(4)** On lots greater than 120,000 square feet, side parking areas shall be broken up into multiple smaller parking areas rather than

concentrated in one portion of the lot. This may be done through the use of landscaping or the location of multiple buildings on a lot.

**c.** Off-street vehicle parking space reduction. The minimum number of off-street vehicle parking spaces required for all uses located on a lot, as set forth in Chapter 16.10, may be reduced by the total number of on-street vehicle parking spaces located within the width of the frontage of the lot on which the use or uses are located. Such reduction shall be calculated on a one-for-one basis, and shall include only parking spaces located on the same side of the street as the lot frontage. Where an on-street parking space is located adjacent the frontage of two abutting lots, only the lot adjacent the larger portion of the parking space may count the entirety of the parking space towards its off-street parking requirement. (Ord. 1296, 2008)

## 16.41.060 DCO site and design review guidelines.

### A. Findings and objectives.

**1.** The City Council finds that physical appearance and design of buildings in the city's primary commercial areas has a strong impact on the community's economic well-being, quality of life and sense of character and identity. High-quality design of these buildings, with special attention to the relationship between buildings, people and the surrounding physical space will help spur investment in the city; enhance use and value of land and improvements; improve the stability and value of property; and generally improve the experience of residents and visitors who use these commercial areas.

**2.** Administration of design standards should be efficient and effective and provide a level of certainty for property and business owners, as well as other community members. It is important to provide a set of clear and objective standards that may be administered relatively quickly and easily for most applicants. At the same time, it is important to provide an alternative path that provides flexibility for applicants that may want to take a more innovative approach which meeting the intent of the clear and objective standards.

**Figure 17**
A high degree of transparency (windows) helps create a sense of interaction between activities inside and outside the building

**3.** The objectives of the design standards in this section include the following:

**a.** Create a pedestrian-oriented environment through design of ground floors. Fostering interaction between activities within buildings and activities within the public realm (the sidewalk and street) is crucial to

creating a vibrant and interesting built environment. A high degree of transparency between the two realms creates visual interest for the pedestrian on the sidewalk, and promotes a more active, engaging pedestrian experience. Design of ground floor windows and building entries is important to achieving this goal. In addition, courtyards, arcades and special paving enhance the pedestrian environment by providing pleasing, semi-public transitions between the public and private realms, effectively creating a "threshold" between the sidewalk and the building (see Figure 17).

**Figure 18**
Cohesive visual elements like columns and lighting improve the pedestrian experience

b. Establish cohesive architectural elements. Well-designed, repetitive building elements tend to create a strong sense of place and leave a lasting physical memory. Cohesive and repetitive architectural "bays" along the street-facing ground floor of a building create a pleasing sense of rhythm for the pedestrian, and help to scale and order the built environment as it is experienced from the sidewalk and street (see Figure 18).

**Figure 19**
Design details such as a recessed entry, columns and decorative transom windows help articulate the ground floor and distinguish it from the upper floors

**c.** Ensure that buildings have a unified design. Providing clear distinctions between different portions of a building is important for the building's appearance, consistency of design within a larger area and the ability of people to read or understand how the building functions. Building facades should have a clear and distinct base, middle, and top (Figure 19), utilizing horizontal bands and changes in color and / or material / or building massing and form to differentiate these breaks. The base of the building typically extends from the sidewalk to the bottom of the second story or the belt course / string course that separates the ground floor from the middle of the building (see Figure 19).

Given Canby's desire to create a thriving pedestrian and business district, it is important that uses above the ground floor encourage housing and allow for commercial uses. Upper floor windows should reflect this change in use (see Figure 20)**.** The middle of the building often contains smaller, vertically-oriented windows to reflect changes in use on upper floors. Finally, the top of the building contains a "capping" element which visually terminates the façade and creates visual interest at the top of the building.

**Figure 20**
Upper stories on these uses allow for non-retail uses which are reflected in differing window treatments and other design

**Figure 21**
The chamfered entry on this building reinforces the corner

**Figure 22**
Use of materials such as stone and stucco add to a feeling of permanence

**d.** Reinforce the appearance and function of corners within core commercial area. Incorporating strong architectural elements where streets intersect not only results in a more visually interesting built environment, but enhances the way pedestrians "read" and understand city blocks by creating recognizable and memorable design elements at the corner of each block. For this reason, buildings on corner lots should be designed to not only address, but celebrate the corner (see Figure 21).

**e.** Use materials that reflect the character and values of Canby. Materials evoke emotions among visitors and residents and help define the character of the community. On the positive side, they can evoke a sense of timelessness, permanence, quality, strength and creativity. On the negative side, they may connote feelings of transience, incongruity or inconsistency, weakness or tedium. Standards for materials are important to reflect and enhance the community's values and quality of life (see Figure 22).

**B. Applicability.**

**1.** General applicability.

**a.** Subsection 16.41.060.C and section 16.41.070 define how and where different types of standards apply.

**b.** Design standards apply only to the following: (1) new developments; (2) remodels which represent 60 percent tax assessed or more of the value of the existing building; (3) façade improvements that would alter the exterior structure of the building.

**c.** Design standards do not apply to the following:

**(1)** Interior remodels not combined with exterior changes and valued at less

**Figure 23**
These buildings in the commercial core illustrate desired design features in

than 60 percent of the total improvement value of the property;

**(2)** Repair and maintenance of buildings, accessory structures, parking lots and pedestrian areas that present an immediate or potential risk of public safety;

**(3)** Normal or routine maintenance and repair of existing structures;

**(4)** Any type of construction that does not require a building permit;

**(5)** Temporary structures and emergency structures permitted pursuant to applicable code standards.

**2.** Sub-Areas. Site and design review standards are applied differently within the three sub-areas described below (see Figure 11).

**Figure 24**
The Canby Herald Building in the commercial core incorporates many good design elements including a recessed entry, sign frieze, engaged columns and decorative lighting

**a.** Core Commercial Sub-Area (CC). The "downtown" portion of this area extends primarily along 1st and 2nd Avenues between Cedar and Knott Streets, and extends northward, away from Highway 99E along Grant and Holly, past Wait Park to 4th Avenue. This area is the "heart" of Canby. Here one will find the City's more historic, traditional commercial structures. The built environment is characterized by one to two story buildings with commercial storefronts, built up to the sidewalk, and containing a more or less solid "building wall." The result is a more active and vibrant street life than may be found elsewhere in the City. Future development in this area should continue this trend, designing commercial and mixed-use buildings that adequately address the sidewalk and create an engaging experience for pedestrians (see Figures 23 and 24).

The inner highway portion of the Core Commercial area spans the length of Highway 99E between Elm and Locust. In

many ways, it serves as an extension of the Downtown Core, just across the highway. Because this area serves as a "gateway" from Highway 99E into the traditional downtown and serves many of the same purposes and types of uses, buildings here should be appropriately scaled, inviting to pedestrians, and demonstrate high-quality architectural design. As a result, architectural standards for this area and the downtown are identical, although some development standards differ as described in section 16.41.050.

**Figure 25**
Example of "cottage commercial" design in the Transitional Commercial sub-area

**b.** Transitional Commercial Sub-Area (TC). This area is characterized by a mix of single-family homes and smaller-scaled commercial developments, which often take the form of conversions of existing single-family homes. Larger front setbacks and landscaping (including front yards) characterize the area. The future of this area will likely include commercial storefronts that address the sidewalk, albeit less intense than those in the Core, and residential developments. The overall result will be a truly mixed-use neighborhood, less intense than the Commercial Core, and with more greenscape and residential uses. Over time, commercial uses in portions of the Transitional Commercial district may transition to more intensive uses similar to the core downtown area and over time the relative boundaries between the two zones may shift somewhat. Requirements within the Transitional Commercial zone allow for this flexibility, while ensuring appropriate transitions between this area and the Core Commercial sub-area, as well as between buildings within the Transitional Commercial sub-area (see Figures 25 and 26).

**Figure 26**
Example of commercial development in the Transitional Commercial sub-area

**c.** Outer Highway Commercial Sub-Area (OHC). The design focus in this area is less about creating a high-quality

**Figure 27**
Examples of development in the Outer Highway Commercial sub-area

pedestrian experience, and more about ensuring that automobile-oriented design is built to the highest standard possible. While this goal will be largely accomplished through the development standards (i.e., locating parking lots next to and behind building and the street, requiring high quality landscaping, particularly in front setbacks and around parking areas, and requiring that buildings orient to walkways), architectural design standards will also aid in this effort. The result will be automobile-oriented highway uses that demonstrate high-quality design and that evoke a sense of permanence (see Figure 27).

## C. Definitions.

**1. Arcade** – An exterior covered passageway along a building façade that is open to the street frontage (see Figure 28).

**Figure 28**
Arcade example

**2. Awning** – An overhead cover extending above the sidewalk (usually above windows and doors) as a shelter and/or sunshade.

**3. Band** – Any horizontal flat member or molding or group of moldings projecting slightly from a wall plane and usually marking a division in the wall.

**4. Bay** – (a) Within a structure, a regularly repeated spatial element defined by beams or ribs and their supports (see Figure 29). (b) A protruded structure with a bay window.

**5. Belt Course** – A horizontal band or molding set in the face of a building as a design element (also called a string course).

**Figure 29**
Repeating bays with a continuous awning

**Figure 30**
Chamfered corner entry

**Figure 31**
Cornice details near the top of building

**6. Bulkhead** – The section of a building between the sidewalk and first story window sill.

**7. Canopy** – A covered area which extends from the wall of a building, protecting an entrance or loading dock.

**8. Cap** – Usually the topmost member of any vertical architectural element, often projecting with a drip as protection from the weather. The upper member of a column, pilaster, cornice, molding, or the like.

**9. Chamfer** – To cut off the edge or corner of (see Figure 30).

**10. Clerestory** – The upper level of a room that extends beyond the single-story height; often penetrated by windows.

**11. Column** – In structures, a relatively long, slender structural compression member such as a post, pillar, or strut; usually vertical, supporting a load which acts in (or near) the direction of its longitudinal axis.

**12. Cornice** – Decorative projection or crown along the top of a wall or roof (see Figure 31).

**13. Eaves** – The lower edge of a sloping roof; that part of a roof of a building which projects beyond the wall.

**14. Entry** – The space comprising a door and any flanking or transom windows associated with a building.

**15. Frieze** – A decorative horizontal band, as along the upper part of a wall in a room; often used for signage in modern buildings, but derived from classical architectural principles.

**16. Marquee** – A permanent roof-like shelter over an entrance to a building.

**Figure 32**
Top of building features a parapet

**Figure 33**
Building entry features a transom window above the door

**17. Medallion** – A decorative element set into the upper portion of a building façade periodically, typically aligning with columns or pilaster.

**18. Mullion** – A vertical post or upright element dividing a window or other opening into two or more sections.

**19. Parapet** – A low, solid, protective screening or decorative wall as an extension of exterior building walls beyond the roof or deck level (see Figure 32).

**20. Primary Street Facing Façade** – The façade of the building facing the primary (east-west) adjacent street. These streets include Highway 99E, and North and South 1st, 2nd, 3rd, and 4th Avenues.

**21. Secondary Street Facing Façade** – The façade of the building facing the secondary (north-south) adjacent street. These streets include Birch, Cedar, Douglas, Elm, Fir, Grant, Holly, Ivy, Juniper, Knott, and Locust Streets.

**22. String Course** – A horizontal band or molding set in the face of a building as a design element (also called a belt course).

**23. Transom** – A horizontal glass plane, typically encased in a wood or metal frame that separates the storefront from the upper façade (see Figure 33).

**24. Turret** – A very small and slender tower attached to a larger building.

**25. Visible Transmittance** – A measure of the amount of visible light transmitted through a material (typically glass). Information about visible transmittance typically is or can be provided by window manufacturers. (Ord 1296, 2008)

**16.41.070 DCO site and design review standards.**

The following design standards provide a framework for how a building should look, function, and feel. The standards are organized by topic and consist of the following elements:

- Intent Statement - the big idea or the goal to be accomplished (ex. "protect pedestrians from sun, wind, and rain"). In addition to providing context for specific standards, these statements are used to evaluate applications as part of an alternative review process administered by the City's Design Review Board (see Section 16.49.035).
- Standards which provide clear, objective guidance related to specific design elements, in many cases providing options for how to meet a specific goal, and varying by sub-area.
- Illustrative graphics, including photos and diagrams, with an emphasis on examples of good design found in Canby and other communities.

**A.** Pedestrian oriented ground floor design standards.

**1.** Intent. Design standards in this section are intended to help create an active, inviting street and sidewalk-facing storefronts and entryways that are friendly and easily accessible to passersby. They also will help ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

**2.** Design standards and applicability.

| Standards | Applicability |
|---|---|
| 1. Ground floor windows | |
| a. Visible transmittance. All commercial ground floor windows must have a Visible Transmittance (VT) of 0.6 or higher, with the exception of medical and dental offices which may have tinted windows. | CC, TC, OHC |
| b. Primary Street facing façade – primary façade coverage. Transparent windows shall be used along a minimum of x% of the length of the ground-level primary street-facing façade, and along x% ground-level primary street-facing wall area (See Figure 34). Ground level walls include all exterior wall areas up to 10 feet above the finished grade. Primary and secondary street facing facades are defined in section 16.41.060. | CC: x=60%<br>TC: x=50%<br>OHC: x=50% for buildings with less than 6,000 square feet of floor area and 25% for buildings with more than 6,000 square feet of floor area or located more than 75 feet from a lot line. |
| c. Secondary Street facing façade – secondary façade coverage. Transparent windows shall be used along a minimum of x% of the length of the ground-level secondary street-facing façade, and along x% of the overall secondary street-facing wall | CC: x=50%<br>TC: x=45%<br>OHC: x=40% for buildings with less than 6,000 square feet of floor area; |

| | |
|---|---|
| area (See Figure 35). Ground level walls include all exterior wall areas up to 10 feet above the finished grade. | 25% for buildings with more than 6,000 square feet of floor area or located more than 75 feet from a lot line. |
| d. Alley facing façade coverage. Facades facing alleys shall provide windows along x% of the length of the alley-facing façade and along y% of the overall wall area of the alley-facing façade. Wall area shall be measured to a height of 10'-0" above the finished grade. | CC, TC: x=50%; y=25%<br>OHC: x=30%; y=20% |

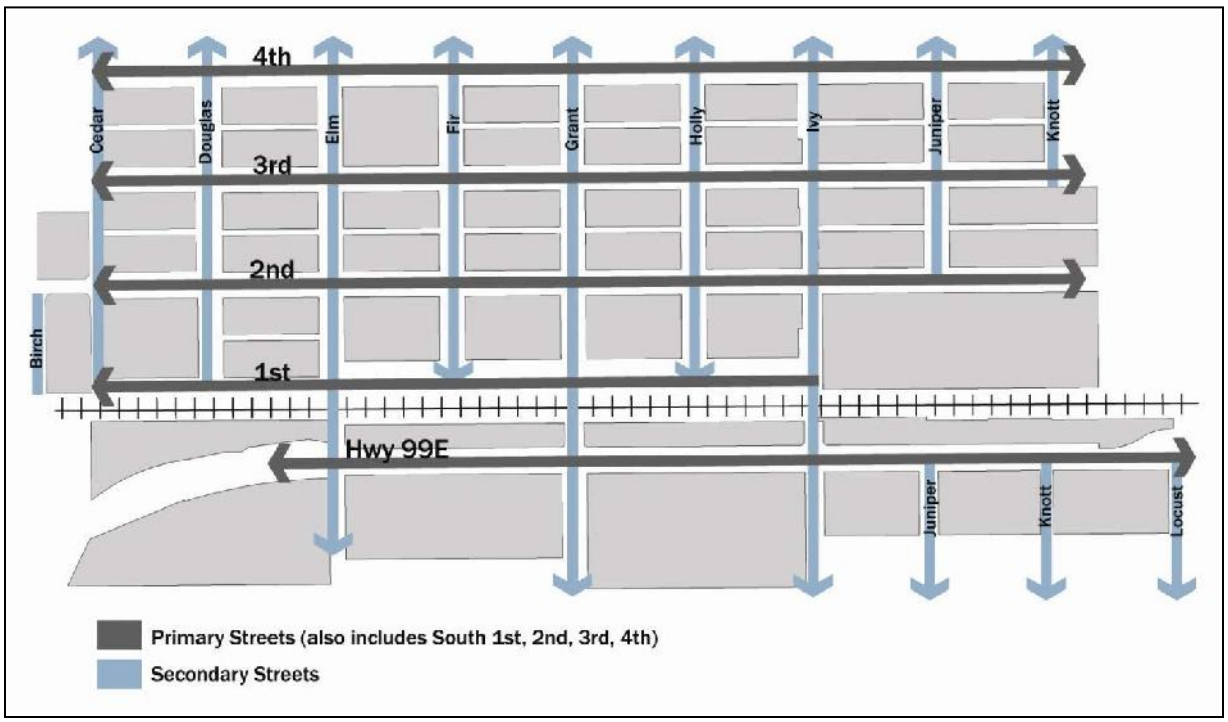



**Figure 34** Primary and secondary street façade definition

**Figure 35** Illustration of percent transparency requirement

| Standards | Applicability |
|---|---|
| 2. Building entries and doors | |
| a. Orientation. All buildings shall have a prominent entry oriented to and directly connected to the sidewalk. When buildings are set back from the sidewalk, a direct, perpendicular connection between the building and the sidewalk is required. Additional customer entries may be provided and serve as principal entries (e.g., oriented to parking areas to the side or rear of buildings) and treatment of these entrances with awnings, lighting, signage, etc. is required. (See Figure 36) | CC, TC |
| b. Transparency. The street-facing building entry door on all buildings should be comprised of at least 40% transparent glass. The entry door includes any flanking or transom windows. (See Figure 37) | CC, TC, OHC |
| c. Flanking or transom windows. Commercial and mixed-use building doors shall include flanking glass windows on either side of the principal door and/or clerestory/transom windows. (See Figure 38). | CC, TC, OHC |
| d. Design features. Commercial and mixed-use building entries must comply with at least x of the following:<br>(1) Recessed entries. If recessed, principal entries shall be recessed a minimum of 3 feet into the building façade (see Figure 39).<br>(2) Awnings or canopies. These may be used to provide weather protection and a visual element and meet standards (see Figure 40).<br>(3) Architectural features. Principal entries may be reinforced with prominent architectural features such as towers, turrets, increased heights, articulated parapets, large storefront windows and doors, or entry awnings (see Figure 41).<br>(4) Decorative features. Entries may be reinforced through the use of decorative exterior light fixtures (i.e., wall sconces) or decorative features (see Figure 42).<br>(5) Engaged columns or piers may be used to reinforce and highlight entries (see Figure 43).<br>(6)Use of blade signs. | CC: x=3;<br>TC: x=2;<br>OHC: x=2 |

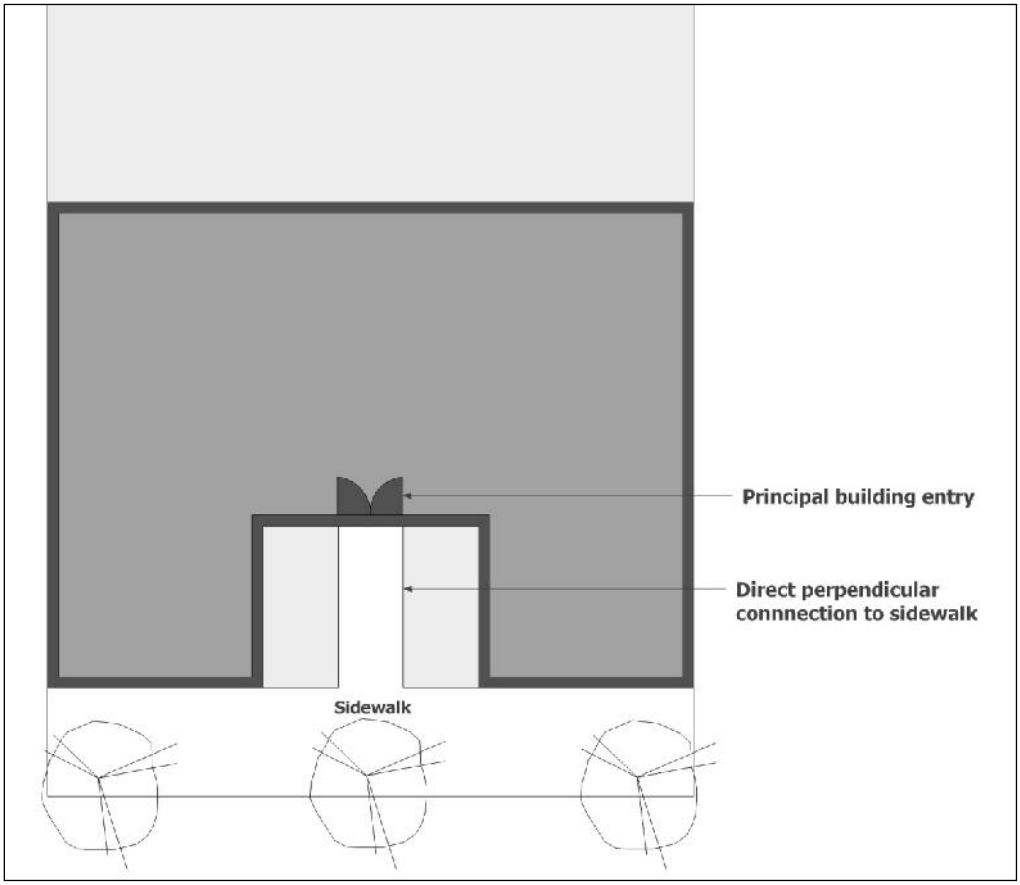



**Figure 36** Example of principal entry with direct sidewalk connection

**Figure 37** Example of entry that meets transparency standards

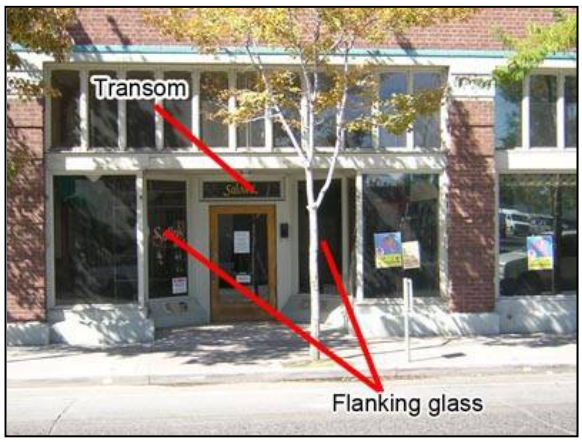



**Figure 38** Example of entry with transom and flanking glass

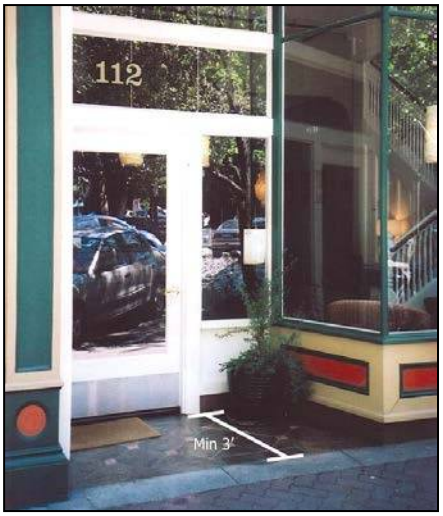



**Figure 39** Recessed entry

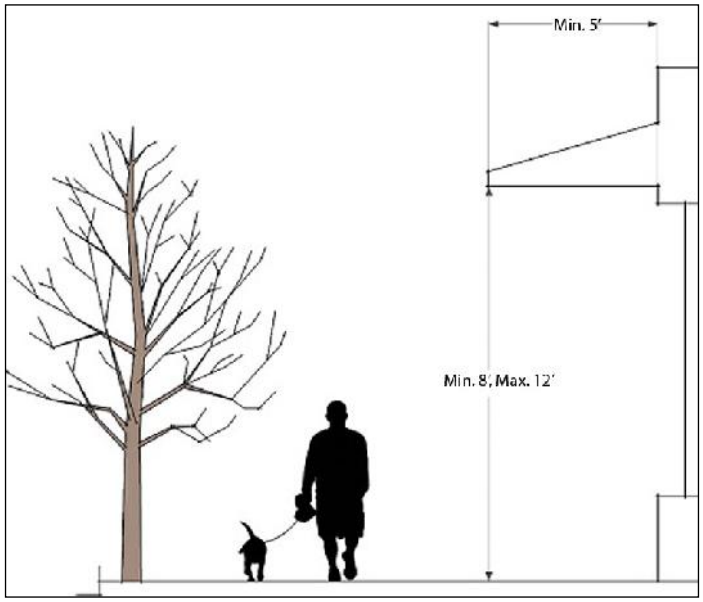



**Figure 40** Awning or canopy

**Figure 41** Entry with awning and increased mass/decorative features

**Figure 42** Recessed entry with lighting and accent material

**Figure 43** Entry flanked by engaged columns and lighting

| Standards | Applicability |
|---|---|
| 3. Transition areas. One of the following design elements (a or b) is required for buildings that span more than 75% of a city block or 350 feet. The City encourages smaller property owners to work together to collaboratively provide similar features in other areas. | CC only;<br>Encouraged but not required in the TC or OHC |
| a. Arcades as defined in section 16.41.060 and that meet all of the following standards:<br>(1) Front entries must be set back a minimum of 6' (clear) behind an arcade that is located at the front property line or the adjusted property line.<br>(2) Spacing between columns and/or posts along building be a minimum of 10' (clear) and a maximum of 25' (clear). (See Figure 44) | |
| b. Courtyards or plazas that meet all of the following standards (see Figure 45):<br>(1) Courtyards or plazas shall be located along the sidewalk-facing façade of the building within the front setback. Internal courtyards may be provided but will not satisfy these requirements.<br>(2) Courtyard-facing facades shall include windows along a minimum of 50% of the length of the ground level courtyard-facing façade, and along 25% of the overall courtyard-facing wall area.<br>(3) Courtyards/ plazas shall incorporate special paving (see Figure 46) and/or landscaping.<br>(4) Courtyards/plazas shall provide seating, including but not limited to benches, tables, planter boxes, and other design elements. | |

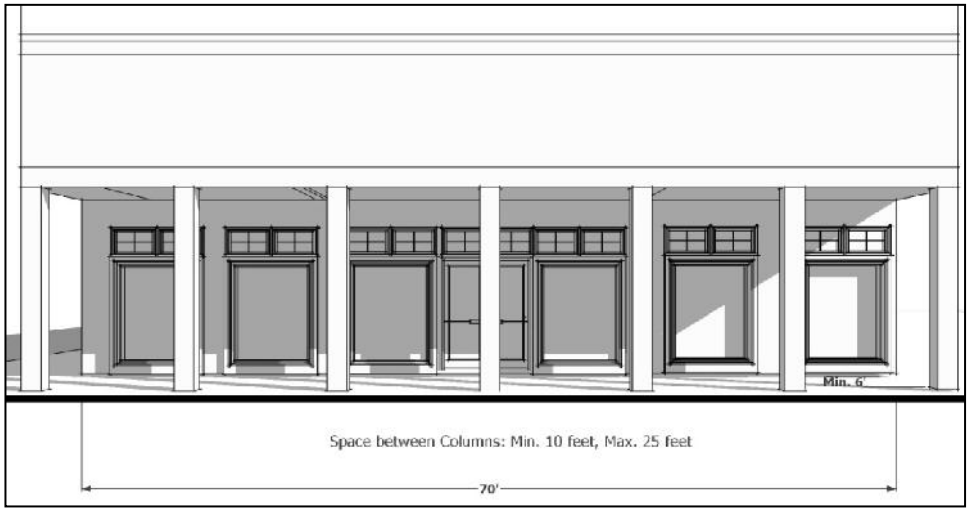



**Figure 44** Arcades create a semi-public transition from the sidewalk to the building

**Figure 45** Courtyards or plazas

**Figure 46** Entry with special paving

| Standards | Applicability |
|---|---|
| 4. Additional standards for residential-only buildings. | TC |
| a. Weather protected entries. Residential only buildings with ground floor units must provide covered, weather-protected front entries for individual units on the ground floor. Weather-protected entries may take the form of awnings, | |

| Standards | Applicability |
|---|---|
| canopies, or building overhangs such as eaves extending over front doors, covered front porches, or inset front doors (see Figure 47). Awnings or canopies must be a minimum of 5 feet deep. | |
| b. Entries or porches. Ground floor units in residential buildings shall include individual entry or porches for each unit which are oriented to the sidewalk. | |
| c. Connection to sidewalk. Ground floor residential units must include a direct, perpendicular pedestrian connection to the sidewalk. | |
| d. Lobby entrances. All lobbies leading to residential units must orient the principal lobby entrance to the sidewalk, and maintain a direct perpendicular connection to the sidewalk. | |
| e. Window coverage. Transparent windows shall be used along a minimum of 50% of the length of the ground-level primary and secondary street-facing façades, and along 50% of the overall street-facing wall area. Ground level walls include all exterior wall areas up to 10 feet above the finished grade. | |

**Figure 47** Residential development that conforms to design standards

**B.** Cohesive architectural elements standards.

**1.** Intent. Build upon downtown Canby's traditional architectural vernacular by incorporating cohesive and repetitive architectural elements into the ground floor of street facing facades.

**2.** Design standards and applicability.

| Standards | Applicability |
|---|---|
| 1. Architectural bays | |
| a. Bay divisions. Ground floors of commercial and mixed-use buildings shall be divided into distinct street-facing architectural bays that are no more than x feet on center. (See Figure 48). For the purpose of this standard, an architectural bay is defined as the zone between the centerlines of two columns. Applicants are encouraged (but not required) to divide the ground floor into an odd (rather than even) number of architectural bays. | CC, TC: x=30;<br>OHC: x=50 |
| b. Height of bays. For large single-story buildings (greater than 6,000 square feet), taller than 16 feet, design and decorative elements required in sections 3, 4 and 5 will extend to the top of the ground floor (i.e., just below the roof, cornice or parapet). | OHC |
| c. Design elements. Each architectural bay within a commercial or mixed-use building shall incorporate at least x of the following elements (see Figure 49):<br>(1) Engaged columns or piers.<br>(2) Transom windows over doorways.<br>(3) Storefront cornice or beltcourse<br>(4) Canopies, awnings, or overhangs provided along a minimum of 50 percent of the overall street-facing building length.<br>(5) Storefront frieze or sign band.<br>(6) Bulkheads. | CC: x=3;<br>TC: x=2;<br>OHC: x=2 |
| d. Decorative accents. Each architectural bay within a commercial or mixed-use building shall incorporate at least x of the following elements (See Figure 50):<br>(1) Projecting window sills (12 to 24 feet above grade).<br>(2) Window mullions.<br>(3) Building lighting (minimum of 2 lights), including wall sconces, pendants, gooseneck fixtures, or lighting recessed into awnings. Wall-mounted fluorescent lights and internally lit awnings are not permitted.<br>(4) Medallions (minimum of 2).<br>(5) Projecting or blade signs (8 to 12 foot clearance from bottom of sidewalk). | CC: x=3;<br>TC: x=2;<br>OHC: x=2 |

**Figure 48** Illustration of replicating bays

**Figure 49** Design elements for bays

**Figure 50** Decorative accents in bays

**C.** Integrated building façade standards.

**1.** Intent. Build upon Canby's traditional downtown architecture by creating an attractive and unified building façade that celebrates ground floor activities, the top of the building (where the edifice meets the sky), and everything in between.

**2.** Design standards and applicability.

| Standards | Applicability |
|---|---|
| 1. Distinct base, middle, and top of building | |
| a. All buildings (regardless of height or number of stories) shall have a clear and distinct base, middle and top to break up vertical mass. (See Figure 51). Buildings must utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building subject to the following requirements. These elements are required on all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.<br>(1) Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick), and must project a minimum of 3/4 to one inch from the building face.<br>(2) Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches (see Figure 52). | CC, TC, OHC |
| 2. Ground floor design elements | |
| a. The ground floor of the building shall range from 12 feet to 16 feet in height and shall be broken up into three distinct areas – a base/bulkhead, middle, and top (See Figure 53). This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street. | CC, TC;<br>(commercial and mixed use buildings only) |
| b. Ground floor "bulkhead/base". The "base" of the ground floor facade extends from the top of the finished grade or sidewalk to the bottom of the window sill. It shall contain at least x of the following elements (See Figure 54): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.<br>(1) Projected window sills, 12 to 24 inches above.<br>(2) Bulkhead (the area directly below the projected window sill) should typically be constructed of concrete, brick, or stone. This | CC: x=2;<br>TC: X=1;<br>(commercial and mixed use buildings only) |

| Standards | Applicability |
|---|---|
| element serves to anchor the facade to the ground, and with the exception of the entry door, this element usually extends the length of the elevation. | |
| c. Ground floor "middle". The middle of the ground floor is typically comprised of storefront windows and shall contain at least x of the following elements (see Figure 55): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.<br>(1) Integrated window mullions.<br>(2) Window plant box (minimum of one pair).<br>(3) Decorative building light fixtures, sconces, or medallion (minimum of one pair). | CC: x=2;<br>TC: x=1;<br>(commercial and mixed use buildings only) |
| d. Ground floor "top". For a multi-story building, the "top" of the ground floor facade is the area between the storefront and the upper stories of the building and shall contain at least x of the following elements (See Figure 56): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.<br>(1) A marquee or projecting or blade sign that extends in a minimum of 5 feet perpendicular manner from the building façade (the bottom of the marquee or sign shall be 8 to 12 feet above grade).<br>(2) Sign frieze.<br>(3) Storefront awning or canopy. The bottom of the awning or canopy shall be 8 to 12 feet above grade.<br>(4) Storefront cornice or belt course.<br>(5) Transom window(s). | CC: x=3;<br>TC: x=2;<br>(commercial and mixed use buildings only) |
| 3. Middle of building design elements | |
| a. The middle of the building should be differentiated from the bottom and top by at least x of the following design elements (see Figure 57):<br>(1) Residential windows, which are smaller than ground floor windows, and oriented vertically at a ratio of approximately 2:1. Individual vertical windows may be organized into larger window assemblies.<br>(2) Balcony.<br>(3) Step back. | CC: x=2;<br>TC: x=1;<br>(buildings of 2 or more stories only) |

| Standards | Applicability |
|---|---|
| (4) Signage band. | |
| 4. Top of building design elements. | |
| a. Roof forms may be flat or sloped. Requirements for chosen roof forms are as follows: | CC, TC, OHC |
| b. Flat roofs. All flat roofs shall employ a detailed, projecting cornice or projecting parapet to visually "cap" the building and meet all of the following requirements:<br>(1) Cornices shall project horizontally a maximum of 3 feet (see Figure 58).<br>(2) Parapets must be a minimum of 24 inches in height. Parapets must include a cornice, molding, trim, or variations in brick coursing (see Figure 59).<br>(3) Cornices and parapets shall wrap around all sides of the building visible from any adjacent street or parking area. | CC; TC; OHC |
| c. Sloped roofs must meet all of the following requirements:<br>(1) All sloped roofs shall provide a minimum 1-foot overhang.<br>(2) All sloped roofs must have a minimum slope of 4:12 (see Figures 14 and 60). | CC; TC; OHC |
| d. Roof top gardens are encouraged on flat roofs, as they help to manage stormwater run-off that would otherwise go into storm sewers, and eventually rivers and streams. Roof gardens with plant materials that are visible from the sidewalk and the street are particularly encouraged. (See Figure 61). | CC; TC; OHC |

**Figure 51** Example of distinct bottom, middle & top of building

**Figure 52** Example of change in height of roofline or top of building

**Figure 53** Elements of the bottom of the building

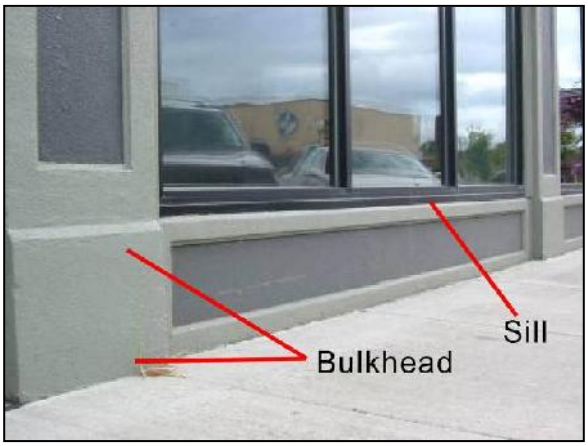
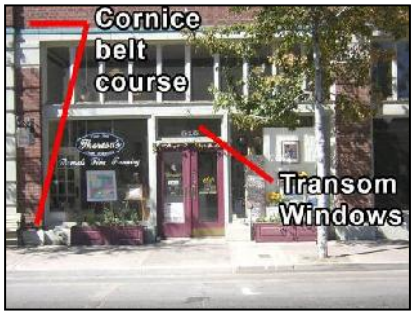



**Figure 54** Building base elements

**Figure 55** Middle and top of ground floor elements



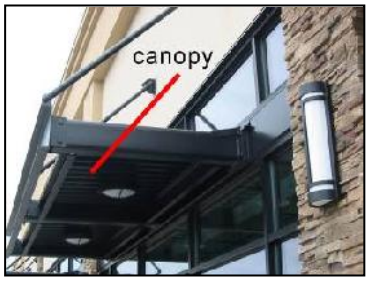



**Figure 56** Top of building elements and treatments

**Figure 57** Middle of building elements

**Figure 58** Cornice used on flat roof

**Figure 59** Parapet used on flat roof

**Figure 60** Varying sloped rooflines are used on this building

**Figure 61** Examples of rooftop gardens

**D.** Corner intersection standards.

**1.** Intent. Create a strong architectural statement at street corners to create a strong identity. Establish visual landmarks and enhance visual variety.

**2.** Design standards and applicability.

| Standards | Applicability |
|---|---|
| 1. Corners | |
| a. Commercial and mixed-use buildings located on corner lots must address the corner by employing one of the following:<br><br>(1) Chamfer the corner of the building (i.e., cut the building at a 45 degree angle for a minimum of 10 feet) (see Figure 62).<br>(2) Incorporate an arcade at the corner as a way of creating a semi-public zone (see Figure 62).<br>(3) Using special paving, plantings, or lighting, create a formal gathering space at the corner by notching the building so it operates as an extension of the sidewalk (see Figure 63).<br>(4) Employ prominent architectural elements within 25 feet of the corner to highlight the corner of the building, such as increased building height or massing, turrets, cupolas, a pitched roof, or other prominent features (see Figure 63). | CC |

**Figure 62** Corner options

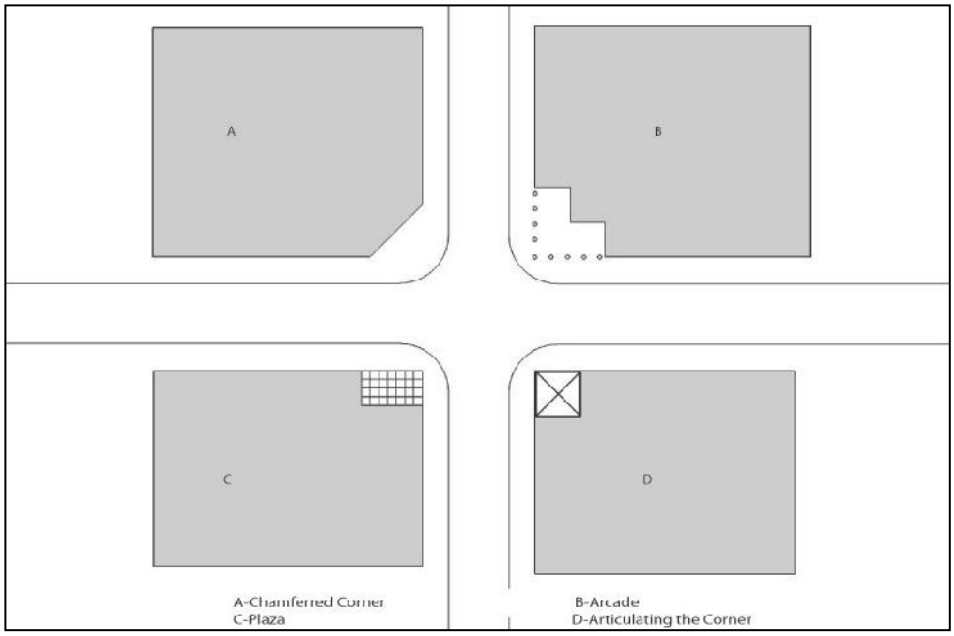


**Figure 63** Corner of building elements

**E.** Materials standards.

**1.** Intent. Use building materials that evoke a sense of permanence and are compatible with Canby's business areas and the surrounding built environment.

**2.** Design standards and applicability. Materials allowed in the CC, TC and OHC sub-areas are summarized in the following table in terms of primary, secondary and accent materials. Other materials may be permitted through the design review process described in Chapter 16.49.

| Standards | CC | TC | OHC |
|---|---|---|---|
| Primary materials – 70% or more of building façade, excluding windows and transparent doors. | Brick<br>Stone<br>Stucco/EIFS | Brick<br>Stone<br>Stucco/EIFS<br>Wood siding<br>Hardy Plank | Brick<br>Stone<br>Stucco/EIFS<br>Wood siding<br>Hardy Plank<br>Split-face CMU<br>Tilt-up concrete<br>Spandrel glass curtain walls |
| Secondary materials – up to 25% of building façade, excluding windows and | Brick<br>Stone<br>Stucco/EIFS<br>CMU (split and ground face)<br>Concrete | Brick<br>Stone<br>Stucco/EIFS<br>CMU (split and ground face)<br>Concrete | Brick<br>Stone<br>Stucco/EIFS<br>CMU (split and ground face)<br>Concrete |

| Standards | CC | TC | OHC |
|---|---|---|---|
| transparent doors. | Wood siding<br>Hardy Plank<br>Spandrel glass curtain walls | Wood siding<br>Hardy Plank<br>Spandrel glass curtain walls | Wood siding<br>Hardy Plank<br>Spandrel glass curtain walls |
| Accent materials – up to 10% of building façade, excluding windows and transparent doors. | Brick<br>Stone<br>Stucco/EIFS<br>CMU (split and ground face)<br>Concrete<br>Wood siding<br>Hardy Plank<br>Spandrel glass curtain walls<br>Metal<br>Ceramic tile<br>Wood, vinyl and/or metal for trim | Brick<br>Stone<br>Stucco/EIFS<br>CMU (split and ground face)<br>Concrete<br>Wood siding<br>Hardy Plank<br>Spandrel glass curtain walls<br>Metal<br>Ceramic tile<br>Wood, vinyl and/or metal for trim | Brick<br>Stone<br>Stucco/EIFS<br>CMU (split and ground face)<br>Concrete<br>Wood siding<br>Hardy Plank<br>Spandrel glass curtain walls<br>Metal<br>Ceramic tile<br>Wood, vinyl and/or metal for trim |
| Roof materials (sloped roofs only) | Metal<br>Wood shingles<br>Tile | Metal<br>Wood shingles<br>Tile<br>Asphalt shingles | Metal<br>Wood shingles<br>Tile |

Brick

Tinted CMU

Concrete

HardiPlank

Metal siding

Stone

Stucco

Wood siding

**F.** Color palette

**1.** Intent. Use colors on buildings that are generally compatible with Canby's business areas and the surrounding built environment.

**2.** Design standards and applicability. Applicants are strongly encouraged to use colors from, or consistent with, the Sherwin-Williams Arts and Crafts color palette (i.e. with the same paint color codes). Additional information about this color palette is available from the City of Canby, Canby Business Development and/or the Sherwin-Williams Web site. (Ord. 1296, 2008)

# Chapter 16.42

# SIGNS

**Sections:**

**16.42.010 Purpose.**
**16.42.015 Definitions and interpretation.**
**16.42.020 Administration and permit requirements.**
**16.42.025 General sign standards.**
**16.42.030 Temporary community event sign plan.**
**16.42.040 Design standards for signs.**
**16.42.045 Permanent signs permitted in the right-of-way**
**16.42.050 Size, type, and location of signs permitted by zoning district and use.**
**16.42.060 Automobile service station sign standards.**
**16.42.070 Measurements.**
**16.42.140 Severability.**

## 16.42.010 Purpose.

**A.** The purpose of this chapter is to:

**1.** Protect the health, safety, property and welfare of the public;

**2.** Provide a neat, clean, orderly and attractive appearance in the community;

**3.** Encourage well-designed and wisely located signs;

**4.** Provide for safe construction, location, erection and maintenance of signs;

**5.** Prevent proliferation of signs and sign clutter, minimize adverse visual safety factors to travelers in the public right-of-way;

**6.** Facilitate economic development and enhance the city's ability to retain and attract businesses and customers;

**7.** Contribute to a simple and efficient regulatory process; and

**8.** Achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

**B.** To achieve this purpose, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible to the public.

**C.** Nothing in these regulations is intended to control the construction or location of directional or informational signs installed by the city, county or state for the purpose of controlling traffic, indicating street names, providing legal or public notice, or other public purposes.

(Ord 1299, 2008; Ord. 955 sections 13-16, 1996; Ord. 913 section 1, 1994; Ord. 830 section 13, 1989; Ord. 740 section 10.3.10(A), 1984)

**16.42.015 Definitions and interpretation.**

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined elsewhere in the Land Development and Planning Ordinance of the city, shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in section 16.42.070. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

**A.** A-Frame Sign. A double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

**B.** Abandoned Sign. An abandoned sign has one or more of the following characteristics:

a. A sign or sign structure that has been damaged, and in which repairs and restoration are not started within 90 days of the date the sign was damaged, or are not diligently pursued once started.
b. A sign which no longer correctly directs or exhorts any person, advertises a business, lessor, property/space for sale/lease, owner, products, or activity conducted on the premises where such sign is displayed.

**C.** Alter. To make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign.

**D.** Automobile Service Station. A retail place of business engaged primarily in the sale of motor fuels.

**E.** Awning Sign. A sign attached to or incorporated into an overhead cover extending above the sidewalk or ground (usually above windows and doors).

**F.** Balloon Sign. A sign consisting of a membrane that relies on internal gaseous pressure or a semi-rigid framework for maintaining its form.

**G.** Banner Sign. A sign made of fabric or other non-rigid material with no enclosing

framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

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

**I.** Bench Sign. A sign on an outdoor bench.

**J.** Blade/Overhang Sign. A sign, other than a wall sign, that projects from, and is supported by or attached to a roof or wall of a building or structure.

**K.** Building Elevation Area. The area of a single side of a building, measured in square feet and calculated by multiplying the length of the side of the building by the height of the building to the roof line. If the roof line height varies along the side of the building, the average of the lowest and highest roof line height on that side shall be used in the calculation.

**L.** Building Frontage, Primary. The ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and has an entrance or exit open to the general public.

**M.** Building Frontage, Secondary. The ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and does not have an entrance or exit open to the general public.

**N.** Bulletin Board. A board that provides information in a horizontal linear format, that can be changed either manually through placement of letters or symbols on tracks mounted on a panel, or electronically through use of an array of lights in a dot matrix configuration. A bulletin board is not a sign in itself, but rather is an element that is allowed as part of a monument sign, pole sign, marquee sign, blade/overhang sign, or wall sign.

**O.** Business Complex. A site consisting of one or more lots sharing appurtenant facilities, such as driveways, parking and pedestrian walkways.

**1.** Minor Business Complex. A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain a maximum of 14,999 square feet in gross floor area.

**2.** Major Business Complex. A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain 15,000 to 99,999 square feet in gross floor area.

**3.** Industrial/Research Business Complex. A site proposed for or consisting of multiple uses and/or multiple tenants, where the building(s) contain a minimum of

100,000 square feet in gross floor area.

**P.** Canopy Sign. A sign that is a part of or attached to a permanent roofed structure which may be freestanding or attached to a building and is not a completely enclosed structure.

**Q.** Community Event Sign Plan. A sign plan approved by City Council which permits temporary banners or seasonal holiday decorations to extend over a street, over a private road providing vehicle access into a property, or to be attached to utility or streetlight poles.

**R.** Directory Signs. Directory signs include signs that are attached to the building and are a directory of the occupants of the building, signs that provide vehicular clearance information, signs that identify parking lot sections or direct vehicles in a parking lot, and similar signs as determined by the City Planner. The sign face of each directory sign shall not exceed two (2) square feet, or in the case of an occupant directory, shall not exceed one (1) square foot per occupant listed on the directory sign.

**S.** Electronic Message Board. A board that, through the use of moving structural elements, flashing or sequential lights, or lights in a dot matrix or LED configuration which may be changed intermittently or by other automated method, results in a message or image display that changes, moves or appears to move. An electronic message board is not a sign in itself, but rather is an element that is allowed as part of a monument sign, pole sign, marquee sign, blade/overhang sign, or wall sign.

**T.** Flag. A rectangular piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached. A flag is often used to display the symbol of the United States, a nation, state, or other governmental entity.

**U.** Flashing Sign. A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

**V.** Grade. For freestanding signs, “grade” is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

**W.** Illuminated Sign. A sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is “external” when the light source is separate from the sign surface and is directed to shine upon the sign and “internal” when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs. External illumination is “direct” when the lamp fixture is directly seen by the public, such as a floodlight, and “indirect” when the source of light is not directly seen by the public, such as cove lighting.

**X.** Lawn Sign. A temporary freestanding sign that is supported by a frame, pole, or other structure placed directly in or upon the ground without other support or anchor.

**Y.** Maintenance. Normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, changing light bulbs, and replacing or repairing a part made unusable by ordinary wear.

**Z.** Marquee Sign. A sign that is a permanent roof-like structure attached to and projecting from a building, that is used in part to display changeable sign copy.

**AA.** Menu Board Sign. A sign not designed to be viewed from any public right-of-way, and is placed near the public entrance to, or near the drive-up service lane of, a food service establishment. A menu board sign shall not exceed 12 feet in height.

**BB.** Monument Sign. A freestanding sign that is placed on a solid-appearing base that extends a minimum of 12 inches above the ground and extends at least 75 percent of the length and width of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign.

**CC.** Name Plate. A wall sign less than 2 square feet in size, permanently affixed to the front façade of a residential structure.

**DD.** Neon Sign. A sign internally illuminated by a light source consisting of neon or other gas contained in a tube, except for fluorescent lights.

**EE.** Owner. The person owning title to real property on which a sign is located, or the contract purchaser of the real property. "Owner" also includes the owner of a sign who has a continuing lease of the real property on which the sign is located.

**FF.** Pennant. A sign device made from a strip of flexible material intended to wave in the wind.

**GG.** Pole Sign. A sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign physically separated from the ground (in contrast to a monument sign).

**HH.** Portable Sign. A sign which is not affixed to a building, other permanent structure, or to the ground in a permanent manner, and which is designed to be moved from place to place.

**II.** Principal Use. The purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained. Multiple principal uses may be located on a lot, a site, or in a business complex.

**JJ.** Public Sign. A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority

over, control of, or ownership of the right-of-way or public property.

**KK.** Repair. Mending or replacing broken or worn parts with comparable materials.

**LL.** Roof Line. The top edge of a roof or a building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

**MM.** Seasonal Holiday Decorations. Every type of decoration displayed during and around a federally recognized holiday or on a seasonal basis, whether illuminated or not, and whether attached to utility poles, buildings or any other structure.

**NN.** Sign. Any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:

**1.** Is a structure or any part thereof (including the roof or wall of a building); or

**2.** Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface whatsoever; and

**3.** Communicates, or is designed to communicate on any subject whatsoever. points of a sign, but excluding essential sign structure, foundations, or supports.

**OO.** Sign Copy. The message or image conveyed by a sign:

**PP.** Sign Face. The sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet.

**QQ.** Site. The area, parcel, or lot of land owned by or under the lawful control of an owner. Abutting lots shall be considered one site when they share appurtenant facilities, such as driveways, parking and pedestrian walkways.

**RR.** Street Frontage. The length or width of a site, measured along the lot line separating the site from a street.

**SS.** Supporting Structure. A structure specifically intended for supporting or containing a sign.

**TT.** Temporary Sign. A sign that is temporarily attached or tethered to a building, structure, or the ground. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, blimps, streamers, lawn signs and portable signs.

**UU.** Utility Sign. A sign constructed or placed by a public utility on or adjacent to a pole, pipe, or other type of utility facility within a public right-of-way or utility easement.

**VV.** Vehicle Sign. A sign placed in or attached to a motor vehicle, trailer, or rail car that is parked on public or private property in a publicly visible location for more than 72 consecutive hours, the principal purpose of which is to display signage rather than to use the vehicle for transportation purposes. This is not meant to include signs and logos attached to any vehicle that is regularly used in the normal course of business for transportation purposes.

**WW.** Video Sign. A sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

**XX.** Wall Sign. A sign that is painted on the wall of a building, or a sign attached to the wall of a building and extending no more than twelve inches from a wall, or attached to or erected against a roof with a slope not more than 20 degrees from vertical, with the exposed face of the sign in a plane that is vertical or parallel to the plane of that roof, and which does not project more than18 inches from the wall or roof.

**YY.** Window Sign. A sign attached to, or painted on a window, or displayed inside the building in a manner so that it is clearly viewable from outside the building. (Ord. 913 section 1[part], 1994; Ord. 955 sections 13-16, 1996; Ord. 1299, 2008)

## 16.42.020 Administration and permit requirements.

**A.** Permit Required. All signs erected after the effective date of this chapter, other than signs exempt from permit requirements per 16.42.025, shall require a sign permit. Application shall be made on forms provided by the Planning Director. Sign permits issued for signs which encroach into the public right-of-way are subject to the standards of 16.42.045.

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

**C.** Construction and Maintenance. Each sign shall be constructed to meet the requirements of applicable building, electrical, and mechanical codes.

**1.** All signs and component parts shall be kept in good repair and maintained in a

safe, neat, clean and attractive condition.

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

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

**D.** Appeal. Appeals are governed by the procedures set forth in Chapter 16.89.

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

**F.** Permit Suspension or Revocation. The City Planner or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.

**G.** Variance. The procedures which allow variations from the strict application of the regulations of this Title, by reason of exceptional circumstances and other specified conditions, are set forth in Chapter 16.53.

**H.** Conditional Use Signs or Signs under Site and Design Review. Signs proposed at the time of a conditional use application or site and design review application shall be reviewed by the Planning Commission regarding size, height, and location at the time of conditional use review or site and design review. If sign review was not part of the original conditional use review or original site and design review, the applicant may apply for a sign permit under the normal sign review procedures and policies, provided the application is made at least six (6) months after the original review. In conditional use signs or signs reviewed under design review, provisions of this chapter shall apply.

**I.** Nonconforming Signs. Provisions for nonconforming signs are set forth in Chapter 16.52.

**J.** Oregon Motorist Information Act Requirements. The Oregon Motorist Information Act (OMIA) provides the Oregon Department of Transportation purview over the approval of any signage which is "visible" to a State highway running through a community. In addition to being subject to provisions of this chapter, all such signs are subject to requirements identified in Oregon Revised Statutes (ORS) ORS 377.700 – 377.840 and ORS 377.992.

(Ord. 1237, 2007; Ord. 955 section 19, 1996; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 740 section 10.3.40 (B), 1984; Ord 1299, 2008; Ord. 1339, 2010)

**16.42.025 General sign standards.**

**A.** Prohibited Signs. Except for legal nonconforming signs, the following signs are unlawful and are nuisances:

**1.** Abandoned signs. A sign that has been abandoned for 30 days or more shall have the *sign copy area* removed by the property owner on or prior to 30 days after abandonment.

**2.** Vehicle sign.

**3.** Video sign.

**4.** Sign that may be confused as a traffic control device.

**5.** Signs that impede movement or create a physical hazard.

**6.** Signs with rotating or other moving parts, except barber shop poles and clocks.

**7.** Signs illuminated by flashing lights.

**8.** Searchlights or beacons, except for temporary events such as grand openings, in which case a permit is required.

**9.** Signs affixed to power, utility, or traffic control poles, or other public utility structures, other than city-approved traffic control signs, utility signs, and pole identification placards.

**B.** Exempt Signs. The following signs are exempt from the provisions of this Chapter, except as specified below, and shall not be counted towards the amount or type of signage otherwise allowed by this Chapter. Such signs shall conform to all other applicable provisions of this title.

**1.** All signs which are placed inside a structure or building, and which are either not visible through windows or building openings, or are not intended to be visible from outside the structure or building, as determined by the City Planner.

**2.** Bench signs as defined in 16.42.015, provided that the bench sign copy does not exceed 15 square feet and the bench sign is approved by the bench owner.

**3.** Signs attached to mass transit shelters which are approved by the mass transit agency and the transit shelter owner.

**4.** Directory signs as defined in 16.42.015.

**5.** Menu board signs as defined in 16.42.015.

**6.** Nameplate signs as defined in 16.42.015.

**7.** Utility signs as defined in 16.42.015.

**8.** Flags as defined in 16.42.015.

**9.** Approved Public Art Murals as defined in CMC Chapter 2.80.020.

**C.** Temporary Signs. The following temporary signs do not require a sign permit, shall not be counted towards the amount or type of signage otherwise allowed by this Chapter, and may be displayed only in compliance with the following standards. Such signs shall conform to all other applicable provisions of this title. Except as may be approved in accordance with 16.53.015, Minor Sign Variance, temporary signs in excess of the standards of this section are not permitted.

**1.** Except as approved in a Community Event Sign Plan, as set forth in 16.42.030, no temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign.

**2.** A temporary sign shall be attached to a site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or being blown from its location, and allows for the easy removal of the sign by authorized persons. Except as approved in a Community Event Sign Plan, as set forth in 16.42.030, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.

**3.** No temporary sign shall be erected or maintained that, by reason of its size, location or construction, constitutes a hazard to the public.

**4.** Temporary Signs Allowed in Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A).

**a.** One or more temporary signs no taller than 4 feet in height, and not exceeding 6 square feet in area each, may be displayed on a lot during the period from 120 days before a public election or the time the election is called, whichever is earlier,

to five days after the public election.

**b.** One temporary sign no taller than 4 feet in height, and not exceeding 6 square feet in area, may be displayed on a lot for a maximum of 8 days in any calendar month, provided it is removed by sunset on any day it is erected.

**c.** One temporary sign no taller than 5 feet in height, and not exceeding 6 square feet in area, may be displayed on a lot during the time the property, or building or dwelling thereon, is for sale or lease, provided that the sign is removed within 14 days after the sale or lease is completed.

**d.** One temporary sign not exceeding 6 square feet in area may be displayed on a lot during the time that construction activities are occurring on site, provided that the sign is removed within 7 days of the completion of the construction activities. If the site has frontage on more than one street, one additional sign of the same size may be displayed facing the second street frontage, provided the signs are not visible simultaneously from either street. On lots of more than 2 acres, the sign area may be increased to no more than 32 square feet. In no case shall such sign be displayed for more than 12 months.

**e.** On property that has received tentative subdivision or partition approval from the City, from the time of that approval until issuance of a building permit for construction on the last lot, one temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a site less than 4 acres in size. If the site is greater than 4 acres in size, two temporary signs no taller than 8 feet in height, and not exceeding 64 square feet each, may be displayed.

**f.** Banner or Balloon Signs Allowed Twice Per Year for no Longer Than 30 Days Each Occurrence. On a lot used for a permitted or conditional use other than a single-family dwelling, one banner sign or balloon sign may be displayed up to 30 consecutive days only twice during a calendar year. A banner sign may not exceed 50 square feet in size. A balloon sign may not exceed 80 cubic feet in size. Temporary banner and balloon signs do not require a sign permit, but must be registered with the Planning Department, specifying the sign-owner's Canby business license number (if applicable), the start and stop dates, sign area and proposed location of each temporary banner or balloon sign. Temporary banner and balloon signs regulated by this subsection shall display a weatherproof label from the City that such sign is registered. Temporary banner and balloon signs displayed beyond dates provided to the City shall be in violation of this code.

**5.** Temporary Signs Allowed in Commercial and Industrial Zones (C-R, C-1, C-2, C-C, C-M, M-1, M-2).

**a.** One or more temporary signs no taller than 5 feet in height, and not exceeding 32 square feet in area each, may be displayed on a lot during the period from 120 days before a public election or the time the election is called, whichever is earlier,

to five days after the public election.

**b.** One temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a lot during the time the property, or building or dwelling thereon, is for sale or lease, provided that the sign is removed within 14 days after the sale or lease is completed.

**c.** One temporary sign no taller than 8 feet in height, and not exceeding 32 square feet in area, may be displayed on a lot during the time that construction activities are occurring on site, provided that the sign is removed within 7 days of the completion of the construction activities. If the site has frontage on more than one street, one additional sign of the same size may be displayed facing the second street frontage, provided the signs are not visible simultaneously from either street. In no case shall such sign be displayed for more than 12 months.

**d.** One temporary sign not exceeding 32 square feet in area may be displayed on a lot during the period of a charitable fundraising event being conducted on the site where the sign is displayed. The sign shall not be displayed more than 7 days prior to the event, and must be removed within 2 days following the event.

**e.** Banner or Balloon Signs Allowed Four Times Per Year for no Longer Than 30 Days Each Occurrence. One banner sign or balloon sign may be displayed on a lot by each business license holder who operates their business at that location per City business license records. A banner sign may not exceed 50 square feet in size. A balloon sign may not exceed 80 cubic feet in size. A balloon sign may not be taller than the maximum allowed height of a pole sign permitted in the same zone as prescribed in Section 16.42.050, Tables 1 through 7 of this code. Each business license holder may display such signage up to 30 consecutive days only four times during a calendar year. Temporary banner and balloon signs do not require a sign permit, but must be registered with the Planning Department, specifying the sign-owner's Canby business license number (if applicable), the start and stop dates, sign area and proposed location of each temporary banner or balloon sign. Temporary banner and balloon signs regulated by this subsection shall display a weatherproof label from the City that such sign is registered. Temporary banner and balloon signs displayed beyond dates provided to the City shall be in violation of this code.

**f.** Miscellaneous Small Signs. Miscellaneous small signs, such as those indicating hours of operation, with an aggregate area not to exceed 3 square feet and located either within a window or within 5 feet of an entrance to a building.

**6.** Temporary Signs Allowed in Right-of-Way in All Zones.

**a.** No temporary sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic, and shall provide for a minimum of 5 feet of clear passage for pedestrians on a sidewalk where a sidewalk exists. No temporary

sign shall encroach into a vision clearance area.

**b.** As referenced in 16.42.010.C, signs installed by the city, county, or state for public purposes are allowed in the public right-of-way.

**c.** Temporary safety and directional signs installed by non-governmental persons, such as those displayed at or in close proximity to a road crew or construction project, shall get specific written approval from the Public Works Director prior to erecting the signs. Such signs shall be removed after the construction activity is complete.

**d.** A-frame signs and lawn signs no taller than 3 feet in height, and not exceeding 6 square feet in area, may be displayed by real estate brokers only on weekends and holidays in the right-of-way in relative close proximity to a property where an open house is being held for the sale or lease of the property.

**e.** Miscellaneous Small Signs. Miscellaneous small signs, such as those indicating hours of operation, with an aggregate area not to exceed 3 square feet and located either within a window or within 5 feet of an entrance to a building.

**7.** Temporary Signs Allowed in Right-of-Way Only in Commercial and Industrial Zones (C-R, C-1, C-2, C-C, C-M, M-1, M-2). A-frame signs may be displayed on public sidewalks provided they comply with the following standards:

**a.** A-frame sign dimensions shall not exceed a maximum width of 3 feet, nor a maximum above-ground height of 4 feet. Each sign face shall not exceed 12 square feet.

**b.** One A-frame sign per business license holder may be displayed on a public sidewalk in the right-of-way abutting the physical address that is on file with the City as the location where that business license holder operates the business. A weatherproof label which displays the sign-owner's Canby business license number shall be affixed to the backside of the A-frame sign. The business license must be current, and City personnel must be able to read the business license number upon inspection at all times.

**c.** A-frame signs shall be displayed only during the business hours of the responsible enterprise.

**d.** A-frame signs shall be placed so as to allow at least 5 feet of unimpeded pedestrian sidewalk maneuvering space. A-frame signs shall not encroach into any required vision clearance area. A-frame signs shall be set back from the curb so as not to interfere with on-street parking, or shall be set back a minimum of 10 feet from the edge of the street travel lane where no curb exists.

**e.** The owner of the property abutting the right-of-way on which an A-frame sign is

placed assumes all liability for incidents involving the sign.

(Ord. 1237, 2007; Ord. 1111 section 7, 2003; Ord. 1076, 2001; Ord. 955 section 17, 1996; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989, Ord. 802 4, 1987; Ord. 740 section 10.3.40(C), 1984; Ord. 1299, 2008; Ord. 1339, 2010; Ord. 1341, 2011)

**16.42.030 Temporary community event sign plan.**

Temporary banners or seasonal holiday decorations which extend over a street, over a private road providing vehicle access into a property, or are attached to utility or streetlight poles, shall be permitted only after the City Council has approved a Community Event Sign Plan.

**A.** Application for approval of a Community Event Sign Plan shall be made on forms provided by the Planning Director, and shall be accompanied by all required information and fees.

**B.** Applicant shall obtain all encroachment permits and other agency approvals required, prior to submitting an application for a Community Event Sign Plan. If signage is proposed within a right-of-way controlled by another agency, the applicant shall provide written consent from the appropriate agency regarding the signage prior to submitting an application for a Community Event Sign Plan. The consent shall identify any restrictions desired by the owner of the right-of-way.

**C.** The applicant shall assume all liability for incidents involving the sign by signing a document exempting the City from liability and providing liability insurance in the form required by the City Attorney and in an amount not less than the current tort liability limitations.

**D.** Applications for permanent geographic identification banners or signage which extend over a street, over a private road providing vehicle access into a property, or are attached to utility or streetlight poles, shall be submitted following the same application procedures as described for temporary signage, and shall be submitted by a neighborhood association that is officially recognized by the City, or shall be accompanied by a petition indicating the consent of at least 51 percent of the property owners in the geographic area delineated on the Sign Plan application.

**E.** Except for permanent banners or signage identifying a geographic area or district of the City, all banners and signage approved in a Community Event Sign Plan shall be removed within 2 days after the associated event or activity has ended, or no later than directed by City Council in the Sign Plan approval, whichever date is later.

**16.42.040 Design standards for signs.**

The following standards apply to signs in all zone districts.

**A.** Setbacks. Signs are required to meet the setback requirements of the applicable zone district, except however the street yard setback for signs may be reduced to fifty (50) percent of that required for other structures in the zone. Signs shall not obstruct a vision clearance area required in the applicable zone district.

**B.** Illumination.

1. External illumination is allowed. The external illumination may be either "direct" or "indirect", provided that the source of light (e.g., bulb) is shielded such that it is not directly seen by the public. External light sources shall be carefully located, directed, and shielded in order to avoid direct illumination of any off-site object or property.

2. Internal illumination is allowed.

3. External or internal sign illumination shall not result in glare onto neighboring properties or onto public right-of-way, such that due to level of brightness, lack of shielding, or high contrast with surrounding light levels, the sign illumination results in discomfort or visual disability for persons.

4. Sign illumination shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.

**C.** Monument signs.

**1.** Monument signs shall have a distinct base, middle, and top. These elements of the sign shall vary from one another in terms of their thickness, materials, or color.

**2.** Monument signs shall incorporate the following materials, unless otherwise approved pursuant to subsection 4 of this section.

**a.** The base and top shall be constructed of stone, brick, or wood.

**b.** The middle shall be constructed of stone, brick, wood, metal with a matte/non-reflective finish, vinyl, or other materials as noted in subsection c.

**c.** Other materials may be used for bulletin board or electronic message board components in the middle portion of a monument sign, as needed to allow the bulletin board or electronic message board to function.

**3.** Monument signs shall provide street addresses when street addresses are not visible from the street.

**4.** A monument sign which does not meet one or more of the standards detailed above in subsections 1 through 3, may be approved by the Planning Director pursuant to the Type II land use application procedures set forth in Chapter 16.89. A discretionary monument sign application may be approved if the applicant demonstrates compliance with all of the following criteria:

**a.** The overall design of the sign exhibits a sense of structure; and

**b.** Timeless materials, similar to stone, brick, or wood are used; and

**c.** The proposed sign is in conformance with all other applicable city ordinances concerning it's location, construction, and design.

**D.** A-Frame signs.

**1.** A-frame signs shall be constructed of wood, plastic, or metal with a matte/non-reflective finish.

**2.** A-frame signs shall not include any parts or attachments that extend beyond the edge of the sign dimensions established in Section 16.42.025.C.

**3.** A-frame signs shall not incorporate reflective materials.

**4.** A-frame sign structure shall not incorporate any neon colors.

**5.** An A-frame sign which does not meet one or more of the standards detailed above in subsections 1 through 4, may be approved by the Planning Director pursuant to the Type II land use application procedures set forth in Chapter 16.89. A discretionary A-frame sign application may be approved if the applicant demonstrates compliance with all of the following criteria:

**a.** The proposed materials, colors, and dimensions of the A-frame sign do not pose a hazard or nuisance to persons; and

**b.** The proposed sign is in conformance with all other applicable city ordinances concerning it's location, construction, and design.

**E.** Blade/Overhang signs.

**1.** Blade/overhang sign shall not extend more than 8 feet from the building face.

**2.** The outer edge of a blade/overhang sign shall be set back a minimum of 2 feet from a curb.

**3.** A minimum 8 foot clearance shall be provided between grade and the bottom of a blade/overhang sign. Blade/overhang signs which extend over the public right-of-way are subject to the standards of 16.42.045.

**F.** Wall signs. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from a wall directly abutting an alley). Wall signs which extend over the public right-of-way are subject to the standards of 16.42.045..

**G.** Bulletin boards and electronic message boards are only allowed as part of a blade/overhang sign, marquee sign, monument sign, pole sign, or wall sign.

**1.** The rate of change for sign copy on a bulletin or electronic message board from one message to another message shall be no more frequent than every 8 seconds. Once changed, copy shall remain static until the next change.

**2.** Displays may travel horizontally or scroll vertically onto electronic message boards, but must hold in a static position after completing the travel or scroll.

**3.** Sign copy shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the electronic message board.

**4.** No electronic message board may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

(Ord. 1111 section 7, 2003; Ord. 913 section 1[part], 1994; Ord. 830 section 13[part] 1989; Ord. 802 4, 1987; Ord. 740 section 10.3.40(C), 1984; Ord 1299, 2008; Ord. 1339, 2010)

**16.42.045 Permanent Signs Allowed in Right-of-Way.**

**A.** Except as allowed by this section, no permanent signs requiring sign permits shall be located within the public right-of-way.

**B.** Awning, canopy, marquee, blade/overhang and wall signs proposed in compliance with this chapter may be permitted to extend over an existing or future public sidewalk provided they comply with the criteria below:

**1.** The sign shall be placed so as to not to interfere with use of the public property for walkway, roadway, existing or proposed utilities, and other authorized uses.

**2.** The sign complies with all applicable city codes with regard to structural safety, traffic, and fire safety requirements.

**3.** The sign will not cause an adverse impact on adjoining properties.

**4.** The sign will be maintained in good order.

**5.** No encroachment permit shall be required; however, in requesting a sign permit for a sign which extends over an existing or future public sidewalk, the applicant acknowledges that:

**a.** Permission to allow the sign to extend over the public sidewalk shall be revocable by the city at any time the revocation would be in the public interest and that no grant of any permit, expenditure of money in reliance thereon or lapse of time shall give the permittee any right to the continued existence of an encroachment or to any damages or claims against the city arising from a revocation.

**b.** Upon revocation, the permittee or any successor permittee shall, at the permittee's own cost, remove the permitted sign within 30 days after written notice has been provided by the city, unless a shorter period is specified in the notice of revocation due to an emergency situation.

**c.** If the permittee does not remove the encroachment and return the right-of-way easement or public property area to a condition satisfactory to the Director, the city may do so and the costs of returning the right-of-way, easement or public property to a satisfactory condition, shall be imposed as a lien upon the property on the city lien docket.

**d.** The permittee, and owner of the benefited property if different than the permittee, shall be liable to indemnify and defend any claim or legal action brought against the city by reason of the existence of any approved right-of-way, easement or public property encroachment. (Ord. 1339, 2010)

**16.42.050 Size, type, and location of signs permitted by zoning district and use.**
In addition to the design standards for signs in Section 16.42.040, Table 16.42.050 sets forth standards for type, size, and location of permanent signs that are allowed in specific zoning districts. The table is arranged by section as follows:

| | |
|---|---|
| **Table 1** | Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R) |
| **Table 2** | Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M) |
| **Table 3** | Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc) |
| **Table 4** | Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc) |
| **Table 5** | Core Highway Frontage Sign Overlay Zone (CHFS) |
| **Table 6** | Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc) |
| **Table 7** | Canby Industrial Area Overlay Zone (I-O) |

**A.** Where the standards in a base zoning district conflict with the standards in an overlay district, the standards in the overlay district prevail.

**B.** Where the standards in the Canby Industrial Area Overlay (I-O) district conflict with the standards in another overlay district, the standards in the Canby Industrial Area Overlay (I-O) district prevail.

**C.** Where the standards in the Core Highway Frontage Sign Overlay (CHFS) district conflict with the standards in another overlay district, the standards in the Core Highway Frontage Sign Overlay (CHFS) district prevail.

**D.** Where an automobile service station is located on a lot, regardless of zoning district, the sign standards set forth in 16.42.060 apply.

## TABLE 16.42.050

| Table 1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R) | | |
|---|---|---|
| **Monument Sign** | | |
| **A.** Use on site: Property has been subdivided into more than 20 lots. | | |
| Size: maximum 16 square feet per sign face. | Maximum Height: 7 feet. | Location/Number: Maximum two signs; One sign may be located on either side of a public street or private street entrance to the subdivided property. |
| **B.** Use on site: Multi-family development. | | |
| Size: maximum 16 square feet per sign face. | Maximum Height: 7 feet. | Location/Number: One sign may be located adjacent to the primary street frontage, on either side of a vehicle accessway; AND one sign may be located adjacent to a collector or arterial street frontage if it is not the primary street frontage, on either side of a vehicle accessway. |
| **C.** Use on site: church, school, public/semi-public facility, or privately-owned community center. | | |
| Size: maximum 40 square feet per sign face. | Maximum Height: 7 feet. | Location/Number: Maximum one sign; No specific location requirement. |
| **D.** Use on site: all other uses. | | |
| Size: not allowed. | Maximum Height: n/a. | Location/Number: n/a. |
| **Pole Sign** | | |
| **A.** Use on site: church, school, public/semi-public facility, or privately-owned community center. | | |
| Size: maximum 40 square feet per sign face. | Maximum Height: 8 feet. | Location/Number: One sign may be located adjacent each street frontage. |
| **B.** Use on site: all other uses. | | |
| Size: not allowed. | Maximum Height: n/a. | Location/Number: n/a. |

| Table 1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R) | | |
|---|---|---|
| **Wall Sign** | | |
| **A.** Use on site: church, school, or public/semi-public facility. | | |
| Size: maximum 8 percent of building elevation area, with a maximum sign face of 60 square feet on a primary frontage or 30 square feet on a secondary frontage. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage. |
| **B.** Use on site: home occupation or permitted commercial use other than those listed above in subsection A. | | |
| Size: maximum sign face of 2 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: Maximum one sign; No specific location requirement. |
| **C.** Use on site: all other uses. | | |
| Size: not allowed. | Maximum Height: n/a. | Location/Number: n/a. |
| **Blade/Overhang Sign** | | |
| **A.** Use on site: home occupation or permitted commercial use. | | |
| Size: maximum 2 square feet per sign face. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage. |
| **B.** Use on site: all other uses. | | |

| Table 1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R) | | |
|---|---|---|
| Size: not allowed. | Maximum Height: n/a. | Location/Number: n/a. |
| **Bulletin Board** | | |
| **A.** Use on site: church, school, or public/semi-public facility. | | |
| Size: bulletin board may encompass up to 75 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **B.** Use on site: all other uses. | | |
| Size: bulletin board may encompass up to 50 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **Electronic Message Board** | | |
| **A.** Use on site: all uses. | | |
| Size: electronic message board may encompass up to 25 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **Awning Sign or Canopy Sign** | | |
| **A.** Use on site: not permitted for any use. | | |

| Table 1. Residential Zones and Agricultural Zone (R-1, R-1.5, R-2, A, C-R) | | |
|---|---|---|
| **Marquee Sign** | | |
| **A.** Use on site: not permitted for any use. | | |
| **Window Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: maximum 15 percent of total window area. | Maximum Height: determined by height of window. | Location/Number: Only allowed in ground floor or 2nd floor windows. |

| Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M) | | |
|---|---|---|
| **Monument Sign** | | |
| **A.** Use on site: Church, school, or public facility. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 9 feet. | Location/Number: One sign may be located adjacent each street frontage. |
| **B.** Use on site: Minor business complex. | | |
| Size: maximum 100 square | Maximum Height: 9 | Location/Number: One sign; except on a site |

| Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M) | | |
|---|---|---|
| feet per sign face (up to two faces). | feet. | abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed. |
| **C.** Use on site: Major business complex. | | |
| Size: maximum 150 square feet per sign face (up to two faces). | Maximum Height: 9 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed. |
| **D.** Use on site: all other uses on a site that is less than or equal to 5 acres in size. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 9 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |
| **E.** Use on site: all uses on a site greater than 5 acres. | | |
| Size: maximum 150 square feet per sign face (up to two faces). | Maximum Height: 9 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage; except on a site larger than 10 acres a total of two signs are allowed. |
| **<u>Pole Sign</u>** | | |
| **A.** Use on site: church, school, or public facility. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 18 feet. | Location/Number: One sign may be located adjacent each street frontage. |
| **B.** Use on site: Minor business complex. | | |
| Size: maximum 100 square feet per sign face (up to two faces). | Maximum Height: 20 feet. | Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet. |
| **C.** Use on site: Major business complex. | | |
| Size: maximum 130 square feet per sign face (up to two | Maximum Height: 26 feet. | Location/Number: One sign; except on a site with more than one street frontage one sign |

| Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M) | | |
|---|---|---|
| faces). | | may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet. |
| **D.** Use on site: All other uses on a site that is less than or equal to 5 acres in size. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 18 feet. | Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage. |
| **E.** Use on site: All uses on a site greater than 5 acres. | | |
| Size: maximum 130 square feet per sign face (up to two faces). | Maximum Height: 18 feet. | Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage; except if the use is a church, school, or public facility one sign may be located adjacent each street frontage. |
| **<u>Wall Sign</u>** | | |
| **A.** Use on site: All uses. | | |
| Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Except as allowed below, each sign is limited to a maximum of 120 square feet.<br><br>The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Except as allowed below, each sign is limited to a maximum of 60 square feet.<br><br>If the building elevation area of | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage for each business license on file with the City at that location. |

| Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M) | | |
|---|---|---|
| a primary or secondary building frontage exceeds 5,000 square feet, the maximum sign face area of each sign allowed on that frontage is 190 square feet. | | |
| **Blade/Overhang Sign** | | |
| **A.** Use on site: All uses. | | |
| Size: Each sign shall have a maximum sign face area of 48 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage for each business license on file with the City at that location. |
| **Bulletin Board** | | |
| A. Use on site: church, school, or public/semi-public facility. | | |
| Size: bulletin board may encompass up to 75 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **B.** Use on site: all other uses. | | |
| Size: bulletin board may encompass up to 50 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **Electronic Message Board** | | |

| Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M) | | |
|---|---|---|
| | | |
| **A.** Use on site: all uses. | | |
| Size: electronic message board may encompass up to 25 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **<u>Awning Sign or Canopy Sign</u>** | | |
| **A.** Use on site: all uses. | | |
| Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning or exceed 25 square feet in size, whichever is smaller. | Maximum Height: shall not project above the roof line. | Location/Number: One sign per awning or canopy. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign. |
| **<u>Marquee Sign</u>** | | |
| **A.** Use on site: not permitted for any use. | | |
| **<u>Window Sign</u>** | | |

| Table 2. Industrial Zones and Heavy Commercial Manufacturing Zone (M-1, M-2, C-M) | | |
|---|---|---|
| **A.** Use on site: all uses. | | |
| Size: maximum 15 percent of total window area. | Maximum Height: determined by height of window. | Location/Number: Only allowed in ground floor or 2nd floor windows. |

| Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc) | | |
|---|---|---|
| **<u>Monument Sign</u>** | | |
| **A.** Use on site: Church, school, or public facility. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 9 feet. | Location/Number: One sign may be located adjacent each street frontage. |
| **B.** Use on site: Minor business complex. | | |
| Size: maximum 100 square feet per sign face (up to two faces). | Maximum Height: 12 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |
| **C.** Use on site: Major business complex. | | |
| Size: maximum 150 square feet per sign face (up to two faces). | Maximum Height: 12 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |
| **D.** Use on site: all other uses. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 9 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |

| Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc) | | |
|---|---|---|
| **Pole Sign** | | |
| **A.** Use on site: church, school, or public facility. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 18 feet. | Location/Number: One sign may be located adjacent each street frontage. |
| **B.** Use on site: Minor business complex. | | |
| Size: maximum 100 square feet per sign face (up to two faces). | Maximum Height: 20 feet. | Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet. |
| **C.** Use on site: Major business complex. | | |
| Size: maximum 130 square feet per sign face (up to two faces). | Maximum Height: 26 feet. | Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet. |
| **D.** Use on site: All other uses. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 18 feet. | Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage. |
| **Wall Sign** | | |
| **A.** Use on site: All uses. | | |

| **Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc)** | | |
|---|---|---|
| Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Except as allowed below, each sign is limited to a maximum of 120 square feet.<br><br>The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Except as allowed below, each sign is limited to a maximum of 60 square feet.<br><br>If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the maximum sign face area of each sign allowed on that frontage is 190 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage for each business license on file with the City at that location except that one major tenant per location may up to two signs. For the purposes of the standard, a "major tenant" shall have more than 20,000 square feet of gross floor area. |
| **<u>Blade/Overhang Sign</u>** | | |
| **A.** Use on site: All uses. | | |
| Size: Each sign shall have a maximum sign face area of 48 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage for each business license on file with the City at that location. |
| **<u>Bulletin Board</u>** | | |

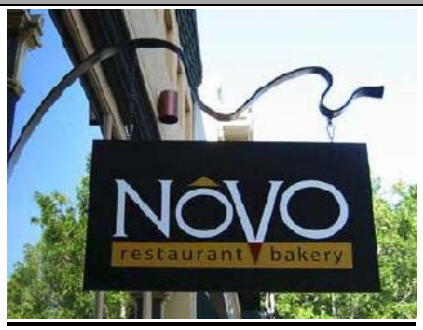
| Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc) | | |
|---|---|---|
| | | |
| **A.** Use on site: church, school, or public/semi-public facility. | | |
| Size: bulletin board may encompass up to 75 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **B.** Use on site: all other uses. | | |
| Size: bulletin board may encompass up to 50 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **<u>Electronic Message Board</u>** | | |
| **A.** Use on site: all uses. | | |
| Size: electronic message board may encompass up to 25 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **<u>Awning Sign or Canopy Sign</u>** | | |
| **A.** Use on site: all uses. | | |
| Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller. | Maximum Height: shall not project above the roof line. | Location/Number: One sign per awning or canopy. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign. |

| Table 3. Highway Commercial Zone (C-2) and Outer Highway Commercial Area in the Downtown Canby Overlay Zone (DCO-ohc) | | |
|---|---|---|
| **Marquee Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: The maximum sign face area for marquee signs is 120 square feet. | Maximum Height: shall not project above the roof line or parapet wall, whichever is higher; however, the blade/overhanging portion of the sign may extend above the roof line or parapet wall. | Location/Number: One sign per primary building frontage. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign. |
| **Window Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: maximum 15 percent of total window area. | Maximum Height: determined by height of window. | Location/Number: Only allowed in ground floor or 2nd floor windows. |

| Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc) | |
|---|---|
| **Monument Sign** | |
| **A.** Use on site: Church, school, or public facility. | |

| Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc) | | |
|---|---|---|
| Size: maximum 40 square feet per sign face (up to two faces). | Maximum Height: 9 feet. | Location/Number: One sign may be located adjacent each street frontage. |
| **B.** Use on site: Minor business complex. | | |
| Size: maximum 50 square feet per sign face (up to two faces). | Maximum Height: 12 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |
| **C.** Use on site: Major business complex. | | |
| Size: maximum 65 square feet per sign face (up to two faces). | Maximum Height: 12 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |
| **D.** Use on site: all other uses. | | |
| Size: maximum 40 square feet per sign face (up to two faces). | Maximum Height: 9 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |
| **<u>Pole Sign</u>** | | |
| **A.** Use on site: church, school, or public facility. | | |
| Size: maximum 40 square feet per sign face (up to two faces). | Maximum Height: 12 feet. | Location/Number: One sign may be located adjacent each street frontage. |
| **B.** Use on site: Minor business complex. | | |
| Size: maximum 50 square feet per sign face (up to two faces). | Maximum Height: 18 feet. | Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet. |
| **C.** Use on site: Major business complex. | | |

| **Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc)** | | |
|---|---|---|
| Size: maximum 65 square feet per sign face (up to two faces). | Maximum Height: 18 feet. | Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet. |
| **D.** Use on site: All other uses. | | |
| Size: maximum 40 square feet per sign face (up to two faces). | Maximum Height: 12 feet. | Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage. |
| **<u>Wall Sign</u>** | | |
| **A.** Use on site: All uses. | | |
| Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Each sign is limited to a maximum of 60 square feet.<br><br>The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Each sign is limited to a maximum of 30 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage for each business license on file with the City at that location except that one major tenant per location may have up to two signs. For the purposes of this standard, a “major tenant” shall have more than 20,000 square feet of gross floor area. |

| Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc) | | |
|---|---|---|
| **Blade/Overhang Sign** | |  |
| **A.** Use on site: All uses. | | |
| Size: Each sign shall have a maximum sign face area of 20 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage for each business license on file with the City at that location. |
| **Bulletin Board** | | |
| **A.** Use on site: church, school, or public/semi-public facility. | | |
| Size: bulletin board may encompass up to 75 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **B.** Use on site: all other uses. | | |
| Size: bulletin board may encompass up to 50 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **Electronic Message Board** | | |

| **Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc)** | | |
|---|---|---|
| A. Use on site: all uses. | | |
| Size: electronic message board may encompass up to 25 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **<u>Awning Sign or Canopy Sign</u>** | | |
| **A.** Use on site: all uses. | | |
| Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller. | Maximum Height: shall not project above the roof line or parapet wall, whichever is higher. | Location/Number: One sign per awning or canopy. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 ½ foot clearance shall be provided between grade and bottom of sign. |
| **<u>Marquee Sign</u>** | | |
| **A.** Use on site: all uses. | | |
| Size: The maximum sign face area for marquee signs is 120 square feet. | Maximum Height: shall not project more than 8 feet above the roof line or parapet wall, whichever is higher. The blade/overhang portion of the sign may extend above the roof line or parapet wall. | Location/Number: One sign per primary building frontage. Outer edge of sign shall be set back a minimum of 2 feet from a curb. |
| **<u>Window Sign</u>** | | |

| **Table 4. Downtown Commercial Zone (C-1) and Core Commercial Area in the Downtown Canby Overlay Zone (DCO-cc)** | | |
|---|---|---|
| | | |
| **A.** Use on site: all uses. | | |
| Size: maximum 15 percent of total window area. | Maximum Height: determined by height of window. | Location/Number: Only allowed in ground floor or 2nd floor windows. |

**Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)**

**A.** The purpose of the Core Highway Frontage Sign Overlay is to have sign standards that are particularly applicable to properties in the Core Commercial sub-area of the Downtown Canby Overlay Zone that are located in close proximity to Hwy 99 E.

**B.** A Core Highway Frontage Sign Overlay Zone is established as illustrated by the striped pattern on the following map, and encompasses the following area:

| | |
|---|---|
| **Monument Sign** | |

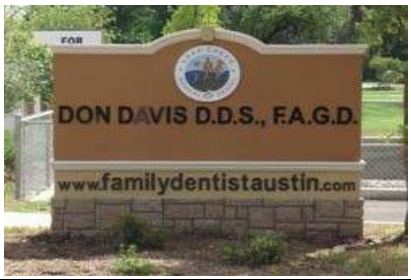
| **Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)** | | |
|---|---|---|
| **A.** Use on site: Church, school, or public facility. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 9 feet. | Location/Number: One sign may be located adjacent each street frontage. |
| **B.** Use on site: Minor business complex. | | |
| Size: maximum 100 square feet per sign face (up to two faces). | Maximum Height: 12 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |
| **C.** Use on site: Major business complex. | | |
| Size: maximum 130 square feet per sign face (up to two faces). | Maximum Height: 12 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |
| **D.** Use on site: all other uses. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 9 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |
| **Pole Sign** | | |
| **A.** Use on site: church, school, or public facility. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 18 feet. | Location/Number: One sign may be located adjacent each street frontage. |
| **B.** Use on site: Minor business complex. | | |
| Size: maximum 100 square feet per sign face (up to two faces). | Maximum Height: 20 feet. | Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet. |
| **C.** Use on site: Major business complex. | | |
| Size: maximum 130 square feet per sign face (up to two | Maximum Height: 26 feet. | Location/Number: One sign; except on a site with more than one street frontage one sign |

| **Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)** | | |
|---|---|---|
| faces). | | may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than one sign is permitted on a site, the signs must be separated by at least 300 feet. |
| **D.** Use on site: All other uses. | | |
| Size: maximum 48 square feet per sign face (up to two faces). | Maximum Height: 18 feet. | Location/Number: One sign; except one sign may be located adjacent each collector or arterial street frontage. |
| **Wall Sign** | | |
| **A.** Use on site: All uses. | | |
| Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Each sign is limited to a maximum of 60 square feet.<br><br>The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Each sign is limited to a maximum of 30 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage for each business license on file with the City at that location except that one major tenant per location may have up to two signs. For the purposes of this standard, a "major tenant" shall have more than 20,000 square feet of gross floor area. |
| **Blade/Overhang Sign** | | |
| **A.** Use on site: All uses. | | |
| Size: Each sign shall have a maximum sign face area of 20 | Maximum Height: shall not project | Location/Number: One sign per building frontage for each business license on file with |

| **Table 5. Core Highway Frontage Sign Overlay Zone (CHFS)** | | |
|---|---|---|
| square feet. | above the roof line or top of the parapet wall, whichever is higher. | the City at that location. |
| **Bulletin Board** | | |
| **A.** Use on site: church, school, or public/semi-public facility. | | |
| Size: bulletin board may encompass up to 75 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **B.** Use on site: all other uses. | | |
| Size: bulletin board may encompass up to 50 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **Electronic Message Board** | | |
| **A.** Use on site: all uses. | | |
| Size: electronic message board may encompass up to 25 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |

| Table 5. Core Highway Frontage Sign Overlay Zone (CHFS) | | |
|---|---|---|
| **Awning Sign or Canopy Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller. | Maximum Height: shall not project above the roof line or parapet wall, whichever is higher. | Location/Number: One sign per awning or canopy. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign. |
| **Marquee Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: The maximum sign face area for marquee signs is 120 square feet. | Maximum Height: shall not project above the roof line or parapet wall, whichever is higher. The blade/overhang portion of the sign may extend above the roof line or parapet wall. | Location/Number: One sign per primary building frontage. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign. |
| **Window Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: maximum 25 percent of | Maximum Height: | Location/Number: Only allowed in ground floor |

| Table 5. Core Highway Frontage Sign Overlay Zone (CHFS) | | |
|---|---|---|
| total window area. | determined by height of window. | or 2nd floor windows. |

| Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc) | | |
|---|---|---|
| **Monument Sign** | or   | |
| **A.** Use on site: Church, school, or public facility. | | |
| Size: maximum 32 square feet per sign face (up to two faces). | Maximum Height: 7 feet. | Location/Number: One sign may be located adjacent each street frontage. |
| **B.** Use on site: all other uses. | | |
| Size: maximum 32 square feet per sign face (up to two faces). | Maximum Height: 7 feet. | Location/Number: One sign; except on a site abutting a collector or arterial street one sign may be located adjacent each collector/arterial street frontage. |
| **Pole Sign** | | |
| **A.** Use on site: church, school, or public/semi-public facility. | | |
| Size: maximum 32 square feet per sign | Maximum Height: 8 feet. | Location/Number: One sign may be located adjacent each street frontage. |

| Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc) | | |
|---|---|---|
| face (up to two faces). | | |
| **B.** Use on site: all other uses. | | |
| Size: maximum 32 square feet per sign face (up to two faces). | Maximum Height: 8 feet. | Location/Number: One sign; except on a site with more than one street frontage one sign may be located adjacent each collector or arterial street frontage. |
| **<u>Wall Sign</u>** | | |
| **A.** Use on site: church, school, or public/semi-public facility. | | |
| Size: The maximum sign face area for each wall sign is 60 square feet on a primary building frontage.<br><br>The maximum sign face area for each wall sign is 30 square feet on a primary building frontage. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage. |
| **B.** Use on site: All other uses. | | |
| Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 6 percent of the building elevation area of the primary building frontage. Each sign is limited to a maximum of 16 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage for each business license on file with the City at that location. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from the wall on a building frontage abutting an alley). |

| Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc) | | |
|---|---|---|
| The maximum sign face area of all wall signage allowed on a secondary building frontage is 4 percent of the building elevation area of the secondary building frontage. Each sign is limited to a maximum of 8 square feet. | | |
| **Blade/Overhang Sign** | | |
| **A.** Use on site: All uses. | | |
| Size: Each sign shall have a maximum sign face area of 6 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage for each business license on file with the City at that location. |
| **Bulletin Board** | | |
| **A.** Use on site: church, school, or public/semi-public facility. | | |
| Size: bulletin board may encompass up to 75 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **B.** Use on site: all other uses. | | |

| Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc) | | |
|---|---|---|
| Size: bulletin board may encompass up to 50 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **Electronic Message Board** | | |
| **A.** Use on site: all uses. | | |
| Size: electronic message board may encompass up to 25 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **Awning Sign or Canopy Sign** | | |
| **A.** Use on site: commercial use, church, school, or public/semi-public facility. | | |
| Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square feet in size, whichever is smaller. | Maximum Height: shall not project above the roof line or parapet wall, whichever is higher. | Location/Number: One sign per awning or canopy. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign. |
| **B.** Use on site: all other uses. | | |
| Size: not allowed. | Maximum Height: n/a. | Location/Number: n/a. |
| **Marquee Sign** | | |

| **Table 6. Residential/Commercial Zone and Convenience Commercial Zone (C-R, C-C), and Transitional Commercial Area in the Downtown Canby Overlay Zone (DCO-tc)** | | |
|---|---|---|
| | | |
| **A.** Use on site: all uses. | | |
| Size: not allowed. | Maximum Height: n/a. | Location/Number: n/a. |
| **Window Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: maximum 15 percent of total window area. | Maximum Height: determined by height of window. | Location/Number: Only allowed in ground floor or 2nd floor windows. |

| **Table 7. Canby Industrial Area Overlay Zone (I-O)** | | |
|---|---|---|
| **Monument Sign** | | |
| **A.** Use on site: all uses in the M-1 zone or M-2 zone. | | |
| Size: may not exceed 32 square feet per sign face, or 64 square feet total. | Maximum Height: 6 feet. | Location/Number: One sign. |
| **B.** Use on site: all uses in the C-M zone. | | |
| Size: may not exceed 150 square feet per sign face, or 300 square feet total. | Maximum Height: 30 feet. | Location/Number: One monument sign is allowed for a site up to 10 acres in size. Sites over 10 acres in size may be permitted a maximum of 2 signs, provided that only one |

| **Table 7. Canby Industrial Area Overlay Zone (I-O)** | | |
|---|---|---|
| | | sign per street frontage is allowed. |
| **Pole Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: not allowed. | Maximum Height: n/a. | Location/Number: n/a. |
| **Wall Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: The maximum sign face area of all wall signage allowed on a primary building frontage is 8 percent of the building elevation area of the primary building frontage. Each sign is limited to a maximum of 300 square feet.<br><br>The maximum sign face area of all wall signage allowed on a secondary building frontage is 6 percent of the building elevation area of the secondary building frontage. Each sign is limited to a maximum of 190 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: Painted wall signs are prohibited. Internally illuminated box-style signs, also called can signs, are prohibited.<br><br>For other types of wall signs, one sign is permitted per building frontage for each business license on file with the City at that location. |

| Table 7. Canby Industrial Area Overlay Zone (I-O) | | |
|---|---|---|
| **Blade/Overhang Sign** | | |
| **A.** Use on site: All uses. | | |
| Size: Each sign shall have a maximum sign face area of 48 square feet. | Maximum Height: shall not project above the roof line or top of the parapet wall, whichever is higher. | Location/Number: One sign per building frontage for each business license on file with the City at that location. |
| **Bulletin Board** | | |
| **A.** Use on site: All uses. | | |
| Size: bulletin board may encompass up to 50 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |
| **Electronic Message Board** | | |
| **A.** Use on site: all uses. | | |
| Size: electronic message board may encompass up to 25 percent of sign face area. | Maximum Height: determined by height of sign. | Location/Number: Only allowed as part of a permitted sign, as set forth in 16.42.040.C.2. |

| **Table 7. Canby Industrial Area Overlay Zone (I-O)** | | |
|---|---|---|
| **Awning Sign or Canopy Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: Signs on awnings shall not cover more than 25 percent of the main area of the awning, or exceed 25 square fee in size, whichever is smaller.<br><br>The maximum sign face area of all signage allowed on a secondary building frontage is 8 percent of the building elevation area of the secondary frontage, up to a maximum of 60 square feet. | Maximum Height: shall not project above the roof line or parapet wall, whichever is higher. | Location/Number: One sign per awning or canopy. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8 foot clearance shall be provided between grade and bottom of sign. |
| **Marquee Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: not allowed. | Maximum Height: n/a. | Location/Number: n/a. |
| **Window Sign** | | |
| **A.** Use on site: all uses. | | |
| Size: maximum 15 percent of total window area. | Maximum Height: determined by height of window. | Location/Number: Only allowed in ground floor or 2nd floor windows. |

(Ord 1299, 2008; Ord. 1339, 2010)

**16.42.060 Automobile service station sign standards.**

The purpose of service station sign requirements is to control sign clutter for service stations so the traveling public can clearly identify the service station and the services and goods it offers.

**A.** No sign other than detailed in this Section shall be displayed on a lot on which an automobile service station is located. In the event that a conflict exists between this Section and the sign standards set forth in other sections of this Chapter, the standards in this section shall prevail.

**1.** Permitted signage includes one of the following combinations:

**a.** One pole sign or one monument sign, plus one wall sign, plus window signs and temporary signs; or

**b.** Two wall signs, plus window signs and temporary signs.

**2.** Pole sign standards:

**a.** Maximum area: 48 square feet total for a single-faced sign; 96 square feet total for a double-faced sign.

**b.** Maximum height: 18 feet.

**c.** A bulletin board or electronic message board may encompass up to 75 percent of the sign face area of a pole sign.

**3.** Wall sign standards:

**a.** Maximum area: 120 square feet per sign.

**b.** Maximum height: Sign shall not project above the roof line or parapet wall, whichever is higher.

**c.** A bulletin board or electronic message board may encompass up to 25 percent of the sign face area of a wall sign.

**4.** Window sign standards: Maximum of 25 percent of total window area.

**5.** Temporary sign standards: Except during a service station grand opening, which may occur only once during a single ownership, and for a period of time not to exceed 30 consecutive days, pennants, streamers, or lawn signs shall not be permitted. Other types of temporary signs are permitted as set forth in Section 16.42.025.C. (Ord. 1299, 2008)

**16.42.070 Measurements.**

The requirements described in the following subsections are illustrated further in Figures 1 through 8.

**A.** Area.

**1.** Sign area shall be measured within lines drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign copy.

**2.** When signs are not framed or on a base material, and are inscribed, painted, printed, or otherwise placed upon, or attached to a structure, the sign area is the smallest possible space enclosing the sign copy that can be constructed with straight lines.

**3.** Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.

**4.** Where signs are constructed in multiple separate pieces containing sign copy, sign face area for each piece is determined by a perimeter drawn in straight lines, as small as possible, around all pieces. The sum of the area of the separate pieces shall constitute the sign area.

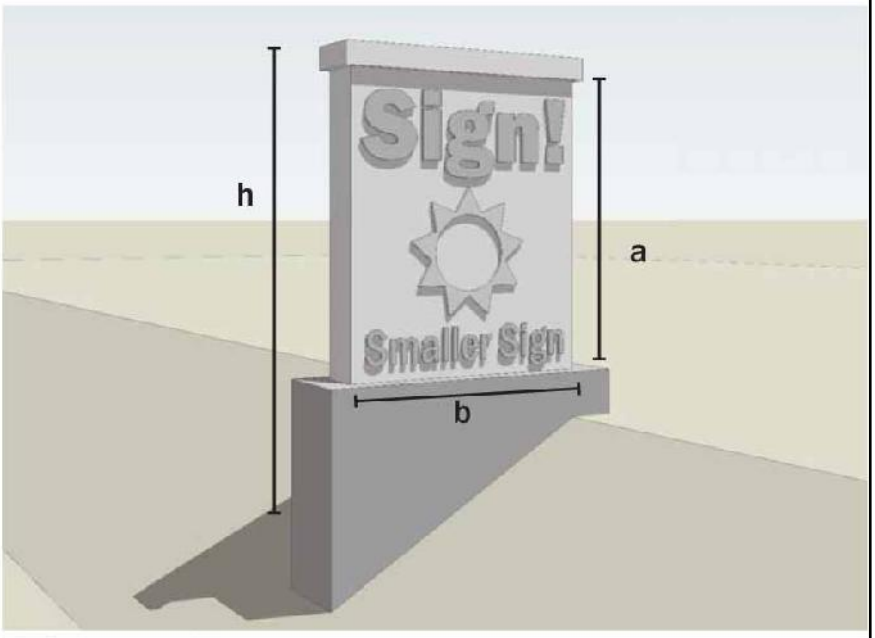
**B.** Height. The height of a sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign, including support structure.

**C.** Clearance. Clearance is measured from the average grade below the sign to the lowermost point of the sign.

**D.** Spacing. For the purposed of applying spacing requirements, distances shall be measured parallel to the centerline of the adjacent street or highway. (Ord 1299, 2008)

**Figure 1**

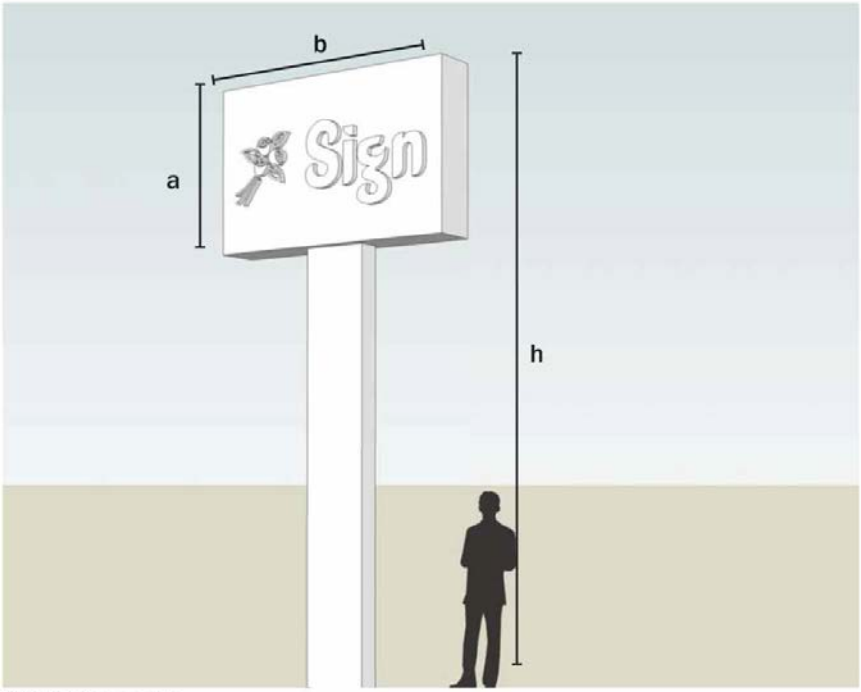
## Monument/Ground Mounted Signs




- Sign area = a * b
- Height above grade = h

**Figure 2**

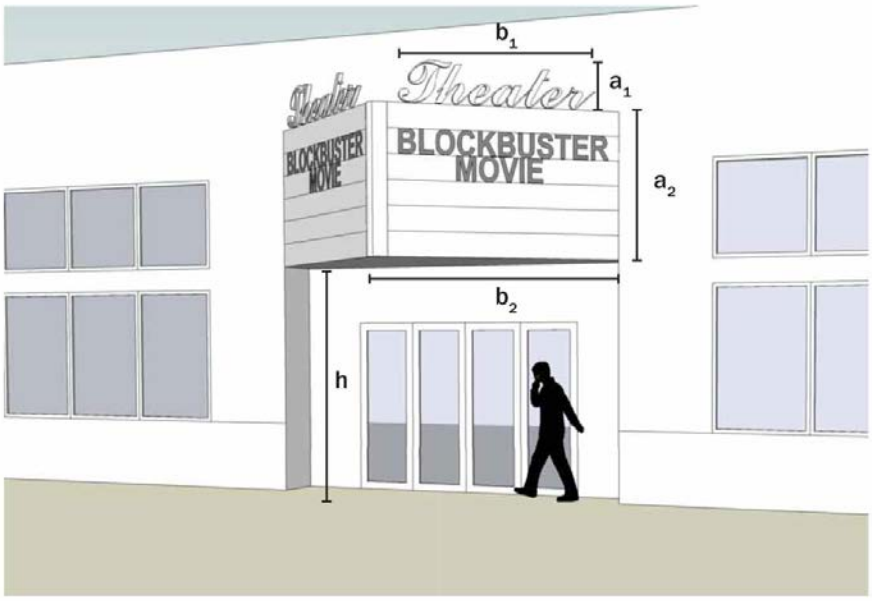
## Pole Sign




- Sign area = a * b
- Height above grade = h

**Figure 3**

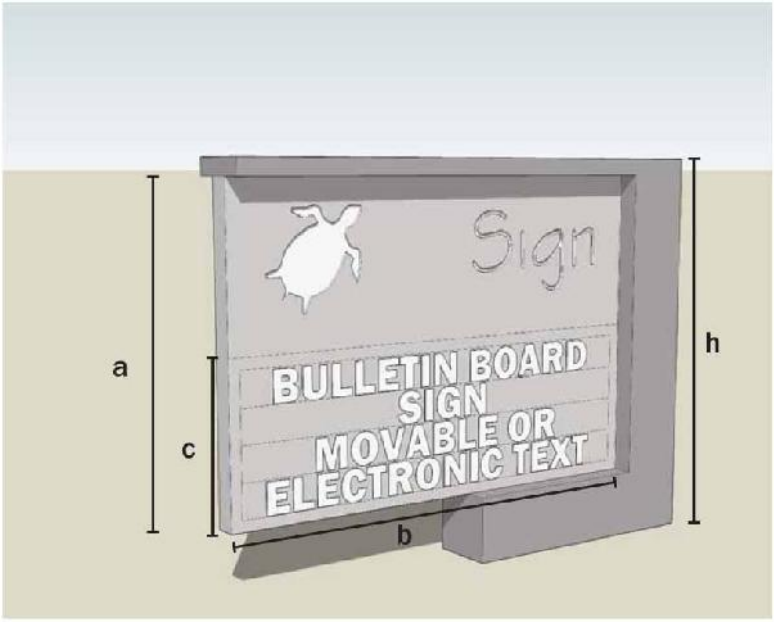
**Marquee Sign**




- Sign area = $(a_1 * b_1) + (a_2 * b_2)$
- Minimum clearance above grade = h

**Figure 4**

**Bulletin Board or Electronic Message Sign**
***(Incorporated into Monument Sign, for illustration)***




- Sign area = a*b
- Bulletin Board area = c * b
- Height above grade = h

**Figure 5**

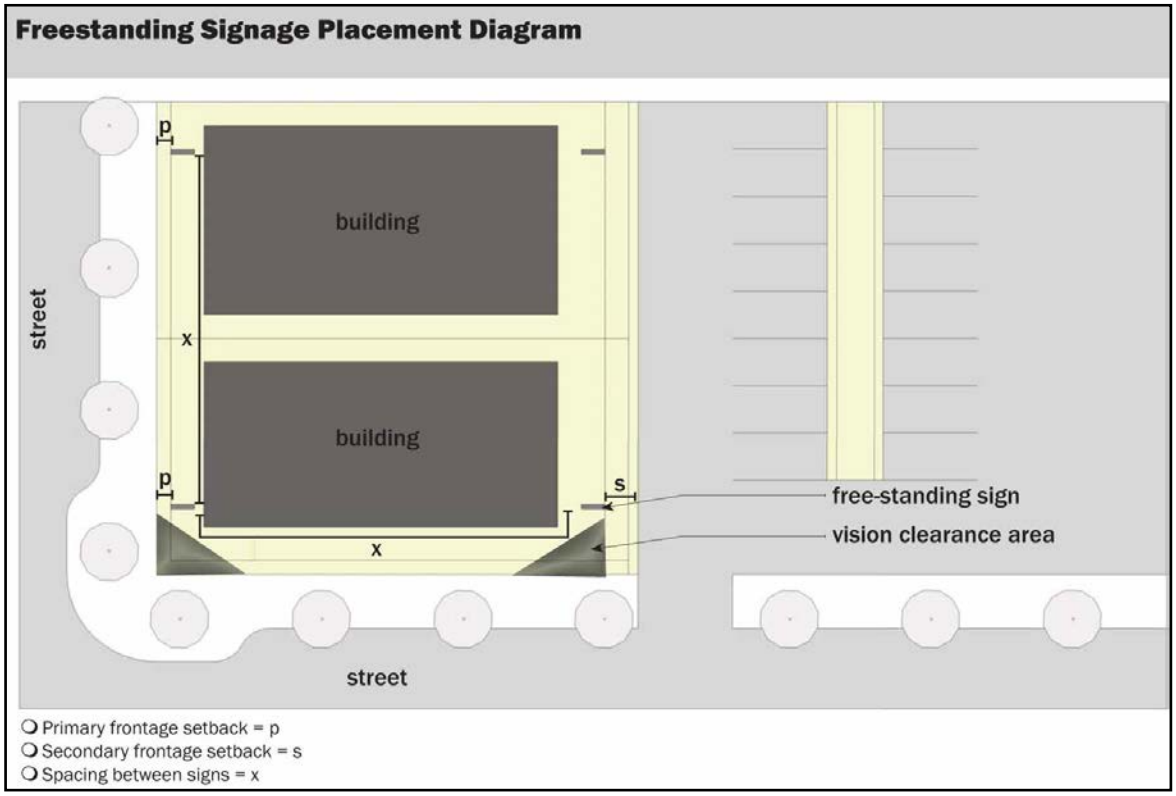



**Figure 6**

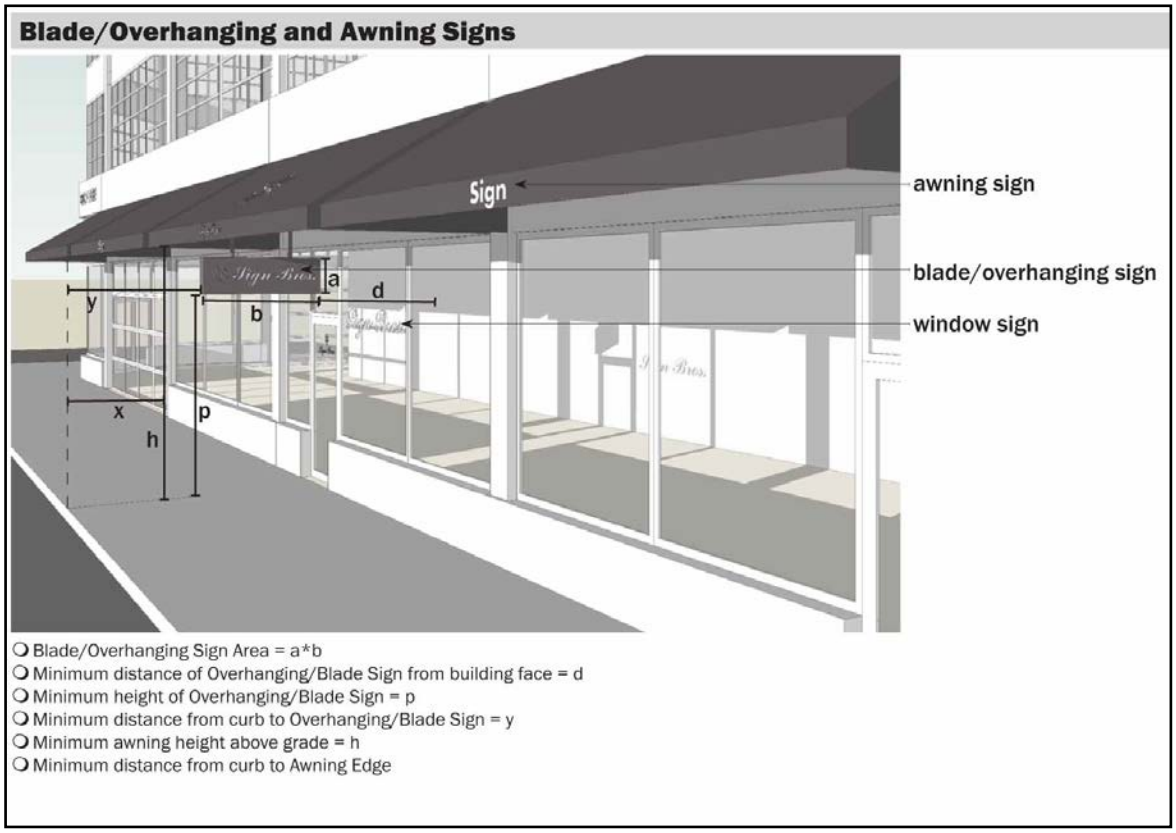
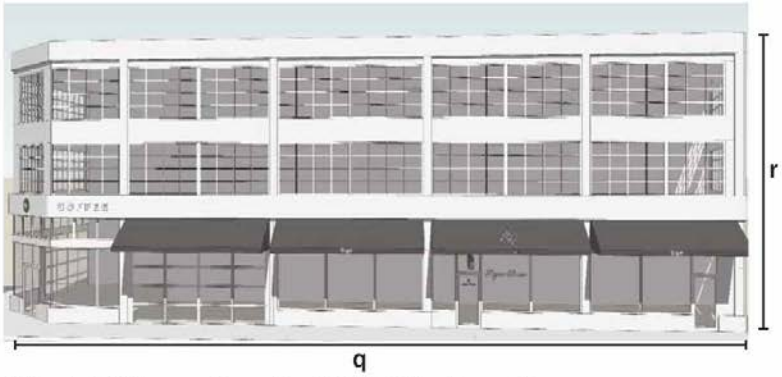


**Figure 7**

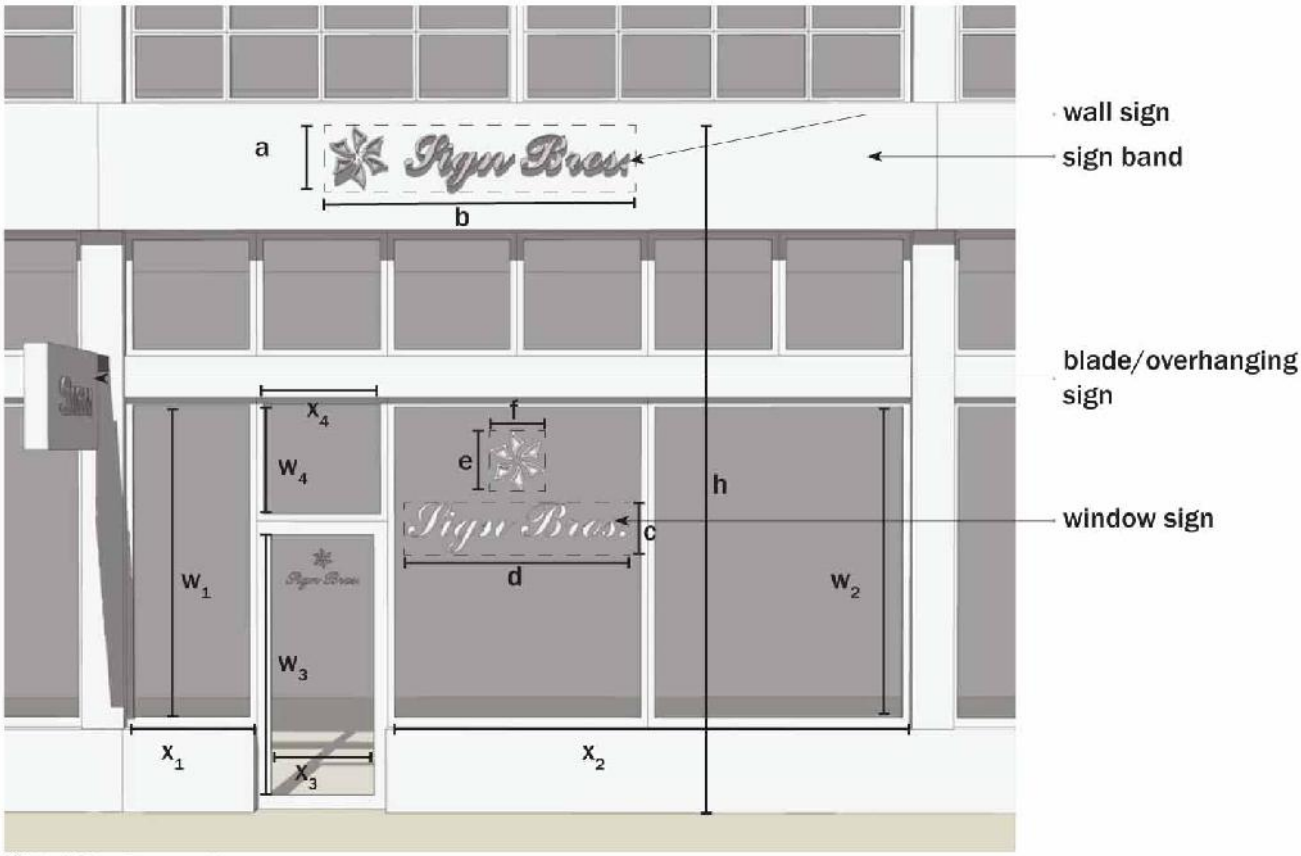
- Awning Sign Area = (c*d) + (e*f)
- Minimum awning height above grade = h
- Minimum height of Overhanging/Blade Sign = p




- Frontage (Primary or Secondary) Building Elevation = q*r
- Total Awning Sign Area = sum of all awning signs on frontage

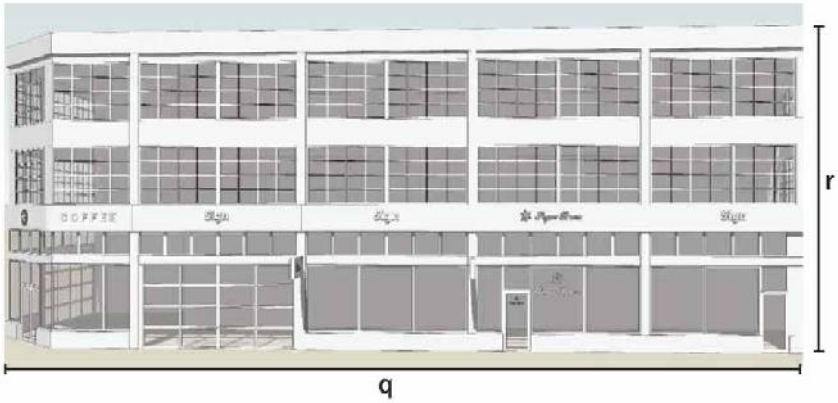
**Figure 8**

## Window and Wall Signs




- Wall Sign Area = a*b
- Height of Wall Sign above grade = h

- Window Sign area = (c*d) + (e*f)
- Total window area = w1*x2 + w2*x2 + w3+x3 + w4*x4 ...




- Frontage (Primary or Secondary) Building Elevation = q*r
- Total Wall Sign Area = sum of all wall signs on frontage

(Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 802 section 5, 1987; Ord. 840 section 10.3.40(J), 1984; Ord. 1299, 2008)

**16.42.140 Severability**

Invalidity of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 913 section 1[part], 1994; Ord 1237, 2007; Ord. 1299, 2008)

# Chapter 16.43

# OUTDOOR LIGHTING STANDARDS

**Sections:**

**16.43.010 Purpose.**
**16.43.020 Definitions.**
**16.43.030 Applicability.**
**16.43.040 Lighting Zones.**
**16.43.050 Exempt Lighting.**
**16.43.060 Prohibited Light and Lighting.**
**16.43.070 Luminaire Lamp Lumens, Shielding, and Installation Requirements.**
**16.43.080 Height Limits.**
**16.43.090 Lighting Controls.**
**16.43.100 Exceptions to Standards.**
**16.43.110 Lighting Plan Required.**

## 16.43.010 Purpose.

The purpose of this section is to provide regulations for outdoor lighting that will:

**A.** Regulate uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce.

**B.** Minimize glare, particularly in and around public rights-of-way.

**C.** Minimize light trespass, so that each owner of property does not cause unreasonable light spillover to other property.

**D.** Preserve the night sky for astronomy and enjoyment.

**E.** Conserve energy and resources to the greatest extent possible.

## 16.43.020 Definitions

The following words, phrases and terms as used in this chapter shall have the following meaning:

**A.** Artificial Sky Glow. The brightening of the night sky attributable to man made sources of light.

**B.** Candela. The unit of luminous intensity of a lighting source emitted in a given direction.

**C.** Curfew. A time each night after which certain electric illumination must be turned off or reduced in intensity.

**D.** Glare. Light that causes visual discomfort, annoyance or disability, or a loss of visual performance.

**E.** Landscape Lighting. Luminaires mounted in or at grade (not to exceed 3 feet above grade) and used solely for landscape rather than area lighting, or fully shielded luminaires mounted in trees and used solely for landscape or Facade lighting.

**F.** Light Trespass. Light flowing across the property boundary. See Figure 16.43.1 for illustration.

**G.** Lumen. The unit of luminous flux: a measure of the amount of light emitted by a lamp.

**H.** Luminaire. A complete lighting unit consisting of one or more electric lamps, the lamp holder or holders, reflector, lens, diffuser, ballast, and/or other components and accessories.

**I.** Luminous Flux. A measure of the total light output from a source, the unit being the lumen.

**J.** Mounting Height. The vertical distance between the lowest part of the luminaire and the ground surface directly below the luminaire. See Figure 16.43.2 for illustration.

**K.** Photometric Test Report. A report by an independent testing laboratory or one certified by the National Institute of Standards and Technology (NIST) describing the candela distribution, shielding type, luminance, and other optical characteristics of a specific luminaire.

**L.** External Point of Service. An outdoor service which a business provides some service to a customer, such as drive up food service, a bank transaction, or the like

**M.** Shielding. A device or technique for controlling the distribution of light. Four levels of shielding are defined as follows:

**1.** Fully Shielded. A luminaire emitting no luminous flux above the horizontal plane;

**2.** Shielded. A luminaire emitting less than 2.0 percent of its luminous flux above the horizontal plane;

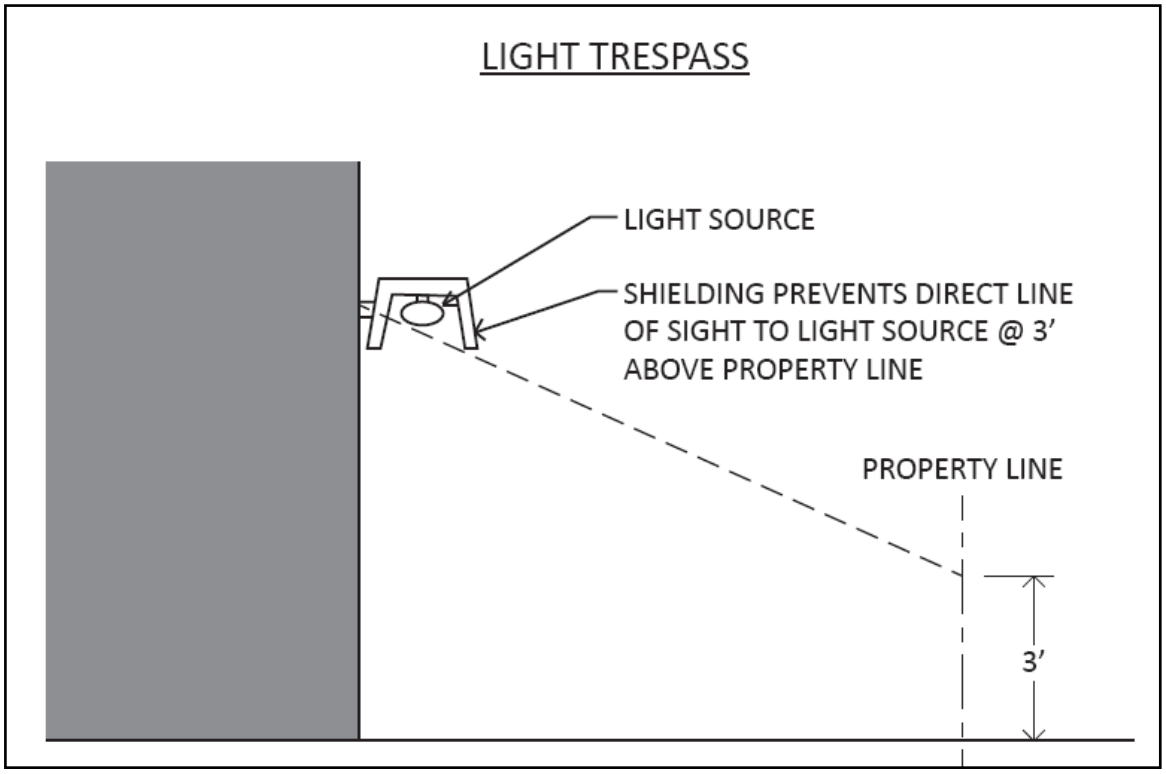
**3.** Partly Shielded. A luminaire emitting less than 10 percent of its luminous flux above the horizontal plane;

**4.** Unshielded. A luminaire that may emit its flux in any direction.

**N.** Spill Light. Lighting from a lighting installation that falls outside of the boundaries of the property on which the installation is sited.

**O.** Temporary Lighting. Lighting installed with temporary wiring and operated for less than 60 days in any calendar year.

**Figure 16.43.1: Light Trespass**




**16.43.030 Applicability.**

The outdoor lighting standards in this section apply to the following:

**A.** New uses, buildings, and major additions or modifications:

**1.** For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.

**2.** All building additions or modifications of fifty (50) percent or greater in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or cumulative additions, shall meet the requirements of this Code for the entire property, including previously installed and any new outdoor lighting.

**B.** Minor additions. Additions or modifications of less than fifty (50) percent to existing uses, in terms of additional dwelling units, gross floor area, or parking spaces, shall meet the requirements of this Code with regard to shielding and lamp type for all new lighting.

**16.43.040 Lighting Zones.**

**A.** Zoning districts designated for residential uses (R-1, R-1.5 and R-2) are designated Lighting Zone One (LZ 1). All other zoning districts are designated Lighting Zone Two (LZ 2).

**B.** The designated Lighting Zone of a parcel or project shall determine the limitations for lighting as specified in this ordinance.

**Table 16.43.040 Lighting Zone descriptions**

| **Zone** | **Ambient Illumination** | **Representative Locations** |
|---|---|---|
| LZ 1 | Low | Rural areas, low-density urban neighborhoods and districts, residential historic districts. This zone is intended to be the default for residential areas. |
| LZ 2 | Medium | High-density urban neighborhoods, shopping and commercial districts, industrial parks and districts. This zone is intended to be the default condition for commercial and industrial districts in urban areas. |

**16.43.050 Exempt Lighting**.

The following luminaires and lighting systems are exempt from the requirements of this Section.

**A.** Externally illuminated signs in conformance with provisions in section 16.42.040 of this code.

**B.** Internal lighting for signs in conformance with provisions in section 16.42.040 of this code.

**C.** Temporary lighting for theatrical, television, and performance events.

**D.** Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.

**E.** Code-required exit signs.

**F.** Code-required lighting for stairs and ramps.

**G.** Lighting required and regulated by the Federal Aviation Administration, U.S. Coast Guard, or other federal, state, or county agency.

**H.** Interior lighting.

**I.** Temporary lights for emergency public or private utility maintenance or public safety.

**J.** Lighting fixtures existing prior to this ordinance not exceeding 520 lumens.

## 16.43.060 Prohibited Light and Lighting.

**A.** All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source or its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.

**B.** The following lighting systems are prohibited from being installed or used except by special use permit:.

**1.** Aerial Lasers.

**2.** “Searchlight” style lights.

**3.** Other very intense lighting, defined as having a light source exceeding 5200 lumens.

## 16.43.070 Luminaire Lamp Lumens, Shielding, and Installation Requirements.

**A.** All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 16.43.070 per the applicable Lighting Zone. These limits are the upper limits. Good lighting design will usually result in lower limits.

**B.** The city may accept a photometric test report, lighting plan, demonstration or sample, or other satisfactory confirmation that the luminaire meets the requirements of the shielding classification.

**C.** Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture complies with the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed.

**D.** All canopy lighting must be fully shielded. However, indirect upward light is permitted under an opaque canopy provided that no lamp or vertical element of a lens or diffuser is visible from beyond the canopy and such that no direct upward light is emitted beyond the opaque canopy.

**E.** Landscape features shall be used to block vehicle headlight trespass while vehicles are at an external point of service (i.e. drive-thru aisle).

**F.** All facade lighting must be restricted to the facade surface. The margins of the facade shall not be illuminated. Light trespass is prohibited.

**Table 16.43.070 – Luminaire Maximum Lumens and Required Shielding**

| **Lighting Zone** | **Fully Shielded** | **Shielded** | **Partly Shielded** | **Unshielded** (Shielding is highly encouraged. Light trespass is prohibited.) |
|---|---|---|---|---|
| LZ 1 | 2600 lumens or less | 800 lumens or less | None Permitted | Low voltage landscape lighting and temporary holiday lighting. |
| LZ 2 | 7800 lumens or less | 1600 lumens or less | 800 lumens or less | Landscape and facade lighting 1600 lumens or less; ornamental lights of 800 lumens or less. |

**16.43.080 Height Limits.**

Pole and surface-mounted luminaires under this section must conform with Section 16.43.070.

**A.** Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height according to Table 16.43.080, whichever is lower. The following exceptions apply:

**1.** Lighting for residential sports courts and pools shall not exceed 15 feet above court or pool deck surface.

**2.** Lights specifically for driveways, and then only at the intersection of the road providing access to the site, may be mounted at any distance relative to the property line, but may not exceed the mounting height listed in Table 16.43.080.

**3.** Mounting heights greater than 40% of the horizontal distance to the property line but no greater than permitted by Table 16.43.080 may be used provided that the luminaire is side-shielded toward the property line.

**4.** Landscape lighting installed in a tree. See the Definitions section.

**5.** Street and bicycle path lights.

**B.** Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 40% of the horizontal distance of the light from the property line, whichever is less. The following exceptions apply:

**1.** Lighting attached to single family residences shall not exceed the height of the eave. Lighting for driveways shall conform to Table 16.43.080.

**2.** Lighting for facades may be mounted at any height equal to or less than the total height of the structure being illuminated regardless of horizontal distance to property line.

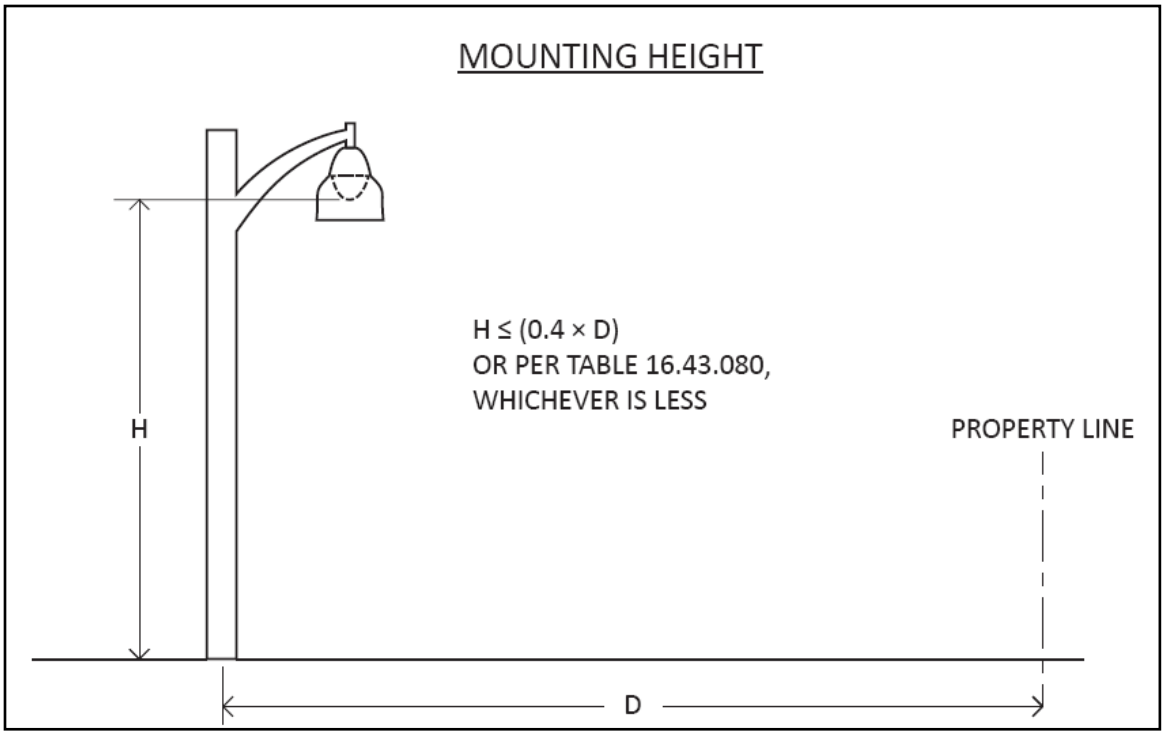
**3.** For buildings less than 40 feet to the property line, including canopies or overhangs onto the sidewalk or public right of way, luminaires may be mounted to the vertical facade or the underside of canopies at 16 feet or less.

**4.** The top exterior deck of parking garages should be treated as normal pole mounted lighting rather than as lights mounted to buildings. The lights on the outside edges of such a deck must be side shielded to the property line.

**Table 16.43.080 – Maximum Lighting Mounting Height in Feet**

| Lighting Zone | Lighting for Driveways, Parking and Transit | Lighting for Walkways, Plazas and other Pedestrian Areas | All Other Lighting |
|---|---|---|---|
| LZ 1 | 35.0 | 18.0 | 8.0 |
| LZ 2 | 37.5 | 18.0 | 15.0 |

**Figure 16.43.2: Mounting Height**




**16.43.090 Lighting Controls**

The city strongly recommends the use of timers and/or motion detectors on outdoor lighting, and that motion detectors be set to minimize unnecessary activation. For example, motion detectors for entryway or driveway lights should not activate for off-site pedestrians or cars.

**16.43.100 Exceptions to Standards.**

**A.** Exceptions to the lighting standards in this section may be approved by the Planning Director. Lighting systems not complying with the technical requirements of this ordinance but consistent with the intent of the ordinance may be approved for the following:

**1.** Sport fields.

**2.** Construction lighting.

**3.** Industrial lighting for hazardous areas where the heat of the lighting fixture may cause a dangerous situation.

**4.** National and State Flag lighting with spotlights greater than 450 lumens.

**B.** To obtain such approval of an exception, applicants shall demonstrate that the proposed lighting installation:

**1.** Has received every reasonable effort to mitigate obtrusive light and artificial sky glow, supported by a signed statement from a registered engineer or by a lighting certified professional describing the mitigation measures.

**2.** The Planning Director shall review each such application. Approval may be granted if, upon review, the Planning Director believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

**16.43.110 Lighting Plan Required**

A lighting plan shall be submitted with the development or building permit application and shall include:

**A**. A site plan showing the location of all buildings and building heights, parking, and pedestrian areas.

**B.** The location and height (above grade) of all proposed and existing luminaires on the subject property.

**C.** Luminaire details including type and lumens of each lamp, shielding and cutoff information, and a copy of the manufacturer's specification sheet for each luminaire.

**D.** Control descriptions including type of control (time, motion sensor, etc.), the luminaire to be controlled by each control type, and the control schedule when applicable.

**E.** Any additional information necessary to demonstrate compliance with the standards in this section. (Ord.1338, 2010)

# 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)

**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)

# Chapter 16.46

# ACCESS LIMITATIONS ON PROJECT DENSITY

**Sections:**

**16.46.010 Number of units in residential development.**
**16.46.020 Ingress and egress.**
**16.46.030 Joint and cross access.**
**16.46.040 Access connection.**
**16.46.050 Nonconforming access features.**
**16.46.060 Amount of access points.**
**16.46.070 Exception standard.**
**16.46.080 State highway standards.**
**16.46.090 Shared access onto state highway.**

## 16.46.010 Number of units in residential development.

A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

**A.** Single-family residential access, public and private roads:

**1.** Roads shall be a minimum of 28 feet in width with parking restricted to one side only, or a minimum of 36 feet in width with no parking restriction.

**2.** The number of units permitted are as follows:

| | |
|---|---|
| One access: | 30 units |
| Two accesses: | 132 units |
| Three accesses: | 207 units |

For more than three accesses, use the following formula: # of units permitted = (60x (1 + (.05 x # of access points))) x (# of access points)

**B.** Single ownership developments (condominiums, townhouses, manufactured homes, multi-family developments, etc.).

**1.** Two lane access roads/drives shall be a minimum width of 20 feet with no parking permitted, or 28 feet with parking restricted to one side only, or 36 feet with no parking restrictions. Three lane access roads/drives shall be a minimum width of 32 feet with no parking permitted, or 40 feet with parking restricted to one side.

**2.** The number of units permitted are as follows:

| Two lane access road/drive | | Three lane access road/drive | |
|---|---|---|---|
| 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 x (1 + (.05 x # of access points))) x (# 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 x (1 + (.05 x # of access points))) x(# 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)

**TABLE 16.46.30**
**Access Management Guidelines for City Streets***

| Street Facility | Maximum spacing** of roadways | Minimum spacing** of roadways | Minimum spacing** of roadway to driveway*** | Minimum Spacing** driveway to driveway*** |
|---|---|---|---|---|
| Arterial | 1,000 feet | 660 feet | 330 feet | 330 feet or combine |
| Collector | 600 feet | 250 feet | 100 feet | 100 feet or combine |
| Neighborhood/Local | 600 feet | 150 feet | 50 feet**** | 10 feet |

* Exceptions may be made in the downtown commercial district, if approved by the City Engineering or Public Works Department, where alleys and historic street grids do not conform to access spacing standards.

** Measured centerline on both sides of the street

*** Private access to arterial roadways shall only be granted through a requested variance of access spacing policies when access to a lower classification facility is not feasible (which shall include an access management plan evaluation).

**** Not applicable for single-family residential driveways; refer to section 16.10.070(B)(10) for single-family residential access standards

Note: Spacing shall be measured between access points on both sides of the street. (Ord. 1340, 2011)

**16.46.035 Restricted access.**

The City may allow an access to a City street that does not meet the spacing requirements of Table 16.46.030 if the proposed access is restricted (prevents certain turning movements). The City may require an applicant to provide an engineered traffic study, access management plan, or other information as needed to demonstrate that the roadway will operate within the acceptable standards with the restricted access in place. (Ord. 1237, 2007). Access to OR 99E shall be regulated by ODOT through OAR 734.51. (Ord. 1340, 2011)

**16.46.040 Joint and cross access.**

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

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

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

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

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

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

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

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

**D.** Pursuant to this section, property owners shall:

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

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

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

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

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

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

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

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

**16.46.050 Nonconforming access features.**

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

**A.** When new access connection permits are requested; or

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

**16.46.060 Amount of access points.**

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

**16.46.070 Exception standards.**

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

**1.** Indirect or restricted access cannot be obtained;

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

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

**B.** Access Management Plan Required. An applicant requesting an access exception may be required to submit an access management plan. The access management plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:

1. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, measured from each property line or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 660 foot access spacing standard) shall have a minimum study area which is 1,820 feet in length.

2. The potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.

3. A comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the City standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.

4. A list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.

5. References to standards or publications used to prepare the access management plan.

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

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

**E.** Reasons for denying access spacing exception applications include, but are not limited to, traffic safety concerns, expected or planned traffic increases due to development or road construction, and emergency service provision issues. (Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1340, 2011)

**16.46.080 State highway standards.**

**A.** Refer to the Motor Vehicle Chapter of the Transportation System Plan. ODOT regulates access to OR 99E. ODOT shall review and process applications for approaches to OR 99E consistent with *Oregon Highway Plan* standards and OAR 734.51 procedures. An ODOT permit to operate and maintain a State Highway Approach must be approved prior to site occupancy.

**16.46.090 Shared access onto state highway.**

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

highway. If access off of a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

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

# Chapter 16.48

# SITE PLAN REVIEW

**Sections:**

**16.48.010 Required prior to plan check.**
**16.48.020 Information required.**
**16.48.030 Plot plans - review by planner.**
**16.48.040 Plot plans - notation of corrections.**
**16.48.050 Standards and criteria for site plan review.**
**16.48.060 Standards and criteria on appeal.**
**16.48.070 Procedure for additions to existing buildings.**

## 16.48.010 Required prior to plan check.

Prior to undergoing a plan check for construction, all proposed commercial, industrial and multiple-family residential development projects (having greater than two dwelling units) shall undergo a site plan review to be conducted by the staff. This review is intended to focus on Code compliance and the mitigation of potential health and safety hazards rather than on architectural or aesthetic design features. Additional to the requirements imposed as a result of a site plan review the staff may also make certain recommendations which are not binding upon the applicant but which are intended to improve the overall quality or appearance of the development. A site plan review shall also be conducted by staff for any residential structure including, but not limited to, manufactured homes, whether new or previously occupied, which are proposed to be moved onto a site. This review is intended to focus on Code compliance and mitigation of safety hazards as well as to insure near like-new or historically restored condition of building exterior. (Ord 858 section 1, 1991; Ord. 740 section 10.3.70[part], 1984)

## 16.48.020 Information required.

Application procedures for site plan review shall be as described in Chapter 16.89. (Ord. 740 section 10.3.70(A), 1984; Ord. 981 section 3, 1997; Ord. 1043 section 3, 2000; Ord. 1080, 2001)

## 16.48.030 Plot plans - review by planner.

The City Planner and other appropriate staff persons shall review the plans and may make field inspections of the site to determine whether the proposed development conforms with applicable city ordinances. (Ord. 740 section 10.3.70(B), 1984)

## 16.48.040 Plot plans - notation of corrections.

**A.** Necessary corrections, additions or deletions to the plans shall be noted on them, with one copy of the corrected plan on file and another returned to the applicant.

**B.** If the corrections, additions or deletions are relatively minor, the building permit may be issued upon completion of the normal building permit process.

**C.** In the case of major modifications to the design, however, the City Planner or Building Official may require that the plot plan be redrawn and resubmitted for review prior to issuance of the building permit. (Ord. 740 section 10.3.70(C), 1984)

**16.48.050 Standards and criteria for site plan review.**

The staff shall utilize the following standards and criteria in conducting a site plan review:

**A.** Compliance of the proposal with all applicable city ordinance requirements;

**B.** A determination that the proposal will result in no unusually hazardous conditions for motorists, bicyclists, pedestrians or other users of the site;

**C.** A determination that exterior lighting will not result in a glare on neighboring properties or a hazard to motorists;

**D.** A finding that any previously established conditions of approval (for a variance, conditional use permit, etc.) have been met.

**E.** For residential structures moved onto the site including, but not limited to, manufactured homes, a determination shall be made by staff that a near like-new or historically restored condition of building exterior shall exist prior to occupancy. This determination shall include an evaluation of color, materials and appearance of siding, roofing and appurtenances, as determined by evidence of recent painting, new construction, or replacement or repair of weathered, damaged or deteriorated materials or surfaces. (Ord. 858 section 2, 1991; Ord. 740 section 10.3.70(D), 1984)

**16.48.060 Standards and criteria on appeal.**

On appeal of a staff decision regarding a site plan review, the commission shall utilize the same standards and criteria as are required of the staff. (Ord. 740 section 10.3.70(E), 1984)

**16.48.070 Procedure for additions to existing buildings.**

On additions to existing buildings the site plan review shall be conducted only on those portions of the project affected by the additions, except where potential hazards may result from the design, in which case the review may be expanded to include any portions of the total development where such hazardous conditions may exist. (Ord. 740 section 10.3.70(F), 1984)

# Chapter 16.49

# SITE AND DESIGN REVIEW

**Sections:**


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


## 16.49.010 Findings and objectives.

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

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

**1.** Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.

**2.** Discourage monotonous, unsightly, dreary and inharmonious development.

**3.** Promote the city's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.

**4.** Protect and enhance the city's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.

**5.** Stabilize and improve property values and present blighted areas and thus increase tax revenue.

**6.** Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.

**7.** Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.

**8.** Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the city's favorable environment and thus promote and protect the peace, health, and welfare of the city.

**9.** Determine the appropriate yard setbacks, building heights, minimum lot sizes and sign sizes, when authorized to do so by city ordinance.

**10.** Encourage the use of Low Impact Development (LID) techniques to manage stormwater through the use of natural features, protect native vegetation, preserve and create open space, and minimize impervious surfaces. (Ord. 848, Part I, section 1, 1991, Ord. 1338; 2010)

**C.** Alternatives for how the Design Review Board or a Design Review Committee is organized give the City the flexibility to use several options, including a Design Review Board that consists of Planning Commission members only, or a Board with a broader representation that can be expanded when appropriate. Provisions also allow for creation of a Design Review Committee which would be strictly advisory in nature. (Ord 1296, 2008)

**16.49.020 Establishment of the Site and Design Review Board.**

**A.** The City may establish a Site and Design Review Board whose members, terms of office and manner of transacting business shall be as prescribed in the following subsections:

**1.** The Board shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development process: those portions of proposed site and design review plans which pertain to architectural features, applications concerning historic structures and sign applications under the following circumstances:

**a.** Where the applicant has elected not to go through an administrative (Type II) review process;

**b.** Where the proposal does not meet the City's administrative (Type II) architectural design standards;

**c.** Where administrative (Type II) design review standards do not exist for the project; or

**d.** Where an administrative (Type II) design review decision has been appealed.

If no Site and Design Review Board is established, the Planning Commission is responsible for reviewing all applicable land use applications and is responsible for the above duties of the Site and Design Review Board.

**2.** Other duties. The City Council may, by 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.

**3.** Qualifications of members. The Board shall consist of at least four and up to seven members of the Canby City Planning Commission, and one member from the City Council pro-tem (temporary) non-voting; and up to four additional individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process. These provisions allow the Board to consist of Planning Commission members only, if desired.

**4.** Appointment and term. Members of the Planning Commission shall be appointed as required by section 16.06.030. Non-Planning Commission members shall be appointed by the City Council.

**5.** Vacancies and removal. Vacancies on the Design Review Board or removal of Design Review Board members shall be governed by section 16.06.030.

**6.** Chairman. The duly appointed chairman of the Planning Commission shall also serve as chairman for site and design review applications in accordance with Chapter 16.06 if the Planning Commission Chairperson serves on the Design Review Board. If the Planning Commission Chairperson does not serve on the Board, a Design Review Board Chairperson will be selected by a majority of Design Review Board members.

**7.** Voting. A quorum for the transaction of business shall be a simple majority of Design Review Board members. The chairperson shall be counted to determine a quorum and shall have the same voting powers as other members of the Board. Each member shall have one vote. A majority vote of the members shall be required for all Board actions.

**8.** Meetings and records. The Board shall hold regular meetings as required. Site and design review applications will be reviewed as a regular agenda item.

**9.** Rules. The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code. (Ord 1296, 2008)

**16.49.025 Establishment of a site and design review committee.**

**A.** The City Council may appoint a design review committee to provide additional guidance related to design review applications.

**1.** The committee shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development review process: those portions of proposed site and design review plans which pertain to architectural features, and applications concerning historic structures under the following circumstances:

**a.** Where the applicant has elected not to go through an administrative (Type II) review process;

**b.** Where the proposal does not meet the City's administrative (Type II) architectural design standards;

**c.** Where administrative (Type II) design review standards do not exist for the project; or

**d.** Where an administrative (Type II) design review decision has been appealed.

**2.** Nature of committee's review. The committee's review and recommendations are strictly advisory to Planning Department staff and the City's Design Review Board.

**3.** Qualifications of members. The Committee shall consist of at least five and up to seven members, including individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process.

**4.** Appointment and term. Members of the Design Review Committee shall be appointed by the City Council, considering recommendations of the Planning Director.

**5.** Vacancies and removal. Vacancies on the Design Review Committee and removal of Design Review Committee members shall be approved by the City Council.

**6.** Meetings and records. The committee shall hold regular meetings, which shall conform with all legal requirements of the Oregon public meetings law. Site and design review applications will be reviewed as a regular agenda item.

**7.** Rules. The committee may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code and Oregon public meetings law. (Ord 1296, 2008)

**16.49.030 Site and design review plan approval required.**

**A.** The following projects require site and design review approval, except as exempted in B below:

**1.** All new buildings.

**2.** All new mobile home parks.

**3.** Major building remodeling above 60% of value.

**4.** Addition of more than 5,000 square feet of additional gross floor area in a one year period.

**5.** Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.

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

**B.** The following are exempt from site and design review (but still may require a site plan review and/or building permit):

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

**2.** Alterations or remodeling that do not change the exterior of the building.

**3.** Temporary public structures which will be removed within two (2) years of placement.

**4.** Commercial and industrial accessory structures under 500 square feet.

**5.** Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.

**6.** Temporary Vendor activity permitted pursuant to Section 16.08.140.

**7.** Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from a Type III site and design review. However, parking lot and paving projects in excess of 2,500 square feet of impervious surface require Type I site plan review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.

**8.** Single family or two-family dwellings and their accessory structures, and any alterations or remodeling thereof.

**9.** Minor public facilities.

**10.** Approved Public Art Murals as defined in CMC Chapter 2.80.020.

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

**D.** No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 1315, 2009; Ord. 1237, 2007; Ord. 1080, 2001; Ord. 1019 section 2, 1999; Ord. 981 sections 52&53, 1997; Ord. 955 section 23, 1996; Ord. 890 section 43, 1993; Ord. 848, Part III, section 1, 1991; Ord. 1341, 2011)

### 16.49.035 Application for Site and Design Review

**A.** For site and design review projects in the Downtown Canby Overlay Zone, applicants may choose one of the following two processes:

**1.** Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41 and 16.49; the applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040; or

**2.** Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Chapter16.41, the applicant shall submit a Type III application for approval

pursuant to the approval criteria set forth in 16.49.040. The applicant must still meet all applicable requirements of Chapter 16.49.

**B.** All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040. (Ord 1296, 2008)

**16.49.040 Criteria and standards.**

**A.** In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

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

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

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

**4.** The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.

**5.** The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:

**a.** The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and

**b.** At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040. (Ord. 1338, 2010).

**B.** In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards.

**C.** In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this Ordinance.

**D.** The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this Ordinance. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards..

**E.** 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.

**F.** As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review. (Ord. 848, Part III, section 2, 1991; Ord. 955 section 24 & 25, 1996; Ord 1237, 2007, Ord 1296, 2008)

## Table 16.49.040 Site Design Review Menu

As part of Site and Design Review, the following menu shall be used as part of the review. In order to "pass" this table 60% of total possible points shall be earned,
10% of the total possible points must be from LID elements

| **Design Criteria** | **Possible Points** | | | | |
|---|---|---|---|---|---|
| **Parking** | **0** | **1** | **2** | **3** | **4** |
| Screening of parking and/or loading facilities from public right-of-way | Not screened | Partially screened | Fully screened | - | - |
| Parking lot lighting provided | No | Yes | - | - | - |
| Parking location (behind building is best) | Front | Side | Behind | - | - |
| Number of parking spaces provided (% of minimum required) | >120% | 101-120% | 100% | - | - |
| **Screening of Storage Areas and Utility Boxes** | **0** | **1** | **2** | **3** | **4** |
| Trash storage is screened from view by solid wood fence, masonry wall or landscaping. | No | Yes | - | - | - |
| Trash storage is located away from adjacent property lines. | 0 - 10 feet from adjacent property | 11 - 25 feet from adjacent property | >25 feet from adjacent property | - | - |
| Utility equipment, including rooftop equipment, is screened from view. | Not screened | Partially screened | Fully screened | - | - |
| **Access** | **0** | **1** | **2** | **3** | **4** |
| Distance of access to nearest intersection. | ≤70 feet | 71 - 100 feet | >100 feet | - | - |
| Pedestrian walkways from public street/sidewalks to building entrances. | One entrance connected. | - | Walkways connecting all public streets/ sidewalks to building entrances. | - | - |
| Pedestrian walkways from parking lot to building entrance. | No walkways | Walkway next to building only | Walkways connecting all parking areas to building entrances | | . |

| **Tree Retention** | **0** | **1** | **2** | **3** | **4** |
|---|---|---|---|---|---|
| **Design Criteria** | **Possible Points** | | | | |
| Percentage of trees retained | <10% | 10-50% | 51-75% | >75% | - |
| Replacement of trees removed | <50% | ≥50% | - | - | - |
| **Signs** | **0** | **1** | **2** | **3** | **4** |
| Dimensional size of sign (% of maximum permitted) | >75% | 50-75% | <50% | - | - |
| Similarity of sign color to building color | Not similar | Somewhat similar | Similar | - | - |
| Pole sign used | Yes | No | - | - | - |
| **Building Appearance** | **0** | **1** | **2** | **3** | **4** |
| Style (similar to surroundings) | Not similar | Somewhat similar (1 or 2 points possible depending on level of similarity) | | - | - |
| Color (subdued and similar to surroundings is better) | Neither | Similar or subdued | Both | - | - |
| Material (concrete, wood and brick are best) | Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board | | | | |
| Size of building (smaller is better) | >20,000 square feet | ≤20,000 square feet | - | - | - |
| Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.) | No | - | - | - | Yes |
| **Landscaping** | **0** | **1** | **2** | **3** | **4** |
| Number of non-required trees provided | - | At least one tree per 500 square feet of landscaping. | - | - | - |
| Amount of grass (less grass is better) (% of total landscaped area) | >50% | 25-50% | <25% | - | - |
| **Low Impact Development (LID)** | **0** | **1** | **2** | **3** | **4** |
| Use of pervious paving materials (% of total paved area) | <10% | - | 10-50% | 51-75% | >75% |
| Provision of park or open space area | None | - | Open space (Generally not for public use) | - | Park (public or privately owned for public use) |

| Design Criteria | Possible Points | | | | |
|---|---|---|---|---|---|
| Use of drought tolerant species in landscaping (% of total plants) | <25% drought tolerant | - | 25-50% drought tolerant | 51-75% drought tolerant | >75% drought tolerant |
| Provision of additional interior parking lot landscaping (% of minimum required) | 100% | 101-110% | 111-120% | >120% | - |
| Provision of an eco-roof or rooftop garden (% of total roof area) | <10% | - | - | 10-50% | >50% |
| Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking) | <10% | - | - | 10-50% | >50% |
| Disconnecting downspouts from city stormwater facilities | None | Some downspouts disconnected | All downspouts disconnected | - | - |
| Shared parking with adjacent uses or public parking structure (% of total required parking spaces) | None | <50% | ≥50% | - | - |
| Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area) | None | - | 10-50% | 51-75% | >75% |
| | **Total Possible Points = 71, 60%=42.6 points, 10%=7.1 points** | | | | |

(Ord 1296, 2008; Ord 1338, 2010)

## 16.49.050 Conditions placed on site and design review approvals.

**A.** A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

**1.** Protect the public from the potentially deleterious effects of the proposal; and/or

**2.** Fulfill the need for services created, increased or in part attributable to the proposal; and/or

**3.** Further the implementation of the requirements of the Canby Municipal Code.

**B.** The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

**1.** Development Schedule. A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.

**2.** Dedications, Reservation. Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.

**3.** Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.

**4.** Plan Modification. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this ordinance.

**5.** Off-Site Improvements. Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project. If determined appropriate by the city based on specific site conditions, off-site roadway improvements may be required to accommodate bicycle and pedestrian travel consistent with the TSP and applicable sections of this code.

**6.** Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.

**7.** Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained. (Ord. 890 section 44, 1993; Ord. 848, Part III, section 3, 1991; 1340, 2011)

8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter.

**16.49.055**
(Ord. 1019 section 4, 1999; del. by Ord. 1111, 2003)

**16.49.060 Time limit on approval.**
Site and Design Review Board approvals shall be void after twelve (12) months unless:

**A.** A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or

**B.** The Planning Department finds that there have been no changes in any ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091)

**16.49.065 Bicycle and pedestrian facilities.**
Developments coming under design review shall meet the following standards:

**A.** The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

**B.** On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

**C.** For new office parks and commercial development:

**1.** At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.

**2.** Walkways shall be provided to the street for every 300 feet of developed frontage.

**3.** Walkways shall be direct with minimal driveway crossings.

**4.** Walkways shall be linked to the internal circulation of the building.

**5.** Walkways shall be at least five feet wide and shall be raised, or have different paving materials when crossing driveways or other vehicle maneuvering areas. (Ord. 1043 section 3, 2000)

**D.** Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be

designed, constructed, and maintained in accordance with the Canby Public Works Design Standards. (Ord. 1339, 2010)

**E.** Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development. (Ord. 1340, 2011)

**16.49.070 Landscaping provisions, Authority and intent.**

The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environmental and aesthetic quality of the city:

**A.** By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;

**B.** By using trees and other landscaping materials to temper the effects of the sun, wind, noise and air pollution;

**C.** By using trees and other landscaping materials to define spaces and uses of the specific areas;

**D.** Through the use of trees and other landscaping materials as a unifying element within the urban environment; and

**16.49.080 General provisions for landscaping.**

**A.** The standards set forth in this section are minimum standards for landscaping.

**B.** The purpose of these landscaping standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats; reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

**C.** The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows. Parking lot landscaping area is included in calculating the following landscape areas:

**1.** Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).

**2.** Seven and one-half (7.5) percent for the Downtown-Commercial zone.

**3.** Thirty (30) percent for all residential zones.

**D.** LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property. LID facilities in the public right-of-way cannot be counted toward the minimum landscaping requirement. The integration of LID stormwater management facilities within required landscaping must be approved by the city and shall comply with the design and construction standards set forth in the Canby Public Works Design Standards.

**E.** Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees and vegetation.

**F.** During the construction process:

**1.** The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.

**2.** Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.

**3.** If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.

**4.** Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.

**5.** Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.

**6.** Tree root ends shall not remain exposed.

**G.** Landscaping under preserved trees shall be compatible with the retention and health of said trees.

**H.** When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.

**I.** Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

**J.** All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.

**K.** Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication.

**L.** The following guidelines are suggested to insure the longevity and continued vigor of plant materials:

**1.** Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.

**2.** Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

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

**1.** It will not interfere with designated pedestrian or vehicular access; and

**2.** It will not constitute a traffic hazard because of reduced visibility.

**3.** It will not hinder solar access considerations.

**N.** After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

**O.** All planting areas shall be graded to provide positive drainage.

**P.** Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways. (Ord. 890 section 49, 1993; Ord. 854 section 1,1991; Ord. 848, Part IV, section 2, 1990; Ord. 955 section 26, 1996; Ord 1237, 2007; Ord. 1338, 2010)

**16.49.090 Specifications for tree and plant materials.**

**A.** Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.

**B.** Coniferous Trees. Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Trees shall be well branched and characteristically shaped specimen.

**C.** Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

**D.** Ground covers. Ground covers shall be fully rooted and shall be well branched or leafed.

**E.** Lawns. Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free. (Ord. 890 section 46, 1993; Ord. 848, Part IV, section 3, 1990)

**16.49.100 Landscaping installation and maintenance.**

**A.** Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.

**B.** A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not

installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

**C.** All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval. (Ord. 890 section 47, 1993; Ord. 848, Part IV, section 4, 1990)

**16.49.110 Landscape area credit for preservation of existing trees and tree groves.**

**A.** Policy. It being the policy of the City of Canby to preserve healthy, mature trees wherever possible within its city limits, a system of landscape area credits is hereby established as an incentive for property owners and developers to preserve existing healthy, mature trees and to include them in the landscape plan for a proposed development.

**B.** Purpose. The primary goal of the landscape credit is to prevent haphazard removal and destruction of trees and tree groves, in order to preserve the ecological health, aesthetic character, and quality of life in Canby. Tree retention provides substantial benefits, including but not limited to erosion prevention, reduction in storm-water runoff, improved water and air quality, energy conservation, carbon sequestration, reductions in the development impacts on the stormwater drainage system, and better transition between adjacent land uses.

**C.** Landscape Credit.

**1.** Program for Landscape Credit. One hundred percent (100%) of the area preserved under any mature, healthy tree or grove of trees retained in the landscape (as approved by the Site and Design Review Board) may be counted directly toward the percentage of landscaping required for a development.

**2.** Limit to Landscape Area Credit.

**a.** Landscape credit for preserved trees or tree groves shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering, and screening.

**b.** Landscape credits for individual trees shall not comprise more than 40 percent of the total landscape requirement. For example, in districts requiring 15 percent landscaping, preserved tree area shall not count toward more than 9 percent of the requirement).

**c.** Landscape credits for preserved tree groves shall not comprise more than 60 percent of the total landscape requirement. A grove is defined as a stand of

three or more healthy, mature trees located close together to provide some overlap in canopy coverage.

**3.** Trees Near a Property Line:

**a.** When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75 percent of the total drip line area. Trees so close to the property line that their drip line area is less than 75 percent of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.

**b.** Where trees have been preserved near a property line, such that the drip line of the tree spreads onto adjacent property, credit can be obtained by the adjacent property owner for protection of the drip line area that extends onto that adjacent property.

**D.** Trees and tree groves to be preserved and counted toward the landscape credit shall be identified on the landscape plan. (Ord. 890 section 48, 1993; Ord. 848, Part IV, section 5, 1990; Ord. 1338, 2010)

**16.49.120 Parking lot landscaping standards.**

**A.** General Provisions. In addition to the objectives stated in section 2 of this ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

**B.** Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.

**C.** Landscaping Within a Parking Lot.

**1.** Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.

**2.** Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.

**3.** The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

**D.** Computing Minimum Area Required to be Landscaped Within a Parking Lot. Minimum area required to be landscaped within a parking lot shall be as follows:

**1.** Fifteen (15) percent for all residential, industrial, and commercial zones

**2.** Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.

**3.** Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby Overlay Zone for any off-street parking spaces provided.

**E.** All parking areas with more than 16 spaces shall include landscape islands to break up the parking area into rows of not more than 8 contiguous parking spaces.

. **1.** Landscape islands shall have a minimum area of 48 square feet and a minimum width of six (6) feet.

**2.** Landscape islands shall contain at least one tree that meets the standards in section (F) below.

**3.** Landscape islands may be counted toward the minimum parking lot landscaping requirements.

**F.** Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

**1.** Reach a mature height of approximately forty (40) feet. Trees must be approximately two-inch (2”) caliper at the time of planting.

**2.** Cast moderate to dense shade in summer.

**3.** Be long lived, i.e., live to be over approximately sixty (60) years.

**4.** Do well in an urban environment:

**a.** Be pollution tolerant; and

**b.** Be tolerant of direct and reflected heat.

**5.** Require little maintenance:

**a.** Be mechanically strong;

**b.** Be insect and disease resistant; and

**c.** Require little pruning.

**6.** Be resistant to drought conditions.

**7.** Be barren of fruit production.

**G.** Perimeter of Parking and Loading Areas:

**1.** Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.

**2.** In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.

**H.** Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150 feet of all plant materials to be maintained. (Ord. 890 section 49, 1993; Ord. 848, Part IV, section 6, 1990, Ord 1296, 2008; Ord. 1338, 2010)

**16.49.130 Revegetation in unlandscaped areas.**

The purpose of this section is to ensure erosion protection for those areas which are not included within the landscape percentage requirements so that eventually native plants will re-establish themselves, and so that trees will not be lost due to uncontrolled erosion.

**A.** Replanting. Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirement and that are not to be occupied by structures or other improvements, such areas shall be replanted with materials approved by the Site and Design Review Board.

**B.** Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two (2) growing seasons. (Ord.848, Part IV, section 7, 1990)

**16.49.140 Minor revisions to approved landscaped plans.**

Minor revisions (less than 10 percent of the landscaped area) to the approved landscaped plans shall be reviewed and approved by the City Planner. The City Planner shall report any minor revisions to the Site and Design Review Board at the next available Board meeting. (Ord. 890 section 50, 1993)

**16.49.150 Parking lots or paving projects.**

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paving areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements,

parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable). Applicants for such paving projects must submit an application to the Planning Department. Application procedures shall be as described in Chapter 16.89. (Ord. 1019 section 3, 1999; Ord. 1080, 2001)

# Chapter 16.50

# 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.**
**16.52.025 Nonconforming sign.**
**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 year setback or is less out of conformance. Approval of a nonconforming structure application under this Chapter is required. This Chapter may not be used to allow additions further out of conformance as to building height or setbacks than existing structures.

**D.** The Planning Commission may allow additions to structures that are nonconforming as to coverage requirements. Approval of a nonconforming structure application under this Chapter is required. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(B), 1984; Ord 1237, 2007)

**16.52.025 Nonconforming sign.**

**A.** A nonconforming sign lawfully existed prior to the adoption of applicable zoning requirements with which it does not comply. Except, however, signs shall not be considered to be nonconforming where the sign, by reason of its size, location, construction, or lack of maintenance creates a public hazard or nuisance. In the case of such public hazard or nuisance, the city may begin immediate abatement procedures, as provided in this chapter and other city ordinances.

**B.** Relocation, replacement, structural alteration or expansion of a nonconforming sign is subject to the same limitations, application procedures, and requirements set forth in this Chapter for other nonconforming structures. Except approval of a nonconforming structure application is not required for the following:

**1.** Normal repair and maintenance, where the cost to repair the sign does not exceed 60 percent of the replacement cost of the sign using new materials, as determined by the Building Official.

**2.** Change of sign copy.

**3.** Structural alteration when the alteration is necessary for structural safety, as determined by the Building Official.

**4.** A nonconforming sign may be reconstructed if it is required to be temporarily removed to accommodate construction or repair of public utilities or public works, and the sign reconstruction is completed within 90 days after the completion of the public utilities or public works construction activity. (Ord. 913 section 1[part], 1994; Ord. 830 section 13[part], 1989; Ord. 1299, 2008)

**16.52.030 Discontinuance of a nonconforming use.**

**A.** If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be as a conforming use.

**B.** If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use. (Ord. 805 section 3 [part], 1987; Ord. 740 section 10.3.80(C), 1984)

**16.52.035 Alteration or expansion of dwelling units in C-1 zone.**

The alteration or expansion of dwelling units in the C-1 zone shall be permitted, subject to the specific 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.**
**16.53.015 Minor Sign Variance.**
**16.53.020 Major Variances.**
**16.53.030 Revocation of 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)

## 16.53.015 Minor Sign Variance.

**A.** Authorization. The City Planner may authorize a Minor Variance from the requirements of this title for signage where variation from the strict application of the regulations of this title is warranted by reason of exceptional circumstances and specified conditions. In granting a Minor Sign Variance, the City Planner may attach conditions which he finds necessary to protect the welfare of the City and otherwise achieve the purposes of this title.

**B.** Procedure. The following Minor Sign Variance requests shall be reviewed using a Type II procedure as set forth for minor variances in Chapter 16.89. Application shall be made on forms provided by the Planning Department. Following review, a Minor Sign Variance request shall be approved, approved with conditions, or denied, based upon findings of conformance with the criteria set forth in subsection C.

**1.** Up to a 10 percent variance from a single numeric standard regulating the location, height, or size of a sign.

**2.** Variance from more than one numeric standard regulating the location, height, or size of a sign, where the sum of all the variance percentages does not exceed ten.

**C.** Standards and Criteria. A Minor Sign Variance may be granted if the applicant demonstrates all of the following criteria are met:

**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 no be materially detrimental to other property within the same vicinity.

**D.** Major Variance. A request for a variance in excess of the limitations set forth in 16.53.015.B shall be reviewed using a Type III procedure as set forth for major variances in this Chapter and in Chapter 16.89. (Ord. 1299, 2008; Ord. 1339 2010)

**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 variances.**

**A.** Automatic Revocation. All 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. 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 construction, that all required permits for said construction 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.** A minor variance or minor sign variance extension shall be approved by the City Planner. A major variance extension shall 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.

**5.** 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; Ord. 1299, 2008)

# Chapter 16.54

# AMENDMENTS TO ZONING MAP

**Sections:**

**16.54.010 Authorization to initiate amendments.**
**16.54.020 Application and fee.**
**16.54.030 Public hearing on amendment.**
**16.54.040 Standards and criteria.**
**16.54.060 Improvement conditions.**
**16.54.070 Record of amendments.**

**16.54.010 Authorization to initiate amendments.**
An amendment to the zoning map may be initiated by the City Council, by the Planning Commission, or by application of the property owner or his authorized agent. The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council, approval, disapproval or modification of the proposed amendment. (Ord. 740 section 10.3.45 (A), 1984)

**16.54.020 Application and fee.**
Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.3.85(B), 1984; Ord. 981 section 7, 1997; Ord. 1019 section 13, 1999; Ord. 1080, 2001)

**16.54.030 Public hearing on amendment.**
Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearing prescribed in Division VIII. (Ord. 740 section 10.3.85(C), 1984)

**16.54.040 Standards and criteria.**
In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

**A.** The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;

**B.** Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation. (Ord. 749 section 1(B), 1984; Ord.740 section 10.3.85(D), 1984)

**16.54.050** (Ord. 740 section 10.3.85(E), 1984

**16.54.060 Improvement conditions.**

**A.** In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:

**1.** Street and sidewalk construction or improvements;

**2.** Extension of water, sewer, or other forms of utility lines;

**3.** Installation of fire hydrants.

**B.** The city will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs or required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan. (Ord. 749 section 1(C), 1984: Ord. 740 section 10.3.85 (F). 1984)

**16.54.070 Record of amendments.**

The City Planner shall maintain a record of amendments to the zoning map in a form convenient for use of the public. (Ord. 749 section 10.85 (G), 1984)

# Division IV. - LAND DIVISION REGULATION

## Chapter 16.56

## GENERAL PROVISIONS

**Sections:**

**16.56.010 Purpose.**
**16.56.020 Scope of regulations.**
**16.56.030 Conformance.**
**16.56.040 Delegation of authority.**
**16.56.050 Application required.**
**16.56.060 Applicability of regulations.**

### 16.56.010 Purpose.

**A.** The purpose of this division is to define subdivision, partitions and related terms; to establish minimum requirements and standards necessary for efficient, safe, and attractive land division and development consistent with the physical characteristics of the city; to prescribe form, content, and procedures to be followed in the development and approval of land divisions and related maps and plats and to designate those authorized to give such approval; and to provide penalties and notice of violations. Authorization and minimum standards for this division are provided for by Oregon Revised Statutes Chapters 92 and 227.

**B.** Land division is the most important factor in establishing the physical character of a growing community. If improperly designed and executed, it wastes the intrinsic value of the land and can become a costly burden to the community. It is hoped that these regulations and procedures will encourage the well-planned division of land while preventing land division with high future costs to those who will occupy the land, their neighbors, and the city as a whole. It is further the purpose of this division:

**1.** To ensure that the public health, safety, convenience and general welfare be given due consideration in the division and development of land;

**2.** To help implement the Comprehensive Plan and elements thereof;

**3.** To provide a means to emphasize environmental protection and preservation of the historical and natural assets of the city by encouraging orderly development relating to location, number, design and distribution of lots and parcels;

**4.** To minimize, by proper design and development, the danger to life and property caused by hazards of fire, flood, soil erosion and land slippage;

**5.** To provide lots, parcels, and development sites of a sufficient shape, size, and character for the purpose for which they will be used;

**6.** To provide the establishment of adequate water supply, sewage disposal, surface water drainage and other utilities and facilities as needed for the public health, safety and convenience;

**7.** To ensure adequate provisions for transportation, including roads, bicycle ways and pedestrian ways which take into consideration anticipated usage, safety factors, and impact on the neighboring area;

**8.** To ensure that the costs of developing roads, utilities and public areas serving new developments will be substantially absorbed by the benefited persons as opposed to the citizens of the city at large.

**9.** To provide adequate light, air, open space and recreational areas, and to encourage better techniques and innovations in the arrangement of building sites and/or lots and parcels. (Ord. 740 section 10.4.10(A), 1984)

**16.56.020 Scope of regulations.**

Subdivision plats and minor and major partition maps shall be reviewed by the commission in accordance with these regulations. A person desiring to divide land in any manner which is governed by these regulations shall submit tentative plans and final documents for approval as provided in these rules and the state law. (Ord. 740 section 10.4.10(B), 1984)

**16.56.030 Conformance.**

**A.** Comprehensive Plan. A subdivision or partition shall conform to the Comprehensive Plan. A determination of such conformity shall be based upon consideration of all applicable portions of the Comprehensive Plan and shall not be based solely upon a review of the land use map.

**B.** Land Development and Planning Ordinance. A land division shall be subject to all applicable requirements of other sections of this title. Where an applicant seeks the approval of any division which requires a change in zoning, the applicant may be required to complete the rezoning process prior to submittal of an application for property division.

**C.** Health, Safety, and Sanitation. A subdivision or partition shall conform to all applicable state, county and city regulations regarding health, safety and sanitation. The county will not issue any permits for on-site sewage disposal systems for any lot or parcel created in violation of these regulations, nor for the remainder of the parent parcel from which lots or parcels have been illegally created, unless and until such violation has been rectified and all legal requirements met.

**D.** Building. Structures and buildings in any property division shall conform with applicable codes and regulations regarding building. The City Building Official shall not

allow the issuance of a building permit on any lot or parcel created, subdivided or partitioned in violation of these requirements. No building permit shall be issued for the remainder of the parent parcel, from which any lots or parcels have been created in violation of this title, unless and until such violation has been rectified and all legal requirements met.

**E.** Streets and Roads. A property division shall conform to all applicable city ordinances or policies pertaining to streets, roads, or access. (Ord. 740 section 10.4.10(C), 1984)

**16.56.040 Delegation of authority.**

The commission is delegated all lawful powers and functions given the City Council under Oregon Revised Statues Chapter 92 with respect to consideration, requirements and approvals of all tentative maps and plats for subdivisions and partitions other than the authority to accept land for dedication to the public. (Ord. 740 section 10.4.10(D), 1984)

**16.56.050 Application required.**

The following land use actions shall require the filing of an appropriate application and completion of the proper procedures established therefore in this division:

**A.** Minor partitions;

**B.** Major partitions;

**C.** Subdivisions (including planned unit developments which are also governed by the requirements of Division V);

**D.** Lot line adjustments. (Ord. 740 section 10.4.10 (B), 1984)

**16.56.060 Applicability of regulations.**

The regulations of this division apply to all portions of the city as it now exists or may hereafter be altered. (Ord. 740 section 10.4.10(F), 1984)

# Chapter 16.58

# LOT LINE ADJUSTMENT

**Sections:**

**16.58.010 Designated.**
**16.58.020 Application.**
**16.58.030 Review by Planner and Engineer.**
**16.58.040 Approval procedure – City Planner responsibility.**
**16.58.050 Approval procedure – Commission responsibility.**
**16.58.060 City liability - compliance.**

## 16.58.010 Designated.

The relocations of one or more property lines between lots or parcels where no additional lots or parcels will result constitutes a lot line adjustment rather than a partition or subdivision. The procedure to be followed in such cases is as set out in this chapter. (Ord. 740 section 10.4.20 [part], 1984)

## 16.58.020 Application.

Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.4.20(A), 1984; Ord. 981 section 8, 1997; Ord. 1080, 2001)

## 16.58.030 Review by Planner and Engineer.

The City Planner and City Engineer shall review the proposed lot line adjustment and shall determine whether the following criteria have been met:

**A.** Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.

**B.** No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.

**C.** If the City Planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.

**D.** Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result. (Ord. 740 section 10.4.20(B), 1984)

**16.58.040 Approval procedure – City Planner responsibility.**
The City Planner is authorized to approve lot line adjustments in compliance with the requirements of section 16.58.030. In any case where the City Planner determines that the requirements of section 16.58.030 cannot or may not be met, the application shall be scheduled for the consideration of the commission, with a recommendation from staff. In any case where the City Planner determines that a lot line adjustment will significantly alter the design and appropriate development of a subdivision or partition which has previously been approved by the city or other nearby property, the City Planner shall schedule the application for consideration by the commission. (Ord. 740 section 10.4.20(C), 1984)

**16.58.050 Approval procedure – Commission responsibility.**
The commission shall review the information submitted and shall make a decision approving, modifying or denying the proposal so as to assure compliance with the requirements of the Land Development and Planning Ordinance. The applicant shall be notified in writing of the decision of the commission and the reasons therefore. One copy of the proposed plan shall be returned to the applicant labeled "approved," "denied," or "modified." An additional copy shall be kept on file for future reference. (Ord. 740 section 10.4.20(D), 1984)

**16.58.060 City liability - compliance.**
In acting on an application for lot line adjustment, the city assumes no liability for the applicant's actions. Applicants for lot line adjustments shall bear full responsibility for compliance with all applicable state and local regulations and for the following:

**A.** Any public or private easements to be altered as a result of the lot line adjustment shall require the prior approval of the agency or individual having right to such easements.

**B.** The county assessor shall be notified that the lot line adjustment is not to result in the creation of an additional tax lot. If a separate tax lot is created as a result, the city shall indicate that it is not considered to be a separately saleable or developable building site and may record a statement to that effect with the county recorder.

**C.** Approval of all lienholders having an interest in properties affected by a lot line adjustment shall be obtained.

**D.** Approval of the Lot Line adjustment shall be null and void if the new deed descriptions for the properties involved is not recorded with Clackamas County within one (1) year of the final approval.

**E.** The Planning Director may approve a single one-year extension to the original one-year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application. (Ord. 740 section 10.4.20(E), 1984; Ord. 955 section 27, 1996; Ord. 1080, 2001)

# Chapter 16.60

# MAJOR OR MINOR PARTITIONS

**Sections:**

**16.60.010 Filing procedures.**
**16.60.020 Standards and criteria.**
**16.60.030 Minor partitions.**
**16.60.040 Major partitions.**
**16.60.050 Planning Commission action.**
**16.60.060 Final procedures and recordation.**

## 16.60.010 Filing procedures.

Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.4.30(A), 1984; Ord. 981 section 9, 1997; Ord. 1019 section 17, 1999; Ord. 1080, 2001)

## 16.60.020 Standards and criteria.

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. If the improvements are not constructed or installed prior to the filing of the signed partition plat with the county, they shall be guaranteed in a manner approved by the City Attorney. However, if the commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the commission shall except those improvements. In lieu of excepting an improvement, the commission may recommend to the council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city. (Ord. 890 section 51, 1993; Ord. 740 section 10.4.30(B) [part], 1984)

## 16.60.040 Minor partitions.

Application for a minor partition shall be evaluated based upon the following standards and criteria:

**A.** Conformance with the text and applicable maps of the Comprehensive Plan;

**B.** Conformance with all other applicable requirements of the Land Development and Planning Ordinance;

**C.** The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;

**D.** No minor partitioning shall be allowed where the sole means of access is by

private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;

**E.** It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division. (Ord. 740 section 10.4.30 (B)(1), 1984)

**16.60.040 Major partitions.**

Application for a major partition shall be evaluated based upon the following standards and criteria:

**A.** Conformance with the text and applicable maps of the Comprehensive Plan.

**B.** Conformance with other applicable requirements of the Land Development and Planning Ordinance.

**C.** The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.

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

**E.** In no case shall the use of a private road be approved for partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.

**F.** The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions except, however, the commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

**1.** The establishment of the public street is initiated by the council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

**2.** The tract in which the street is to be dedicated is a major partition within an isolated ownership of not over one acre or is of such size and characteristic as to make it impossible to develop building sites for more than three dwelling units. (Ord. 890 section 52, 1993; Ord. 740 section 10.4.30(B)(2), 1984)

**16.60.050 Planning Commission action.**

**A.** Tentative maps shall be submitted to the commission for review and determination that the proposal will be compatible with the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance. The commission may require such dedication of land easements and may specify such conditions or modifications to the tentative map as are deemed necessary to carry out the Comprehensive Plan. In no event, however, shall the commission require greater dedications or conditions than would be required if the parcel were subdivided. For residentially zoned land, the Planning Commission shall require, for newly created lots adjacent to existing residential development, that homes built on such lots be designated on the plat or included in the deed restrictions as "Infill Homes" as defined by 16.04.255 and therefore subject to any or all of the requirements of 16.21.050 Infill Homes. The Planning Commission may modify the minimum lot coverage and/or maximum height standard if the applicant can demonstrate that 50% or more of adjacent lots exceed these standards.

**B.** Upon action by the commission the applicant shall be notified in writing of the decision reached and the steps which must be taken before the parcels can be transferred or utilized for separate development.

**C.** One copy of the tentative map, clearly marked approved, denied or modified shall be retained in an appropriate file and one copy of same returned to the applicant. (Ord. 740 section 10.4.30(C), 1984; Ord. 1107, 2002)

**16.60.060 Final procedures and recordation.**

**A.** Following the action of the city in approving or conditionally approving a tentative map for a partition, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city engineer prior to the transfer of title of any of the parcels involved.

**B.** Recordation of an accurate survey map, prepared by a registered engineer or licensed surveyor, must be completed within one year of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.

**C.** The applicant shall bear full responsibility for compliance with applicable state and city regulations regarding the recordation of documents and subsequent transfer of ownership.

**D.** The Planning Director may approve a single one-year extension to the original one-year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application. (Ord. 740 section 10.4.30(D), 1984; Ord. 1080, 2001)

# 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 other applicable requirements of the Land Development and Planning Ordinance;

**B.** 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;

**C.** Subdivision design and layout shall incorporate Low Impact Development techniques where possible to achieve the following:

**1.** Manage stormwater through a land development strategy that emphasizes conservation and use of onsite natural features integrated with engineered stormwater controls to more closely mimic predevelopment hydrologic conditions.

**2.** Encourage creative and coordinated site planning, the conservation of natural conditions and features, the use of appropriate new technologies and techniques, and the efficient layout of open space, streets, utility networks and other publi8c improvements.

**3.** Minimize impervious surfaces.

**4.** Encourage the creation or preservation of native vegetation and permanent open space.

**5.** Clustering of residential dwellings where appropriate to achieve (1-4) above. The arrangement of clustered dwellings shall be designed to avoid linear development patterns.

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

**E.** The layout of subdivision streets, sidewalks, and pedestrian ways supports the objectives of the Safe Routes to Schools Program by providing safe and efficient walking and bicycling routes within the subdivision and between the subdivision and all schools within a one-mile radius. During review of a subdivision application, city staff will coordinate with the appropriate school district representative to ensure safe routes to schools are incorporated into the subdivision design to the greatest extent possible. (Ord. 890 section 53, 1993; Ord. 740 section 10.4.40(B), 1984; Ord. 1338, 2010)

**F.** A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

# Chapter 16.64

# SUBDIVISIONS – DESIGN STANDARDS

**Sections:**

**16.64.010 Streets.**
**16.64.015 Access.**
**16.64.020 Blocks.**
**16.64.030 Easements.**
**16.64.040 Lots.**
**16.64.050 Public open spaces.**
**16.64.060 Grading of building sites.**
**16.64.070 Improvements.**
**16.64.080 Low Impact Development Incentives**

## 16.64.010 Streets.

**A.** Generally. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation pattern with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Where location is not shown in a development plan, the arrangement of streets shall either:

**1.** Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

**2.** Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographical or other conditions make continuance of conformance to existing street patterns impractical;

**3.** Minimum right-of-way and roadway width shall follow the requirements of the Canby Public Works Design Standards;

**4.** Consider opportunities to incrementally extend and connect local streets to provide for safe and convenient bike and pedestrian circulation.

**B.** Permeable Surfaces. Permeable surfacing alternatives and on-site stormwater management facilities, are encouraged for street improvements. Permeable surfacing and LID stormwater management facilities shall be constructed in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Permeable surfacing includes, but is no limited to: paving blocks, turf block, pervious concrete, porous asphalt, and other similar approved materials. Alternative surfacing

methods may be approved for public and private roads, road shoulders, pedestrian ways, driveways, and easement service roads unless site constraints make use of such materials detrimental to water quality. Use of permeable surfacing methods shall meet the imposed load requirements for fire apparatus, and shall be subject to review and approval by the Canby Public Works Department.

**C.** Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land composing such strips is placed within the jurisdiction of the city, under conditions approved by the commission.

**D.** Alignment. All streets other than minor streets or cul-de-sacs, shall, as far as possible, be in alignment with the existing streets by continuations of the center lines thereof. Jogs creating "T" intersections shall have centerline offsets of not less than one hundred fifty feet, unless it is found that community benefits of such an alignment outweigh its disadvantages.

**E.** Future Extension of Streets. Where a subdivision adjoins unplatted acreage, streets which in the opinion of the commission should be continued in the event of the subdivision of the acreage, will be required to be provided through to the boundary lines of the tract. Reserve strips, street plugs and temporary turnaround areas may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the city prior to final plat approval. The Planning Commission may require that the costs of title insurance and recordation fees, if any, for such areas be borne by the subdivider. If, in the opinion of the city engineer, a traffic pedestrian, or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a barricade of adequate design be installed at the developer's expense as one of the required improvement items for the subdivision.

**F.** Intersection Angles. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles of less than thirty degrees will be approved unless necessitated by topographic conditions. When intersections of other than ninety degrees are unavoidable, the right-of-way lines along the acute angle shall have a minimum corner radius of twelve feet. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twelve feet.

**G.** Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, dedication of additional right-of-way shall be provided at the time of subdivision.

**H.** Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other

half of the street shall be platted within such tract. Reserve strips, street plugs, special signs and barricades may be required to preserve the objectives of half streets.

**I.** Cul-de-sacs. A cul-de-sac shall only be allowed when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

**1.** The cul-de-sac shall not exceed a length of 400 feet. Length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;

**2.** The cul-de-sac shall be designed in accordance with the Canby Public Works Design Standards.

**3.** The cul-de-sac may have a vegetated center island that will serve to treat stormwater runoff generated by the cul-de-sac. Specifications for cul-de-sac design are located in the Public Works Design Standards.

**4.** The cul-de-sac shall provide a pedestrian connection between it and adjacent streets, access ways, parks, or other right-of-way. Such pedestrian ways shall conform to Section 16.64.030(C).

**J.** Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, through lots with suitable depth, screen planting contained in a nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

**K.** Alleys.

**1.** Alleys shall be provided to commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the commission.

**2.** Alleys shall be provided within residential subdivisions when streets are designed to meet the narrow “green” street standards in the Canby Public Works Design Standards. Visitor parking areas may be required by the city to mitigate the lack of on-street parking.

**3.** When alleys are provided as part of a new residential subdivision, streets shall be designed in accordance with the narrow “green” street standards in the Canby Public Works Design Standards. Visitor parking areas may be required by the city to mitigate the lack of on-street parking.

**4.** Alley intersection corners shall have a minimum radius of ten feet.

**L.** Street Names. No street name shall be used which will duplicate or be confused with the name of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the commission.

**M.** Planting Easements. The Planning Commission may require additional easements for planting street trees or shrubs.

**N.** Grades and Curbs. Grades shall not exceed seven percent on arterials, ten percent on collector streets, or fifteen percent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of .5 percent. Centerline radii of curves shall not be less than three hundred feet on major arterials, two hundred feet on secondary arterials, or one hundred feet on other streets, unless specifically approved by the City, and shall be to an even ten feet.

**O.** Streets Adjacent to Highway 99-E or Railroad Right-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or Highway 99-E, provisions may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad or Highway 99-E. The distances shall be determined with due consideration of cross streets at a minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way. (Ord. 740 section 10.4.40(C)(1), 1984; Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1338, 2010)

**16.64.015 Access**

**A.** Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards (See appendix G of the Transportation System Plan).

**B.** All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.

**C.** Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

**D.** The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.

**E.** Streets shall have sidewalks on both sides. Pedestrian linkages should also be provided to the peripheral street system.

**F.** Access shall be consistent with the access management standards adopted in the Transportation System Plan. (Ord. 1043 section 3, 2000)

**16.64.020 Blocks.**

**A.** Generally. The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for access, circulation, control and safety of street traffic and limitations and opportunities of topography.

**B.** Sizes. Block length shall be limited to 300 feet in the C-1 zone, 400 feet in residential zones, 600 feet in all other zones, except for 1,000 feet on arterials. Exceptions to this prescribed block standard shall be permitted where topography, barriers such as railroads or arterial roads, or environmental constraints prevent street extension. The block depth shall be sufficient to provide two lot depths appropriate to the sizes required by Division III. (Ord. 740 section 10.4.40(C)(2), 1984; Ord. 1043 section 3, 2000; Ord. 1076, 2001; Ord. 1338, 2010)

**16.64.030 Easements.**

**A.** Utility Lines. Easements for electric lines or other public utilities are required, subject to the recommendations of the utility providing agency. Utility easements twelve feet in width shall be required along all street lot lines unless specifically waived. The commission may also require utility easements along side or rear lot lines when required for utility provision. The construction of buildings or other improvements on such easements shall not be permitted unless specifically allowed by the affected utility providing agency.

**B.** Watercourses. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of assuring adequate flood control. Streets parallel to watercourses may be required.

**C.** Pedestrian Ways. In any block over six hundred feet in length, a pedestrian way or combination pedestrian way and utility easement shall be provided through the middle of the block. If unusual conditions require blocks longer than one thousand two hundred feet, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through green way systems. Sidewalks to city standards may be required in easements where insufficient right-of-way exists for the full street surface and the sidewalk. All pedestrian ways shall address the following standards to provide for the safety of users:

**1.** Length should be kept to a minimum and normally not in excess of two hundred feet;

**2.** Width should be maximized and shall not be below ten feet. For pathways over one hundred feet long, pathway width shall increase above the minimum by one foot for every twenty feet of length;

**3.** A minimum of three foot-candles illumination shall be provided. Lighting shall minimize glare on adjacent uses consistent with the outdoor lighting provisions in section 16.43 of this code;

**4.** Landscaping, grade differences, and other obstructions should not hinder visibility into the pedestrian way from adjacent streets and properties. Fencing along public pedestrian ways shall conform with the standards in Section 16.08.110;

**5.** Surrounding land uses should be designed to provide surveillance opportunities from those uses into the pedestrian way, such as with the placement of windows;

**6.** Exits shall be designed to maximize safety of users and traffic on adjacent streets; and

**7.** Use of permeable surfacing materials for pedestrian ways and sidewalks is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

**D.** Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development.

**E.** Solar Easements. Subdividers shall be encouraged to establish solar easements and utilize appropriate solar design in their development proposals. Solar easements shall be shown on the final plat and in the deed restrictions of the subdivision. The Planning Commission may require the recordation of special easements or other documents intended to protect solar access. (Ord. 740 section 10.4.40(C)(3), 1984; Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1338, 2010; Ord. 1340, 2011)

**16.64.040 Lots.**

**A.** Size and Shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

**B.** Minimum Lot Sizes:

**1.** Lot sizes shall conform with requirements of Division III unless the applicant chooses to use an alternative lot layout per subsection (3) below to accommodate interconnected and continuous open space and or other natural resources. In this case, the average minimum lot size may be reduced by 5,000 square feet after subtracting access tracts. Overall development densities shall comply with the underlying maximum density allowed by the zone.

**2.** In areas that cannot be connected to sewer trunk lines, minimum lot sizes shall be greater than the minimum herein specified if necessary because of adverse soil structure for sewage disposal by septic systems. Such lot sizes shall conform to the requirements of Clackamas County for sewage disposal unless provisions are made for sanitary sewers.

**3.** Alternative lot layout. Applicants may deviate from standard lot setbacks and dimensions to accommodate dedicated interconnected open space or other natural areas. Clustered housing, lot-size averaging, and a mixture of approaches where building lots can be grouped into a smaller portion of the total development, reserving the remainder for open space or other natural areas. Alternative development layouts shall not exceed the underlying maximum density allowed by the zone.

**4.** When using the alternative lot layout option, the following must be met:

**a.** The arrangement of the alternative lot layout shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.

**b.** To the maximum extent possible, open space and natural areas, where used, shall be continuous, interconnected, and concentrated in large usable areas.

**c.** Where possible, open space shall be connected to adjacent off-site open space areas.

**d.** Open space and natural areas shall be maintained permanently by the property owner or the property owner's association.

**C.** Lot Frontage. All lots shall meet the requirements specified in Division III for frontage on a public street, except that the Planning Commission may allow the creation of flag lots, cul-de-sac lots and other such unique designs upon findings that access and building areas are adequate. Lots that front on more than one major street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

**D.** Double Frontage. Double frontage or through lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

**E.** Lot Side Lines. The side lines of lots shall run at right angles to the street upon which the lots face, or on curved streets they shall be radial to the curve, unless there is some recognizable advantage to a different design.

**F.** Resubdivision. In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street rights-of-way shall be made a matter of record if the commission considers it necessary.

**G.** Building Lines. If special building setback lines are to be established in the subdivision plat, they shall be shown on the subdivision plat or included in the deed restrictions. This includes lots where common wall construction is to be permitted between two single-family dwellings.

**H.** Potentially Hazardous Lots or Parcels. The commission shall utilize its prerogative to modify or deny a tentative plat or partition map where it is found that a proposed lot or parcel is potentially hazardous due to flooding or soil instability.

**I.** Flag Lots or Panhandle-shaped Lots. The commission may allow the creation of flag lots provided that the following standards are met:

**1.** Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site. Every flag lot shall have access to a public street.

**2.** The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.

**3.** For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.

**4.** Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flag lots.

**5.** Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

**6.** The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.

**7.** For the purposes of defining setbacks, flag lots shall have three side yards and one rear yard. 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; Ord. 1338, 2010)

**16.64.050 Parks and recreation.**

Subdivisions shall meet the requirements for park, open space and recreation as specified in Division VI.

**16.64.060 Grading of building sites.**

The commission may impose bonding requirements, similar to those described in section 16.64.070, for the purpose of ensuring that grading work will create no public hazard nor endanger public facilities where either steep slopes or unstable soil conditions are known to exist. (Ord. 740 section 10.4.40(C)(6), 1984)

**16.64.070 Improvements.**

**A.** Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations, or at his own option, shall conform to the requirements of these regulations and improvement standards and specifications followed by the city, and shall be installed in accordance with the following procedure:

**1.** Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed

the necessary certificates and paid the subdivision development fees specified elsewhere in this division.

**2.** Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.

**3.** Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.

**4.** Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.

**5.** A map showing public improvements "as built" shall be filed with the city engineer within sixty days of the completion of the improvements.

**B.** The following improvements shall be installed at the expense of the subdivider unless specifically exempted by the Planning Commission:

**1.** Streets, including drainage and street trees;

**2.** Complete sanitary sewer system;

**3.** Water distribution lines and fire hydrants;

**4.** Sidewalks and any special pedestrian ways;

**5.** Street name and traffic-control signs;

**6.** Streetlights;

**7.** Lot, street and perimeter monumentation;

**8.** Underground power lines and related facilities;

**9.** Underground telephone lines, CATV lines, natural gas lines, and related facilities;

**10.** Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider's responsibility to provide standard public improvements to and through that open space.

**11.** If fencing is being proposed as part of subdivision development, the subdivider shall be responsible for installing fencing along public streets and pedestrian ways. Fencing shall be constructed in accordance with the standards in Section 16.08.10

**C.** Streets.

**1.** All streets, including alleys, within the subdivision and streets adjoining, but only partially within the subdivision shall be improved.

**2.** All public and private streets shall be constructed to city standards for permanent street and alley construction. LID alternatives, such as permeable surfacing and integrated stormwater management facilities, are required where site and soil conditions make it a feasible alternative. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.

**3.** Street Trees. Street trees shall be provided consistent with the provisions of Chapter 12.32.

**4.** Prior to city approval of the final subdivision plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.

**5.** If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.

**6.** The proposed use shall not impose an undue burden on the transportation system. The City may require the applicant to provide adequate information, such as a traffic impact study, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project.

**7.** The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.

**8.** Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

**9.** Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

**D.** Surface Drainage and Storm Sewer System.

**1.** Drainage facilities shall be provided within the subdivision and to connect the subdivision to drainage ways or storm sewers outside the subdivision, if necessary, as determined by the City.

**2.** Stormwater Management through Low Impact Development (LID). Low impact development is a stormwater management approach aimed at emulating predevelopment hydrologic conditions using a combination of site design and stormwater integrated management practices. This approach focuses on minimizing impervious surfaces, promoting rainfall evaporation and uptake by plants, and maximizing stormwater infiltration. Specific LID strategies and integrated management practices include:

**a.** Protection and restoration of native vegetation and soils,

**b.** Minimizing impervious surface area through use of pervious materials (e.g. pavers and pervious concrete).

**c.** Vegetated roofs,

**d.** Rainfall reuse,

**e.** Stormwater dispersion and bioretention (recharge).

**3.** All new subdivisions in Canby are required to treat stormwater on site. Stormwater management using LID practices is required where feasible, pursuant to requirements of this chapter and other applicable sections of this code. LID facilities shall be constructed in accordance with Canby Public Works Design Standards.

**4.** A conceptual stormwater management report must be submitted with the subdivision application. The report must demonstrate how and where stormwater will be managed on site at the subdivision. Where LID practices are not used, the applicant must demonstrate why LID is not feasible. The report will be reviewed by the Canby Public Works Department and shall be consistent with the Public Works Design Standards. Generally, the stormwater management plan must include the following:

**a.** A description of existing conditions including a map;

**b.** A description of the proposed stormwater system including a map;

**c.** An estimate of existing storm water run off;

**d.** An estimate of proposed storm water run off;

**e.** The detention/retention requirements; and

**f.** The discharge location, treatment method and sizing, and if discharging to the ground, the expected infiltration rates based upon soils mapping data.

**5.** Responsibility for maintenance of LID facilities shall be as follows:

**a.** The Canby Public Works Department shall be responsible for maintaining all LID facilities located within the public right-of-way, and for providing for the safety of the public as related to LID facilities,

**b.** Private property owners shall be responsible for maintaining all LID facilities on their property. The city reserves the right to inspect such facilities at any time. Upon written notice by the city to the owner that the facility has been compromised to the point where the design capacity is no longer available or the facility is not functioning as designed and approved, the owner shall correct the problem. If the owner fails to respond to the written notice within 15 days, the city may undertake the work and bill all time and material to the owner.

**c.** For LID facilities that are not located in the public right-of-way and serve multiple private residential properties, a public easement for the LID facility shall be established and the Canby Public Works Department shall be responsible for maintenance of the facility. All property owners served by the facility shall pay a stormwater maintenance fee to the city to cover the cost of maintenance of the facility.

**E.** Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city sewer system, the commission may authorize the use of septic tanks if lot areas are adequate, considering the physical characteristics of the area. The commission may require the subdivider to install and seal sewer lines to allow for future connection to the city system.

**F.** Water System. Water lines and fire hydrants serving the subdivision and connecting the subdivision to city mains shall be installed to the satisfaction of the supervisor of the water department and the Fire Marshal.

**G.** Sidewalks. Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed. Where LID practices are implemented in subdivision street design, alternative sidewalk design may be permitted with the approval from the city. Alternative sidewalk design resulting from LID best management practices may include, but not limited to: flat curbs, LID

bioretention areas incorporated in conjunction with required landscaping, and alternative sidewalk widths. LID best management practices shall be designed in accordance with the Canby Public Works Design Standards.

**H.** Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the commission may require the installation of bicycle lanes within streets or the construction of separate bicycle paths.

**I.** Street Name Signs. Street name signs shall be installed at all intersections according to city standards or deposit made with the city of an amount equal to the cost of installation.

**J.** Street Lighting System. Streetlights shall be required to the satisfaction of the manager of the Canby Utility Board.

**K.** Other Improvements.

**1.** Curb cuts and driveway installation are not required of the subdivider but, if installed, shall be according to city standards.

**2.** Street tree planting is required of the subdivider and shall be according to city requirements. (Ord. 899 section 4, 1993)

**3.** The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground, unless overhead installation has been specifically approved by the commission because of unique circumstances at the site.

**4.** Developments along existing rail lines may be required to provide barrier fences or walls if necessary ensure safety for development occupants. City may also require noise mitigation such as sound walls, or triple-pane windows in order to reduce the health impacts of train noises. Noise mitigation requirements shall be based on measured db levels when trains are in the vicinity and specific building construction features.

**L.** Improvements in Areas of Flood or Slope Hazard.

**1.** Any public utility or facility associated with a subdivision or partition within an area subject to flooding shall be designed, located, and constructed so as to minimize or mitigate flood damage and shall not result in raising the water elevation in a designated floodway beyond the limits prescribed by the Federal Flood Insurance Program.

**2.** A new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.

**3.** A new or replacement sanitary sewage system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.

**4.** An on-site septic tank system or other individual waste disposal shall be located to avoid impairment or contamination during flooding.

**5.** Any public utility or facility, including streets, associated with a subdivision or partition within an area which is subject to flooding or slope instability shall be designed, located and constructed so as to amply protect such public utility or facility from damage due to such natural hazards. Adverse impacts upon fish, wildlife, and open space resources shall also be considered in the design and construction of such facilities. The commission and council shall consider the potential repair or maintenance costs to be borne by the public when reviewing the proposed design, location, and construction of such public utilities or facilities.

**M.** Survey Accuracy and Requirements. In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to required lot, street and perimeter monumentation, the following shall be required:

**1.** An accuracy ratio of subdivision plat boundary line closure of one in ten thousand (.0001) feet as found in the field.

**2.** Two primary perimeter monuments (one of which can be the initial point) having the same physical characteristics as the initial point. The monuments are to be on a common line visible, if possible, one to the other at time of approval and preferably at angle points in the perimeter. They shall be points as far apart as practicable. A survey monument witness sign of a design acceptable to the city engineer shall be placed within eighteen inches of both monuments. The position for the initial point and other primary perimeter monuments shall be selected with due consideration to possible damage during construction and desirability of witness sign location.

**3.** Street centerline monumentation shall consist of a two-inch diameter brass cap set in a concrete base within and separate from a standard monument box with cover (standard city details applicable) at locations specified by the city engineer (generally at intersections with centerline of arterial or collector streets and within streets proposed to be greatly extended into adjacent future subdivisions). All other street centerline points (intersections, points of tangent intersections, cul-de-sac center lines, cul-de-sac off-set points) shall be monumented with a five-eighths-inch diameter steel rod thirty inches long with an approved metal cap driven over the rod and set visible just below the finish surface of the street. If any points of tangent intersection fall outside of a paved section street, the above monumentation will be required at point of curvature and point of tangency of the curve. All centerline monuments are to be accurately placed after street construction is complete.

**N.** Agreement for Improvements. Before commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or execute and file with the city engineer, an agreement specifying the period within which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and reasonable attorney fees necessary to collect the amounts from the land divider. The agreement shall also provide for reimbursement to the city for the cost of inspection by the city which shall not exceed ten percent of the improvements to be installed.

**O.** 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; Ord. 1338, 2010; Ord. 1340, 2011)

**16.64.80 Low Impact Development Incentives**

The purpose of this section is to encourage the use of certain low impact development (LID) practices in subdivision development beyond the minimum requirements of this code. The provisions in this section are voluntary and are not required of new subdivisions. These provisions are applicable only when an applicant elects to utilize the incentives provided in this section. Only one incentive is permitted at a time. For example, an applicant cannot utilize a height bonus and density bonus in the same subdivision application.

**A.** Building height bonus. A building height bonus will be allowed for subdivision proposals that include one of the following:

**1.** Additional park land beyond what is required in Chapter 16.120.

**2.** The use of pervious surfacing materials such as pavers or pervious concrete.

**3.** Provision of a rain garden that provides on-site stormwater management for all or part of the subdivision.

**4.** Mitigation of tree removal by replanting.

**B.** Standards for building height bonus (see Figure 16.64.1 for illustration). Proposals that utilize the building height bonus shall comply with the following:

**1.** A proposal that includes one of the LID practices listed in A(1-4) above may request an increase in building height up to 12 feet within the building footprint.

**2.** The square footage of the building footprint allowed to receive the height increase shall be calculated using the following ratios:

**a.** For park land, the ratio is 1:1 square feet of additional park land to square feet of building footprint. For example, if 1,000 square feet of additional park land are provided, the height increase may be applied to 1,000 square feet of the building footprint.

**b.** For pervious surfacing, the ratio is 1:0.5. For example, if 1,000 square feet of pervious surfacing are provided, the height increase may be applied to 500 square feet of the building footprint.

**c.** For rain gardens, the ratio is 1:0.75.

**d.** For mitigation of tree removal, the ratio is 10 caliper-inches to 1,000 square feet of building footprint. For example, if five 4-inch caliper mitigation trees are planted, the height increase may be applied to 2,000 square feet of building footprint. Caliper inches are measured by diameter at breast height (DBH). Tree mitigation must comply with Subsection (C) below.

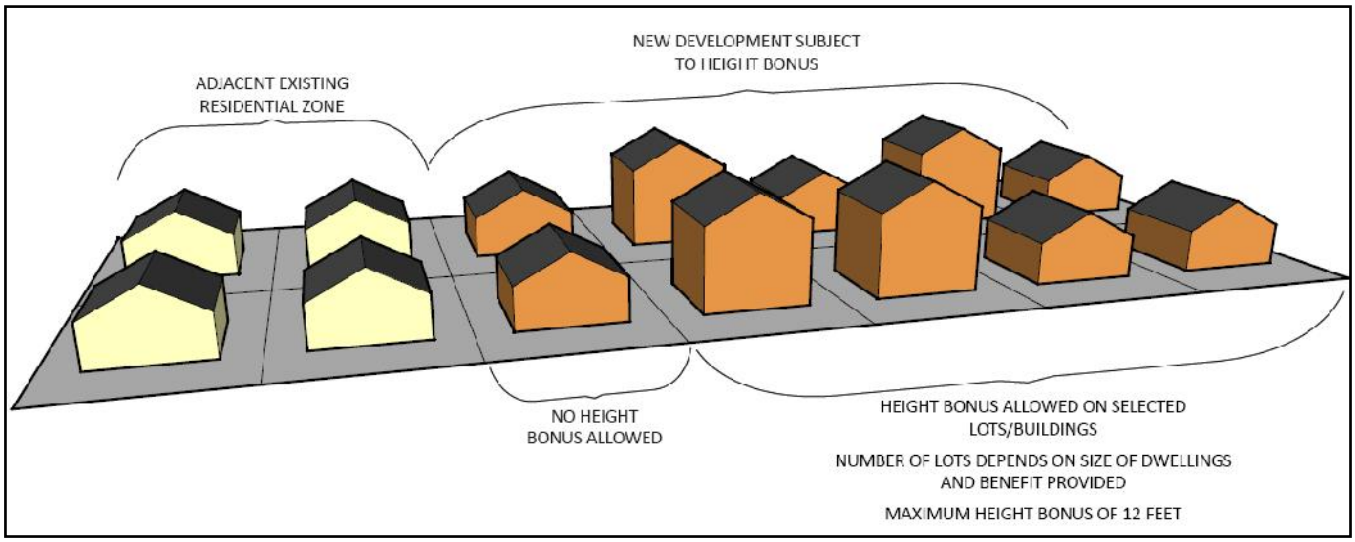
**3.** The building height increase shall not result in buildings that exceed 12 feet of height above the maximum building height standard of the underlying zone.

**4.** The building(s) receiving the height increase shall be located within the same subdivision where the LID benefit is being provided.

**5.** The height bonus may not be used on buildings that are directly adjacent to an existing lot in a residential zone (R-1, R-1.5 or R-2).

**6.** Additional park land provided to utilize the height bonus shall be consistent with all applicable standards and regulations of Chapter 16.120.

**Figure 16.64.1: Height Bonus Diagram**




**C.** Standards for mitigation of tree removal. Proposals that mitigate tree removal in order to utilize the height bonus shall comply with the following:

**1.** Only mitigation for removal of existing, healthy trees over six-inch caliper DBH shall be counted toward the height or density bonus.

**2.** Trees planted as mitigation for tree removal shall be at least two-inch caliper DBH and must be approved by the city arborist.

**3.** The subdivision application must show the location, size and species of exiting trees that will be removed and the location, size and species of trees to be planted as mitigation.

**4.** Trees planted to comply with the street tree requirements in Chapter 12.32 may not be counted toward the height or density bonus.

**D.** Density bonus. A density bonus will be allowed for subdivision proposals that provide additional park land beyond what is required in Chapter 16.120. Proposals that utilize the density bonus shall comply with the following:

**1.** To qualify for the density bonus, a proposal must provide at least 110% of the park land required in Chapter 16.120. For example, if Chapter 16.120 requires 1,000 square feet of park land, the proposal must provide at least 1,100 square feet of park land to qualify.

**2.** The percent density bonus allowed will be as follows:

**a.** For provision of park land between 110 – 120% of the minimum requirement, a 5% density bonus will be allowed.

**b.** For provision of park land between 121 – 130% of the minimum requirement, a 10% density bonus will be allowed.

**c.** For provision of park land between 131 – 140% of the minimum requirement, a 15% density bonus will be allowed.

**d.** For provision of park land over 140% of the minimum requirement, a 20% density bonus will be allowed.

**3.** No subdivision will be allowed to exceed 120% of the density standard for the underlying zone.

**4.** Additional park land provided to utilize the density bonus shall be consistent with all applicable standards and regulations of Chapter 16.120. (Ord. 1338, 2010)

# Chapter 16.66

# 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 V. – PLANNED UNIT DEVELOPMENT AND CONDOMINIUM REGULATIONS

## Chapter 16.70

## GENERAL PROVISIONS

(Ord. 890 section 55, 1993)

**Sections:**

**16.70.010 General provisions.**
**16.70.020 Purpose.**
**16.70.030 Condominium projects treated as planned unit developments.**

### 16.70.010 General provisions.

Planned unit developments may constitute a subdivision involving unique design methods or the development of a single tract without property divisions. Where proposed as a subdivision, the regulations of Division IV as well as the requirements of this division shall apply. Where proposed as an overall development of a single tract without property division, a planned unit development shall be considered a conditional use in any zoning district. Planned unit development regulations shall not be used for, or apply to, partitions. (Ord. 890 section 56, 1993; Ord. 740 section 10.5.10[part], 1984)

### 16.70.020 Purpose.

**A.** The purpose of this division is to prescribe the procedures for the development of a planned unit development. It is also the purpose of this division to enable the development of planned unit development in order to permit a degree of flexibility and diversification in the use of land through grouped buildings or large-scale land planning and the arrangements of specific structures and open spaces within such development. For these reasons and to permit the accomplishment of this purpose, the provisions of this division are superimposed upon the regulatory provisions of Division III and IV.

**B.** It is therefore the purpose of a planned unit development, as the term is employed in this title, of permitting the development of land in a manner which would be as good as, or better than, that resulting from the traditional lot-by-lot development while generally maintaining the same population density and area coverage permitted in the zone in which the project is located. A planned unit development of open spaces, circulation facilities, off-street parking areas and the best utilization of site potentials characterized by special features of geography, topography, size, location or shape. (Ord. 740 section 10.5.10(A), 1984)

**C.** Planned unit developments are also intended to preserve the natural environment and water quality through the use of Low Impact Development (LID) techniques when feasible and practical. (Ord. 1338, 2010)

**16.70.030 Condominium projects treated as planned unit development.**

Any condominium development project, whether the construction of new units or the conversion of existing rental units, must meet all the requirements of this division, with the exception of the new construction of six or fewer units to which the regulations of Chapter 16.78 shall apply. Applicants for condominium projects shall bear full responsibility for compliance with county and state requirements in all cases. (Ord. 740 section 10.5.40, 1984)

# Chapter 16.72

# APPLICATIONS

**Sections:**

**16.72.010 General requirements.**
**16.72.020 Who may apply.**
**16.72.030 Form and content.**

## 16.72.010 General requirements.

The requirements of Divisions III and IV governing application procedures for conditional use permits and tentative subdivision plats, as applicable, must be met for planned unit development proposals. (Ord. 740 section 10.5.20[part], 1984)

## 16.72.020 Who may apply.

Planned unit development projects may be applied for by:

**A.** The owner of all the property involved, if under one ownership;

**B.** An application filed jointly by all owners having title to all of the property in the area proposed for the planned unit development project, if there is more than one owner;

**C.** An authorized agent acting on behalf of all property owners; or

**D.** A government agency. (Ord. 740 section 10.5.20(A), 1984)

## 16.72.030 Form and content.

**A.** Applications shall be submitted to the City Planner on forms prescribed for the purpose, typed or printed.

**B.** There shall be included as a part of the application all required information for a subdivision (16.62.010), for planned unit development applications involving division of property, or a conditional use permit (16.50.020) for planned unit development applications of a single tract without property divisions; proposed locations and dimensions of open space within the site; proposed public dedications, if any, within the site;

**C.** The written information shall contain a statement of the general purpose of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. Proposed deed restriction in outline form, if any. The adoption of the form specifying the particular nonresidential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses. (Ord. 740 section 10.5.20(B), 1984; Ord. 981 section 11, 1997)

# Chapter 16.74

# USES PERMITTED

**Sections:**

**16.74.010 Generally.**
**16.74.020 Uses permitted in residential zone.**
**16.74.030 Uses permitted in other than residential zone.**

## 16.74.010 Generally.

In a planned unit development the uses set out in this chapter are permitted. (Ord. 740 section 10.5.30[part], 1984)

## 16.74.020 Uses permitted in residential zone.

In a planned unit development in a residential zone only the following uses are permitted:

**A.** Residential units, either detached or in multiple type dwellings, but at no greater density than is allowed for the zoning district as set forth in Division III, except as may be modified for a density bonus as provided in section 16.76.010 or Chapter 16.80.

**B.** Accessory and incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design. Accessory retail uses shall serve primarily as a convenience to the inhabitants of the project.

**C.** Mobile home subdivisions, subject to the standards and criteria of Division IV and Chapter 16.80.

**D**. Recreational facilities, including but not limited to tennis courts, swimming pools, and playgrounds. (Ord. 740 section 10.5.30 (A), 1984)

## 16.74.030 Uses permitted in other than residential zone.

In planned unit developments in areas zoned for other than residential uses, uses shall be limited to those permitted by the zoning districts in which the use is located. (Ord. 740 section 10.5.30(B), 1984)

# Chapter 16.76

# REQUIREMENTS

**Sections:**

**16.76.010 Minimum requirements.**
**16.76.020 General requirements.**
**16.76.030 Standards and criteria.**
**16.76.040 Exceptions.**

## 16.76.010 Minimum requirements.

The minimum requirements for a residential planned unit development shall include the following two items:

**A.** A minimum of fifteen percent of the gross area of the development shall be devoted to open space, and shall be located in a common area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

**B.** The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located, unless alternative lot layout is used pursuant to 16.04.040(B). The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. The commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus. (Ord. 740 section 10.5.50, 1984; Ord. 1338, 2010)

**C.** To achieve the goals of low impact development, buildings are encouraged to be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns. (Ord. 890 section 57, 1993; Ord. 1338, 2010)

**D.** The use of LID best management practices in site design and development is required where site and soil conditions make it feasible option. LID practices shall meet the standards set forth in the Canby Public Works design Standards. (Ord. 1338, 2010)

**16.76.020 General requirements.**

Prior to development, application shall be made to the commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

**A.** Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes;

**B.** Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;

**C.** A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;

**D.** Types of dwellings and site locations thereof;

**E.** Proposed locations of off-street parking areas with dimensions;

**F.** Pedestrian walks, malls and other trails, both public and private. The commission may require a complete circulation plan if warranted by the size and type of development;

**G.** The stages to be built in progression, if any;

**H.** The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;

**I.** Table showing the density and lot coverage of the overall development;

**J.** Such other pertinent information as the commission may require in order to make necessary findings on the site approval. (Ord. 740 section 10.5.60(A), 1984)

**K.** A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

**16.76.030 Standards and criteria.**

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

**A.** The site approval as acted upon by the commission shall be binding upon the developer, and variations from the plan shall be subject to approval by the commission.

**B.** All land within the planned unit development may be subject to contractual agreements with the city and to recorded covenants providing for compliance with the city's requirements.

**C.** The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.

**D.** The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.

**E.** The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.

**F.** Each planned unit development shall be a complete development considering all previous requirements. The commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.

**G.** Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.

**H.** The manner in which any open space or park and recreational area is to be maintained shall be submitted, along with the preliminary copy of the proposed owners' association bylaws and contractual agreements, with the preliminary subdivision. In the case of an individual owner, the commission may impose special requirements to assure long-term maintenance.

**I.** The Planning Commission may, and in the case of single story or townhouse structures shall, require the separation of utilities from one unit to the next.

**J.** In reviewing an application for the conversion of existing residential units to condominiums, the commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.

**K.** In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the city at the time of the application. It is the intent of

the city to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.

**L.** No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 740 section 10.5.60(B), 1984; Ord. 955 section 30, 1996)

**16.76.040 Exceptions.**

**A.** In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot width, and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision plat or conditional use permit.

**B.** Building height shall conform to the zoning district in which the development is located.

**C.** Off-street parking and off-street loading requirement shall be pursuant to Division III. (Ord. 740 section 10.5.60(C), 1984)

# Chapter 16.74

# USES PERMITTED

**Sections:**

**16.74.010 Generally.**
**16.74.020 Uses permitted in residential zone.**
**16.74.030 Uses permitted in other than residential zone.**

## 16.74.010 Generally.

In a planned unit development the uses set out in this chapter are permitted. (Ord. 740 section 10.5.30[part], 1984)

## 16.74.020 Uses permitted in residential zone.

In a planned unit development in a residential zone only the following uses are permitted:

**A.** Residential units, either detached or in multiple type dwellings, but at no greater density than is allowed for the zoning district as set forth in Division III, except as may be modified for a density bonus as provided in section 16.76.010 or Chapter 16.80.

**B.** Accessory and incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design. Accessory retail uses shall serve primarily as a convenience to the inhabitants of the project.

**C.** Mobile home subdivisions, subject to the standards and criteria of Division IV and Chapter 16.80.

**D**. Recreational facilities, including but not limited to tennis courts, swimming pools, and playgrounds. (Ord. 740 section 10.5.30 (A), 1984)

## 16.74.030 Uses permitted in other than residential zone.

In planned unit developments in areas zoned for other than residential uses, uses shall be limited to those permitted by the zoning districts in which the use is located. (Ord. 740 section 10.5.30(B), 1984)

# Chapter 16.76

# REQUIREMENTS

**Sections:**

**16.76.010 Minimum requirements.**
**16.76.020 General requirements.**
**16.76.030 Standards and criteria.**
**16.76.040 Exceptions.**

## 16.76.010 Minimum requirements.

The minimum requirements for a residential planned unit development shall include the following two items:

**A.** A minimum of fifteen percent of the gross area of the development shall be devoted to open space, and shall be located in a common area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

**B.** The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located, unless alternative lot layout is used pursuant to 16.04.040(B). The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. The commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus. (Ord. 740 section 10.5.50, 1984; Ord. 1338, 2010)

**C.** To achieve the goals of low impact development, buildings are encouraged to be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns. (Ord. 890 section 57, 1993; Ord. 1338, 2010)

**D.** The use of LID best management practices in site design and development is required where site and soil conditions make it feasible option. LID practices shall meet the standards set forth in the Canby Public Works design Standards. (Ord. 1338, 2010)

**16.76.020 General requirements.**

Prior to development, application shall be made to the commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

**A.** Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes;

**B.** Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;

**C.** A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;

**D.** Types of dwellings and site locations thereof;

**E.** Proposed locations of off-street parking areas with dimensions;

**F.** Pedestrian walks, malls and other trails, both public and private. The commission may require a complete circulation plan if warranted by the size and type of development;

**G.** The stages to be built in progression, if any;

**H.** The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;

**I.** Table showing the density and lot coverage of the overall development;

**J.** Such other pertinent information as the commission may require in order to make necessary findings on the site approval. (Ord. 740 section 10.5.60(A), 1984)

**K.** A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

**16.76.030 Standards and criteria.**

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

**A.** The site approval as acted upon by the commission shall be binding upon the developer, and variations from the plan shall be subject to approval by the commission.

**B.** All land within the planned unit development may be subject to contractual agreements with the city and to recorded covenants providing for compliance with the city's requirements.

**C.** The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.

**D.** The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.

**E.** The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.

**F.** Each planned unit development shall be a complete development considering all previous requirements. The commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.

**G.** Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.

**H.** The manner in which any open space or park and recreational area is to be maintained shall be submitted, along with the preliminary copy of the proposed owners' association bylaws and contractual agreements, with the preliminary subdivision. In the case of an individual owner, the commission may impose special requirements to assure long-term maintenance.

**I.** The Planning Commission may, and in the case of single story or townhouse structures shall, require the separation of utilities from one unit to the next.

**J.** In reviewing an application for the conversion of existing residential units to condominiums, the commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.

**K.** In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the city at the time of the application. It is the intent of

the city to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.

**L.** No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 740 section 10.5.60(B), 1984; Ord. 955 section 30, 1996)

**16.76.040 Exceptions.**

**A.** In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot width, and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision plat or conditional use permit.

**B.** Building height shall conform to the zoning district in which the development is located.

**C.** Off-street parking and off-street loading requirement shall be pursuant to Division III. (Ord. 740 section 10.5.60(C), 1984)

# Chapter 16.78

# CONDOMINIUM PROJECT INVOLVING NEW CONSTRUCTION OF SIX OR FEWER UNITS

**Sections:**

**16.78.010 Generally.**
**16.78.020 Application – Filing Information.**
**16.78.030 Standards designated.**
**16.78.040 Review by City Planner.**
**16.78.050 Responsibilities of applicant.**
**16.78.060 Conversion to condominium.**

## 16.78.010 Generally.

In that the new construction of small condominium projects is expected to have no adverse impacts on the appropriate growth and development of the city, the regulations set out in this chapter shall apply to such projects involving six or fewer units on a single parcel. (Ord. 740 section 10.5.70[part], 1984)

## 16.78.020 Application – filing information.

Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.5.70(A), 1984; Ord. 1080, 2001)

## 16.78.030 Standards designated.

The following standards shall apply to all condominium projects involving the new construction of six or fewer units:

**A.** All utilities shall be separated on a unit-to-unit basis, except in cases where the units are to be in multi-story structures where some of the units will not have ground floors, in which case the utilities shall be separated as much as possible from one unit to the next. The developer shall present plans for utility separation to the city engineer, utility board manager, Canby Telephone Association manager and, if warranted, an appropriate official of the Northwest Natural Gas Company.

**B.** Applicants shall be responsible for compliance with all applicable city, county and state regulations governing the construction, platting and sale of condominium units.

**C.** Improvement requirements for small condominium projects shall be the same as those which would be required for a subdivision of the property. These shall include:

**1.** Curb, gutter and sidewalk construction to city standards;

**2.** Installation and extension of utilities;

**3.** Street improvements adjacent to site;

**4.** Dedication of right-of-way sufficient to allow for the widening or expansion of the street;

**5.** Filing of a waiver of the right to remonstrate against any future public facility or utility improvements which would benefit the property. (Ord. 740 section 10.5.70(B), 1984)

**16.78.040 Review by City Planner.**

**A.** The City Planner shall review the information submitted by the applicant and shall determine whether it meets the requirements of this and other applicable ordinances. Upon completion of this review, the City Planner shall notify the applicant in writing of the required conditions to be met prior to sale or occupancy of the units.

**B.** If modifications to the project are necessary to assure compliance with the applicable regulations, the City Planner shall notify the applicant of such modifications.

**C.** Included with the written notification from the City Planner will be one copy of the proposed plot plan labeled "tentatively approved," or "tentatively denied" and marking any modification or corrections which may be necessary. (Ord. 740 section 10.5.70(C), 1984)

**16.78.050 Responsibilities of applicant.**

**A.** The applicant shall be responsible for compliance with all applicable requirements prior to sale or occupancy of the units. This shall include the following final procedures as well as compliance with the basic standards of this and other applicable ordinances.

**B.** The developer shall file with the City Planner a reproducible copy (Mylar or sepia) of the recorded plat of the development.

**C.** Included with the copy of the plat will be copies of the by-laws of the owners' association and any contracts, covenants, restrictions or waivers of remonstrance recorded for the property. (Ord. 740 section 10.5.70(D), 1984)

**16.78.060 Conversion to condominium.**

Proposals to convert existing rentals or leased property to condominium ownership shall comply with the requirements of section 16.70.030, regardless of the number of units involved. Applicants intending to utilize the provisions of this chapter must file the appropriate application and receive written approval from the City Planner prior to receipt of a certificate of occupancy for the units. (Ord. 740 section 10.5.70 (E), 1984)

# Chapter 16.80

## MANUFACTURED OR MOBILE HOME SUBDIVISIONS

(Ord. 890 section 58, 193)

**Sections:**

**16.80.010 Treatment as planned unit development applications.**
**16.80.020 Surrounding development.**
**16.80.030 Minimum standards.**

### 16.80.010 Treatment as planned unit development applications.

All manufactured or mobile home subdivisions, as defined in this title, are treated as planned unit development applications. This insures an adequate design review process for this type of development which may occur in any residential zone. (Ord. 890 section 59, 1993; Ord. 740 section 10.5.80[part], 1984)

### 16.80.020 Surrounding development.

Although it may warrant special conditions of approval in terms of exterior appearance, the nature or value of surrounding development shall not be the basis of denial of an application for a manufactured or mobile home subdivision. (Ord. 890 section 60, 1993; Ord. 740 section 10.5.80 (A), 1984)

### 16.80.030 Minimum standards.

The following minimum standards shall be applied to all manufactured or mobile home subdivisions:

**A.** Mean average lot size to be at least eighty-five percent of that normally required for single-family dwellings within the zone, with no lots smaller than sixty-eight percent of that normally required.

**B.** Any conventional residential units (i.e., not manufactured or mobile homes) to be constructed within the subdivision are to be located on lots of at least seven thousand square feet.

**C.** All units are to be placed on, and securely fastened to, permanent foundations meeting city Building Code requirements.

**D.** All units are to be fully skirted in a manner which obscures the undercarriage of the structure. Such skirting is to be of a material which matches or reasonably compliments the siding of the unit. The commission may require site preparation such that the frames of the mobile homes are not elevated above the surrounding ground level, unless they are attached to a permanent lower floor.

**E.** Adequate storage areas are to be provided. The commission may require the construction of separate storage buildings on each lot within the development or the

construction of a single storage area for the use of the entire subdivision.

**F.** Setbacks may be reduced to a minimum of five feet, except along the perimeter of the development and along any public street, in which cases a setback of twenty feet shall be maintained. The commission may use its discretion to allow for some variation in building orientation from lot to lot to increase visual variety.

**G.** A minimum of twenty percent of the total area shall be landscaped, including a strip at least twenty feet in width along the perimeter of the development.

**H.** A site-obscuring fence not less than four, nor more than six feet in height shall be constructed around the perimeter of the development, other than those areas where a reduced height is required for vision clearance on street frontage.

**I.** Water line sizing and fire hydrant locations shall be established by the supervisor of the water department and the Fire Marshal.

**J.** The commission may set special conditions of approval for the lots on the perimeter of the development to assure that they are aesthetically pleasing. Such conditions may include:

**1.** Requiring that the larger lots be located along the perimeter;

**2.** Requiring all units to have pitched roofs, lapped siding, composition shingle or shake roofs, double-wide construction or similar requirements to assure compatibility with nearby developments which may or may not include manufactured or mobile homes. (Ord. 890 section 61 1993; Ord. 740 section 10.5.80 (B), 1984)

# Chapter 16.82

# SPECIAL HOUSING PROJECTS FOR THE ELDERLY OR HANDICAPPED

**Sections:**

**16.82.010 Generally**
**16.82.020 Applicability.**
**16.82.030 Standards and criteria for review.**
**16.82.040 Modification of standards.**
**16.82.050 Higher than normal densities.**
**16.82.060 Restrictions on occupancy.**

**16.82.010 Generally.**

**A.** The Planning Commission may permit the development of special housing projects for the elderly or handicapped, subject to the provisions of this chapter.

**B.** It is recognized that the elderly and handicapped often have special housing needs and frequently cannot afford conventional housing. In order to reduce costs, densities may be increased beyond those normally allowed by zoning, and parking requirements may be reduced if normal requirements are found to be unnecessary for the type of development proposed.

**C.** Special emergency response or fire safety requirements may be imposed in order to assure public safety in these unique developments. (Ord. 740 section 10.5.90(A), 1984)

**16.82.020 Applicability.**

The conditions of this chapter are intended to be applied to either condominium or rental type developments which meet the criteria of housing for the elderly or handicapped. (Ord. 740 section 10.5.90(B), 1984)

**16.82.030 Standards and criteria for review.**

In reviewing an application for a special housing project for the elderly or handicapped, the Commission shall utilize the standards and criteria which are applicable to other planned unit development proposals, requiring either a conditional use permit or a subdivision approval, depending on whether the development involves the division of property. (Ord. 740 section 10.5.90(C), 1984)

**16.82.040 Modification of standards.**

The standards normally applied to a planned unit development may be modified by the Commission in the case of special housing projects for the elderly or handicapped, provided

that specific findings of fact are entered in support of such modifications. The Planning commission may:

**A.** Increase the permitted density by not more than fifty percent of that normally allowed within the zone;

**B.** Decrease the amount of required parking by not more than sixty percent of that normally required;

**C.** Decrease the area required for outdoor recreation, if sufficient area is provided for open space and if indoor recreation facilities are provided;

**D.** Increase the amount of permitted lot coverage by not more than ten percent of that normally required;

**E.** Require special emergency access drives, fire hydrants, or other improvements which are intended to ensure the safety of the residents;

**F.** Impose such special conditions of approval as are deemed to be necessary to minimize any adverse impacts of a higher density development upon surrounding properties. (Ord. 740 section 10.5.90(D), 1984)

**16.82.050 Higher than normal densities.**

Special housing projects for the elderly or handicapped, where densities higher than normally permitted by zoning are requested, shall be encouraged only in locations which are near commercial services. (Ord. 740 section 10.5.90 (E), 1984)

**16.82.060 Restrictions on occupancy**

The Commission shall require adequate assurance that any development proposed under the conditions of this chapter will be restricted to occupancy by the elderly, handicapped, or such caretakers as may be necessary.

# 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, on forms provided by the Planning Department. (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; Ord. 1294, 2008)

**16.84.040 Standards and criteria.**

**A.** The following criteria shall apply to all annexation requests.

**1.** The City of Canby Annexation Development Map shall determine which properties are required to submit either (See Figure 16.84.040):

**a.** A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map. The terms of the Development Agreement may include, but are not limited to:

**1.** Timing of the submittal of an application for zoning
**2.** Dedication of land for future public facilities including park and open space land
**3.** Construction of public improvements
**4.** Waiver of compensation claims
**5.** Waiver of nexus or rough proportionality objections to future exactions
**6.** Other commitments deemed valuable to the City of Canby

For newly annexed properties that are within the boundaries of a DA area as designated on the City of Canby Annexation Development Map: A Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest prior to the City Council granting a change in zoning classification.

**b.** A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. A Development Concept Plan shall address City of Canby infrastructure requirements including:

1. Water
2. Sewer
3. Stormwater
4. Access
5. Internal Circulation
6. Street Standards
7. Fire Department requirements
8. Parks and open space

For newly annexed properties that are within the boundaries of a DCP area as designated on the City of Canby Annexation Development Map: A Development Concept Plan shall be adopted by the Canby City Council prior to granting a change in zoning classification. (Ord 1294, 2008)

**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.** Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate identified concerns, if any. A neighborhood meeting is required as per Table 16.89,020 of the City of Canby Land Development and Planning Ordinance.

**4.** Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;

**5.** Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;

**6.** Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;

**7.** Statement outlining method and source of financing required to provide additional facilities, if any;;

**8.** Statement indicating the type and nature of any comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development. (Ord 1292, 2008)

**9.** Compliance with other applicable city ordinances or policies;

**10.**Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (Ord. 740 section 10.6.40, 1984; Ord. 981 section 37, 1997; Ord. 1294, 2008)

**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)

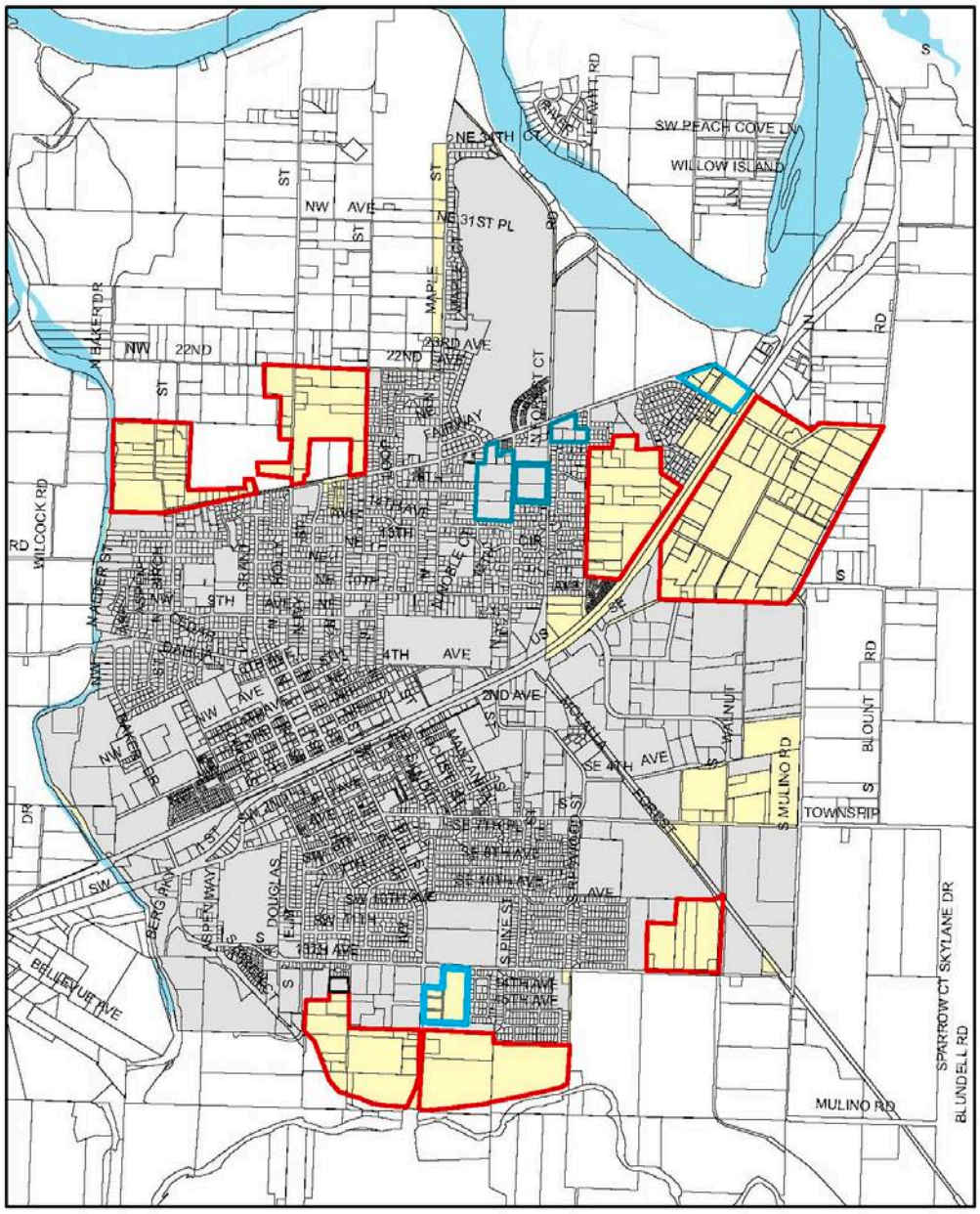
**16.84.080 Setting of Boundaries and Proclamation of Annexation.**

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)

# City of Canby Annexation Development Map




Development Concept Area  Development Agreement Area

**Figure 16.84.040**

# Division VII. – STREET ALIGNMENTS

## Chapter 16.86

## REGULATIONS

**Sections:**

**16.86.010 Purpose.**
**16.86.020 General provisions.**
**16.86.040 Recommended roadway standards.**
**16.86.060 Street Alignment Regulations**

### 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. The street standards are also intended to encourage the efficient layout of streets, minimize impervious surfaces, and incorporate LID green street treatments whenever feasible. 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; Ord. 1338, 2010)

### 16.86.020 General provisions.

**A.** The Transportation System Plan shall be used to determine which streets are to be arterials, collectors, and neighborhood connectors. All new streets are required to comply with the roadway design standards provided in Chapter 7 of the TSP. The city may require right-of-way dedication and/or special setbacks as necessary to ensure adequate right-of-way is available to accommodate future road widening projects identified in the TSP.

**B.** Right-of-way widths and cross section standards for new streets shall be in conformance with the Canby Transportation System Plan and the Public Works Design Standards.

**C.** The Public Works Director shall be responsible for establishing and updating appropriate alignments for all streets.

**D.** 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.

**E.** Existing structures which were legally established within a planned road alignment or abutting setback shall be regarded as nonconforming structures.

**F.** Bikeways and bike lanes shall be provided consistent with the Bicycle Plan element of the Transportation System Plan.

**G.** Pedestrian facilities shall be provided consistent with the Pedestrian Plan element of the Transportation System Plan. (Ord. 740 section 10.7.20, 1984; Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1338, 2010; 1340, 2011)

**16.86.040 Recommended Roadway Standards**

Specific standards for roadway design are located in the Transportation System Plan and Canby Public Works Design Standards. (Ord. 1338, 2010)

**16.86.060 Street Connectivity**

When developing the street network in Canby, the emphasis should be upon a connected continuous grid pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets shall only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent plus), hazard areas, steep drainage-ways and wetlands. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed. (Ord. 1340, 2011)

# Division VIII. – GENERAL STANDARDS

## Chapter 16.88

## GENERAL STANDARDS AND PROCEDURES

**Sections:**


**16.88.010 Applicability.**
**16.88.020 Action on application.**
**16.88.030 Applications and fees**
**16.88.040 Temporary permits.**
**16.88.050 Business license review.**
**16.88.060 Council acceptance of dedicated land.**
**16.88.080 Administration and enforcement.**
**16.88.090 Revocation of conditional use permits and variances.**
**16.88.100 Interpretation.**
**16.88.110 Penalties and civil remedies.**
**16.88.120 Enforcement procedure.**
**16.88.160 Amendments to text of title.**
**16.88.170 Public officials.**
**16.88.180 Comprehensive Plan Amendments.**
**16.88.190 Conformance with Transportation System Plan and Transportation Planning Rule**


### 16.88.010 Applicability.

The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted. (Ord. 740 10.8.10[part), 1984)

### 16.88.020 Action on application.

**A.** Any action taken by the commission or council on any application filed pursuant to the requirements of this title shall be based upon findings of fact entered by the commission or council in making the decision. Such findings of fact shall be based upon the standards and criteria listed in the pertinent section of this title and upon such other legal requirements as may exist.

**1.** It is recognized that the burden of proof on all applications is upon the applicant in terms of justifying the proposal.

**2.** The scope of the required findings of fact shall vary with the scope of the project such that a major project requires more extensive justification than does a minor project.

(Ord. 740 section 10.8.10(A), 1984; Ord. 981 sections 54 & 55, 1997; Ord. 1080, 2001)

**16.88.030 Applications and Fees**
Applications for annexations, zone changes, variances, conditional use permits, design review, appeals, other permits or approvals and property divisions initiated by property owners or their agents shall be made in writing and submitted to the City Planner. Each application shall be accompanied by a fee. Said fees shall be set out by resolution approved by the City Council. Fees shall differentiate between various processes and applications and no part of which shall be refunded. (Ord. 850 sections 1 and 2, 1990; Ord. 740 section 10.8.10(B), 1984)

**16.88.040 Temporary permits.**
The Building Official may issue temporary permits for buildings to be used for a construction office, storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots therein. Such permits shall be issued for a specific time period and shall include a signed statement from the applicant agreeing to remove the structure or sign at the completion of that period. (Ord. 740 section 10.8.10(C), 1984)

**16.88.050 Business license review.**
Applications for a business license shall be reviewed for compliance with these regulations. The administrative procedure established by the city administrator for review of business license applications shall be followed in order to assure that business operators are made aware of code requirements such as sign regulations, parking standards, and land use regulations. No business license shall be issued until it is found that the proposed business will comply with the requirements of this code. Except, however, that a change in the type of business in an area zoned for industrial use need not meet complete parking requirements unless required to do so as a part of a discretionary hearing process conducted by the commission or City Council. (Ord. 740 section 10.8.10(D), 1984)

**16.88.060 Council acceptance of dedicated land.**
No property shall be considered to be dedicated to the city unless first accepted as such by the council, or shown as such on a legally recorded subdivision plat which has been signed by the City. The Planning Commission is empowered to accept dedication of land for public street purposes in a subdivision only, with all other dedications being the responsibility of the council. The applicant shall be responsible for furnishing adequate title insurance for any such land to be dedicated, unless this requirement is waived by the council for good cause. (Ord. 740 section 10.8.10(E), 1984; Ord 1237, 2007)

**16.88.070**
(Ord. 740 section 10.8.10(F), 1984; repealed by Ord. 981 section 12, 1997)

**16.88.080 Administration and enforcement.**

**A.** Purpose. Recognizing the need for fair and impartial administration and the importance of strict enforcement of these regulations, it is the intent of the council in adopting these regulations that all reasonable means of enforcement be utilized and maximum allowable penalties be sought for willful violations.

**B.** Duty. It shall be the duty of the City Planner, with assistance from other city staff, to administer and enforce this title. (Ord. 740 section 10.8.20 (A) and (B), 1984)

**16.88.090 Revocation of conditional use permits and variances.**
(Ord. 740 section 10.8.20(C), 1984; Ord. 955 section 31, 1996; renumber to 16.50.070 and 16.53.030; Ord 1237, 2007)

**16.88.100 Interpretation.**
The provisions of this title shall be held to be the minimum requirements fulfilling its objectives. (Ord. 740 section 10.8.20(D), 1984)

**16.88.110 Penalties and civil remedies.**

**A.** Unless otherwise provided, a person who knowingly violates this title is punishable upon conviction by a fine of not more than two thousand five hundred dollars. Each day a violation exists is a separate offense and may be punished as such.

**B.** When costs (attorney fees, court costs, staff or consultant expenses) are accrued in the enforcement of this title, the city may institute appropriate civil action to recoup the costs from the violators.

**C.** In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, altered, or used in violation of this title, the building or land in violation shall constitute a nuisance, and the city may, as an alternative for enforcing these requirements, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

**D.** Individuals who have been victimized by illegal land development practices shall be encouraged to seek civil relief from the developers for any and all costs and inconveniences which they have suffered as a result of such illegal practices. (Ord. 830 section 14, 1989; Ord. 740 section 10.8.20(E), 1984)

**16.88.120 Enforcement procedures.**

**A.** City staff and officials will work closely with local title insurance companies, developers and members of the real estate profession to ensure fair and reasonable enforcement of these regulations.

**B.** Upon finding any indication of a violation of state law relative to land division, city staff shall contact the Real Estate Division of the state Department of Commerce.

**C.** Upon finding that the regulations of this title have apparently been violated, the City Planner shall cause the following steps to be taken:

**1.** A member of the staff shall attempt to contact the property owner or apparent violator, explaining the requirements of this title and type of action which the city can be expected to take if the violation is not corrected.

**2.** If the property owner and/or violator is willing to correct the violation, he/she shall be given a reasonable amount of time to make such corrections.

**3.** If the owner and/or violator cannot be reached, is reached but does not intend to comply, or fails to comply within the time limits previously agreed to, the city shall take any of the following steps which are deemed appropriate in the situation:

**a.** Record a document affecting the title of all properties involved in the violation, thereby clouding the title and stating that no further permits will be issued for the development of any of the subject property;

**b.** Withhold any and all permits for the development of the property;

**c.** Disconnect the property from city services;

**d.** Cite the individual into a court of competent jurisdiction;

**4.** The City Planner shall notify, by certified mail, all record owners of the property involved, stating the nature of the remedial actions which the city is taking to correct the apparent violation. (Ord. 740 section 10.8.20(F), 1984)

**16.88.130**
(Ord. 740 section 10.8.30, 1984; Ord. 1019 section 12, 1999; Ord. 1043 section 3, 2000; mod. & renum. to 16.89 by Ord. 1080, 2001)

**16.88.135**
(Ord. 955 section 32, 1996; mod. & renum. to 16.89 by Ord. 1080, 2001)

**16.88.140**
(Ord. 740 section 10.8.40, 1984; Ord. 981 section 13, 1997; mod. & renum. to 16.89 by Ord. 1080, 2001)

**16.88.150**
(Mod. & renum. to 16.53 by Ord. 1080, 2001)

**16.88.160 Amendments to text of title.**

**A.** Authorization to Initiate Amendments. An amendment to the text of this title may be initiated by the City Council, by the Planning Commission or by the application of a property owner or his authorized agent. The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council, approval, disapproval, or modification of the proposed amendment.

**B.** Application and Fee. Application procedures shall be as described in Chapter 16.89.

**C.** Public Hearing on an Amendment. Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment

following the requirements for advertising and conduct of hearings prescribed in Division VIII.

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

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

**2.** A public need for the change;

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

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

**5.** Statewide planning goals.

**E.** Record of Amendments. The City Planner shall maintain a record of amendments to the text of this title in a form convenient for the use of the public. (Ord. 740 section 10.8.60, 1984; Ord. 981 section 15, 1997; Ord. 1080, 2001)

**16.88.170 Public officials.**

The terms "City Administrator," "City Recorder," "City Engineer," "City Planner," and other references to individual employees by title, shall include any city staff member or consultant operating in an official capacity for the city. The terms are offered for the convenience of the user of this title and are not intended to impair the validity of this title. (Ord. 740 section 10.8.70, 1984)

**16.88.180 Comprehensive Plan Amendments**

**A.** Authorization to Initiate Amendments. An amendment to the Comprehensive Plan may be initiated by the City Council, by the Planning Commission, or by the application of a property owner or his authorized agent. The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council approval, disapproval, or modification of the proposed amendment.

**B.** Application. Application procedures shall be as described in Chapter 16.89.

**C.** Legislative Plan Amendment Standards and Criteria. In judging whether or not a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:

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

**2.** A public need for the change;

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

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

**5.** Statewide planning goals.

**D.** Quasi-judicial Plan Amendment Standards and Criteria. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

**1.** The remainder of the Comprehensive Plan of the city, as well as the plans and policies of the county, state, or any local school or service districts which may be affected by the amendments;

**2.** Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740 section 10.8.80, 1984; Ord. 981 section 16, 1997; Ord. 1080, 2001)

**E.** For proposed comprehensive plan amendments, which must consider the long-term adequacy of the transportation system for TPR 660-10-060 compliance, ODOT must be consulted to determine whether a highway project is "reasonably likely to be funded" based on funding projections at that time. (Ord. 1340, 2011)

**16.88.190 Conformance with Transportation System Plan and Transportation Planning Rule**

**A.** A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with the Transportation Planning Rule (OAR 660-012-0060). A plan or land use regulation amendment significantly affects a transportation facility if it:

**1.** Changes the functional classification of an existing or planned transportation facility;

**2.** Changes standards implementing a functional classification system;

**3.** As measured at the end of the planning period identified in the adopted plan:

**a.** Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or

**b.** Would reduce the performance of the facility below the minimum acceptable performance standard identified in the Transportation System Plan;

**c.** Would worsen the performance of a facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.

**B.** Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and performance standards (e.g., level of service, volume to capacity ratio, etc.) of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

**1.** Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

**2.** Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section – 0060 of the TPR. Such amendments shall include a funding plan or other mechanism so that the facility, improvement or service will be provided by the end of the planning period.

**3.** Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.

**4.** Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

**5.** Providing other measures as a condition of development, inclusing transportation system management measures, demand management or minor transportation improvements.

**C.** A Traffic Impact Study may be required by the City in accordance with Section 16.08.150. (Ord. 1043, section 3, 2000; Ord. 1237, 2007; Ord. 1340, 2011)

# Chapter 16.89

# APPLICATION AND REVIEW PROCEDURES

**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 |
| **Sign Permit – Discretionary Monument Sign or A-Frame Sign Permit (16.42.040)** | II | 100 | No |
| **Site and Design Review – Type II** | II | 100 | No |
| **Site and Design Review – Type III** | III | 500 | Yes |
| **Site Plan Review** | I | n/a | No |
| **Temporary Permit (16.44.090)** | See Chapter 16.44 | | |
| **Temp. Hardship Permit (16.44.100)** | **II** | 100 | No |
| **Subdivision** | III | 500 | Yes |
| | | | |

| Application Type | Process Type | Notice Radius (Feet) | Neighborhood Meeting Required |
|---|---|---|---|
| **Text Amendment** | IV | 500 | Yes |
| **Variance, Minor** | II | 200 | No |
| **Variance, Major** | III | 200 | No |

NOTES: * See also Chapter 16.78 .** See also Chapter 16.58.

**16.89.030 Type I procedure.**

**A.** Application requirements. Type I applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

**B.** Decision requirements. The Planning Director's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at the City.

**C.** Final decision. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. (Ord. 1080, 2001)

**16.89.040 Type II procedure.**

**A.** Preapplication conference. A preapplication conference may be required by the Planning Director for Type II applications.

**B.** Application requirements. Type II applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

**C.** Public notice.

**1.** Before making a Type II decision, the Planning Director shall mail notice meeting the requirements of state law to:

**a.** All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020.

**b.** Any person who submits a written request to receive notice; and

**c.** Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies, as appropriate, for review of the application.

**d.** Any application that involves access to OR 99E or that is expected to impact the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management and mobility standards and requirements.

**e.** Any application that is expected to impact a road under the jurisdiction of Clackamas County must be provided to Clackamas County for review and comment regarding county standards.

**2.** Notice of any proposal that includes a new transportation facility or improvement and where these facilities or improvements included or may impact a collector or arterial street, will be sent to the ODOT and Clackamas County or any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycles and pedestrian interest groups, and interest groups for people with disabilities. Information that should be conveyed with the notice includes the following:

**a.** Project location

**b.** Proposed land use action

**c.** Location of project access point(s)

**3.** The public notice shall allow a 10-day period for submitting written comments before a decision is made on the permit.

**4.** The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file.

**D.** The Planning Director shall make Type II decisions in writing addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action.

**E.** Notice of Decision.

**1.** Within five days of making a final decision on a Type II application, a notice of decision shall be sent to:

**a.** All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;

**b.** Any person who submits a written request to receive notice; and

**c.** Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

**2.** The notice of decision shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

**F.** Effective Date. A Type II decision is final for purposes of appeal when it is mailed by the City.

**G.** Appeal. A Type II decision may be appealed to the Planning Commission as follows:

**1.** The following persons have legal standing to appeal a Type II decision:

**a.** The applicant;

**b.** Any person who was mailed notice of the decision; and

**c.** Any other person who participated in the proceeding by submitting written comments.

**2.** Procedure.

**a.** A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.

**b.** The Notice of Appeal shall be accompanied by all required information and fees.

**c.** An appeal of a Type II decision shall be made following the Type III public notice procedures, as described in Section 16.89.050.D.

**d.** The appeal shall be limited to the specific issues raised during the written comment period unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II appeals by encouraging persons to submit specific concerns in writing during the comment period. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II decision.

**3.** The decision of the Planning Commission regarding an appeal of a Type II decision is the final decision of the City unless appealed to the City Council. An appeal to the City Council shall follow the same notification and hearing procedures as for the appeal of the staff decision.

**H.** Any decision or interpretation of this title made by staff that is not a Type II decision may be appealed to the Planning Commission without fee, provided that such appeal

is filed in writing within ten days of the staff decision. Such appeals shall be heard as a new business item. The Planning Commission's decision on such appeals may be appealed to the City Council following the Type III public notice procedures, as described in Section 16.89.050.D. (Ord. 1080, 2001; Ord 1237, 2007; Ord. 1340, 2011)

**16.89.050 Type III Decision.**

**A.** Pre-application conference. A pre-application conference may be required by the Planning Director for Type III applications.

**B.** Neighborhood meetings. As directed in Table 16.89.020, the applicant may be required to present their development proposal at a neighborhood meeting before the City accepts the application as complete. See Section 16.89.070.

**C.** Application requirements. Type III applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

**D.** Public notice.

**1.** At least 20 days prior to a public hearing on a Type III decision or a Type II appeal decision, the Planning Director shall mail notice meeting the requirements of state law to:

**a.** All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;

**b.** The appointed chair of any neighborhood association whose boundaries include the subject property;

**c.** Any person who submits a written request to receive notice; and

**d.** Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

**e.** For appeals, the appellant and all persons who provided testimony.

**2.** Notice of any proposal that includes a new transportation facility or improvement, and where these facilities or improvements included or may impact a collector or arterial street, will be sent to the ODOT and Clackamas County or any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and interest groups for people with disabilities. Information that should be conveyed with the notice includes the following:

**a.** Project location

**b.** Proposed land use action

**c.** Location of project access point(s)

**3.** The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file. Failure of any individual to receive notice as prescribed in this section does not invalidate the proceedings.

**4.** Written notice shall be published in a newspaper of general circulation in Canby once in either of the two consecutive weeks prior to the hearing.

**5.** At least ten (10) days before the hearing, written notice shall be posted at City Hall and such other conspicuous locations as the Council may determine to be appropriate.

**6.** At least ten (10) days before the hearing, the applicant shall post notice of the hearing on the property as directed by the Planning Director.

**7.** The Planning Director may expand the notice area or take other steps to assure that affected property owners or residents are made aware of the pending public hearing.

**8.** Any application that involves access to the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management standards and requirements.

**E.** Conduct of public hearing.

**1.** In all evidentiary hearings required by this title the following procedures shall be followed:

**a.** All interested persons in attendance shall be heard on the matter of hearing, and this fact shall be communicated to those in attendance;

**b.** A summary of the application or other matter for hearing shall be given by the presiding officer or their designee;

**c.** The staff report shall be made followed by questions, if any, of the staff by the hearings body;

**d.** The public hearing shall be opened and testimony shall be received in the following order:

**i.** Applicant;

**ii.** Proponents;

**iii.** Opponents; and

**iv.** Rebuttal by proponents or applicant;

**e.** Close public hearing;

**f.** Questions and discussion by hearing body;

**g.** Decision by the hearing body except that further discussions, decision, or reopening of the public hearing may be postponed to another meeting, the time, date, and place of which shall be announced before adjournment.

**2.** All persons who speak at the hearing shall identify themselves by name, address, and interest in the matter. Attorneys or other agents shall be allowed to speak on behalf of all participants.

**3.** Physical evidence in the form of written documents, photographs, or other exhibits may be accepted by the hearing body if deemed to be pertinent.

**4.** A record made at any prior evidentiary hearing may be accepted, considered, and used by the hearing body at any subsequent hearing, and said body, by majority vote of a quorum present, may deny to accept or hear any repetitious matter.

**5.** The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested. Upon recessing for these purposes, the hearing body shall announce the time and date when the hearing will be resumed.

**6.** Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing as follows:

**a.** If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence; or

**b.** If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new

evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record as follows:

**i.** When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony.

**ii.** An extension of the hearing or record granted pursuant to this subsection is subject to the limitations of ORS 227.178 (120-day rule), unless the continuance or extension is requested or agreed to by the applicant.

**iii.** If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

**F.** Decision process.

**1.** Approval or denial of a Type III decision or appeal of a Type II decision shall be based on standards and criteria located in the code.

**2.** The hearings body shall issue a final written order containing findings and conclusions that approve, approve with conditions, or deny the application.

**3.** The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.

**4.** In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

**G.** Notice of Decision.

**1.** The written findings shall be sent to:

**a.** Any person who submits a written request to receive notice, provides written comments during the application review period, or provides written or oral testimony in the public hearing;

**b.** The applicant and owner of the subject property;

**c.** Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

**2.** The written findings shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

**H.** Effective Date. A Type III decision is final for purposes of appeal when it is mailed by the City.

**I.** Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

**1.** The following have legal standing to appeal:

**a.** The applicant;

**b.** Any person who was mailed notice of the decision;

**c.** Any other person who participated in the proceeding by testifying or submitting written comments; and

**d.** The City Council, on its own motion.

**2.** Procedure.

**a.** A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.

**b.** The Notice of Appeal shall be accompanied by all required information and fees.

**c.** The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.

**3.** The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings 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 the 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 orginal 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 orginal 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)

# Division X. – HISTORIC PRESERVATION

## Chapter 16.110

## GENERAL PROVISIONS

**Sections:**


**16.110.005 Title.**
**16.110.010 Purpose.**
**16.110.020 Definitions.**
**16.110.025 Historic Review Board.**
**16.110.030 Historic Review Board – powers and duties.**
**16.110.035 Inventory of historic resources.**
**16.110.040 Register of Historic Landmarks and Historic Districts.**
**16.110.045 Designation procedure for Historic Landmarks and Historic Districts.**
**16.110.050 Review notice and public hearing procedures.**
**16.110.055 Criteria for Historic Landmark and Historic District designation.**
**16.110.070 Building Code requirements and handicap access.**
**16.110.075 Moving or demolition of a landmark or contributing resource.**
**16.110.080 Alteration of a Historic Landmark or contributing resource, or new construction within a Historic District.**
**16.110.085 Partitions and subdivisions.**
**16.110.090 Incentives.**
**16.110.095 Casualty destruction.**
**16.110.100 Fees.**
**16.110.105 Enforcement.**
**16.110.110 Penalties.**
**16.110.115 Official action.**
**16.110.120 Abatement of violation.**
**16.110.125 Injunctive relief.**
**16.110.130 Evidence of violation.**
**16.110.135 Cumulative remedies.**
**16.110.140 Interpretation, regulations, and procedures.**
**16.110.145 Appeals.**
**16.110.185 Carryover provisions.**
**16.110.190 Severability.**


**16.110.010 Purpose.** purpose of this division is to:

**1.** Promote the historic, educational, cultural, architectural, economic and general welfare of the public, and to safeguard the city's historic and cultural heritage through the identification, preservation and protection of structures, site, objects and districts of cultural interest within the city.

**2.** Foster community pride and a sense of cultural identity.

**3.** Strengthen the city's economy by enhancing property values and enhancing the historic and cultural resources for tourists, visitors and residents and to serve as a support and stimulus for business and industry.

**4.** To encourage public knowledge, understanding and appreciation of the city's history and culture.

**5.** To facilitate and encourage restoration and maintenance of historic buildings, structures, or other physical objects and geographical areas.

**6.** To preserve diverse architectural styles reflecting periods of the city's historical and architectural development, and to encourage complementary design and construction impacting historic development.

**7.** To identify and resolve conflicts between the preservation of historic and cultural resources and alternative land uses.

**8.** To integrate the management of historic and cultural resources into public and private land management and development processes.

**9.** To provide an additional means to implement the mandates of Statewide Planning Goal 5 and the Comprehensive Plan policies relating to historic resources.

**10.** To recognize the importance of historic transportation corridors (railroad venue and 99-E, Road of a Thousand Wonders, Territorial and Market roads) and waterways (Willamette and Molalla Rivers) to the origin and development of the Canby community. (Ord. 905, 1994)

**16.110.015**
(Ord. 905, 1994; Deleted by Ord. 1061, 2000)

**16.110.020 Definitions.**
For purposes of Division X, the following terms mean:

**Alteration**. Changes to the exterior of a Landmark or Contributing Resource; minor being that which does not change the existing appearance or material, or which duplicates or restores the affected exterior features and materials, as determined from historic photographs or other evidence of original features or materials; major being that which does change the existing material or appearance. (See section 16.110.080)

**Board**. Canby's Historic Review Board. (See section 16.110.025, 16.110.030)

**Building Code**. State of Oregon Structural Specialty Code (Commercial Code); or state of Oregon One and Two Family Dwelling Code (Residential Code)

**Certificate of Appropriateness**. An official permit which indicates approval of all proposed alterations, construction, and development affecting designated landmarks or districts. This is in addition to the normal building permit. (see section 16.10.080).

**Commission**. Canby's Planning Commission. (See Chapter 16.06)

**Conflicting Use**. Development or redevelopment planned for a property which may result in demolition, alteration or moving of a Landmark or Contributing Resource.
**Contributing Resource**. A building, site, structure, or object within a Historic District that contributes to its character. Such resources to be identified at the time of adoption of the Historic District or added at a later date through the same process.
**Corridor**. See Historic Corridor.
**Council**. Canby's City Council.
**Demolish**. Raze, destroy, dismantle, deface or, in any other manner, cause partial or total destruction of a Contributing Resource or Landmark. (See section 16.110.075)
**Historic Corridor**. A linear shaped grouping of properties, sites, trail, roadway, rail corridor, landscape corridor, or waterway, associated with events that have made a significant contribution to the broad patterns of our history.
**Historic District**. Includes contiguous or non-contiguous districts or corridors. A contiguous district is a geographically defined area composed of structures, sites and objects classified as Landmarks, Contributing Resources and non-contributing resources. A non-contiguous district is a non-geographically related collection of landmark quality structures, sites and objects which have a common builder, style, theme, or other relationship. May be referred to as a district within the ordinance. (See section 16.110.045)
**Historic Landmark**. Any building, site, object, or structure and the property surrounding it designated under this division as historically, architecturally, or environmentally significant. May be referred to as landmark within ordinance. (See section 16.110.040)
**Historical Protection Overlay Zone**. Specific zoning that is additional to base zone as per section 16.36. The Historical Protection Overlay Zone is applied to each property designated as a Historic Landmark or District, unless the City Council denies such zoning (See section 16.110.045).
**Historic Resource**. A general term for buildings, sites, structures and objects which are Historic Landmarks or Historic District, or have potential to be.
**Historic Resource of Statewide Significance**. A building, structure, object, site, or district that is listed on the National Register of Historic Places.
**Historic Review Board**. An appointed committee of volunteers who are each experts in some aspect of historic preservation and who review all designations, alterations, demolitions and other activities involving historic resources. (See section 16.110.025)
**Historic Themes**. Archeology and prehistory, exploration, western migration, settlement, agriculture, commerce and industry, transportation, government politics and military activities or culture.
**Moving**. Relocating a historic or cultural resource from its existing parcel or tax lot, to another site.
**Non-compatible**. An addition or new construction which is not architecturally or stylistically consistent with a historic resource or surrounding resources in a District.
**Non-contiguous District**. see Historic District.
**Non-contributing Resource**. A structure, site or object within a Historic District, which is neither a Contributing Resource, nor a Landmark.
**Planning Director**. Person holding the position of Planning Director for the City of Canby, or their designated representative. (Ord. 905, 1994; Ord. 1061, 2000)

**16.110.025 Historic Review Board.**

**1.** For the purpose of this ordinance, the decisions regarding alterations to Historic Landmarks and recommendations for designation of Historic Landmarks or Districts, shall be accomplished by a City of Canby Historic Review Board.

**2.** Appointment and Composition. The City Council shall appoint three (3) to five (5) individuals with a demonstrated positive interest, knowledge, or competence in historic preservation. To the extent possible, individuals chosen to serve on the Historic Review Board shall represent the disciplines listed in *The Secretary of the Interior's Proposed Historic Preservation Qualification Standards.* A majority of Board members shall reside or work inside Canby's Urban Growth Boundary.

Members are appointed by the City Council upon recommendation by the Committee Chairperson and assigned Council Liaison. The Mayor may vote only to break a tie, if necessary. Any Board member failing to attend three consecutive meetings without approval of the Board Chairperson may be removed by the Council and a new member appointed to complete the unexpired term. Historic Review Board members serve at the pleasure of the City Council and are subject to removal at any time by the Council with or without cause.

**3.** Terms of Service. The members of the Historic Review Board shall be appointed for three (3) years, and may be reappointed or removed at the discretion of the City Council. In the first appointment one (1) members shall be appointed for three (3) years, at least one (1) member~~s~~ shall be appointed for two (2) years, and at least one (1) member shall be appointed for one (1) year.(Ord. 905, 1994; Ord. 1061, 2000)

**16.110.030 Historic Review Board – Powers and Duties**

It is the responsibility of the Historic Review Board to ensure that the purposes of this section are implemented, and to perform the following duties:

**1.** Adopt rules to govern its deliberations and decisions, including a method to record its proceedings.

**2.** Carry out the duties described for it in this ordinance and assist the Planning Director, Planning Commission and Canby City Council on historic preservation matters.

**3.** Maintain and update an inventory of historic resources within the city, as provided under section 16.110.035.

**4.** Review and render decisions on all historic landmark and historic district applications, as provided under section 16.110.045.

**5.** Review and make recommendations on application of the Historical Protection Overlay Zone, as provided under section 16.110.045.

**6.** Review and render decisions on proposals to alter the exterior of a Historic Landmark subject to the procedures and criteria set forth in section 16.110.080.

**7.** Review and render decisions on all proposed new construction on property where a Historic Landmark is located, or within a Historic District, subject to the procedures and criteria set forth in section 16.110.080.

**8.** Review all requests for demolition of a historic landmark or contributing resource, as provided under section 16.110.075.

**9.** Review and make recommendations to the Planning Commission on all Conditional Use applications under section 16.38.

**10.** Review and make recommendations on all partitions and subdivisions of designated properties, as provided under section 16.110.085.

**11.** Disseminate information to educate the public as to local, state and federal laws protecting antiquities and historic places.

**12.** Act as consultant for local preservation groups, educational workshops, signage and monumentation projects, and other similar projects.

**13.** Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the city.

**14.** Provide design guidance for historic property owners. (Ord. 905, 1994; Ord. 1061, 2000)

### 16.110.035 Inventory of Historic Resources

**1.** The Commission shall develop or adopt a system for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for designation as a Historic Landmark or Historic District.

**2.** The Commission shall periodically update the Inventory of Historic Resources and make it available to the public.

**3.** Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are automatically designated as Historic Landmarks or Historic Districts. As Historic Resources of Statewide Significance, all such properties are subject to the regulations in Sections 16.110.070-085, pursuant to Oregon Administrative Rule 660-023-200. However, only properties designated as Historic Landmarks or Historic Districts by the City of Canby as provided for under this Division are eligible for the local public incentives and zoning designation herein. (Orig. section del., repl. by Ord. 1061, 2000; Ord. 1111, 2003)

### 16.110.040 Register of Historic Landmarks and Historic Districts.

**1.** The Historic Review Board shall maintain a register of Historic Landmarks and Historic Districts, consisting of all properties so designated by the City Council.

**2.** The three structures already designated under the Historic Overlay provisions in 1984, by Ordinance No. 742, are hereby added to the Register of Historic Landmarks.

**3.** Designated Historic Landmarks and Historic Districts shall have the Historical Protection Overlay Zone applied to them unless the City Council finds that such zoning is not appropriate to a specific piece of property. (Orig. section del., repl. by Ord. 1061, 2000)

**16.110.045 Designation Procedure for Historic Landmarks and Historic Districts.**

**1.** The City's Historic Landmark designation procedure may be initiated by the City Council, Planning Commission, Historic Review Board, or owner(s) of the proposed landmark, hereby referred to as applicant.

**2.** The City's Historic District designation procedure may be initiated by the Historic Review Board, the City Council, Planning Commission, any citizen, or by owners of at least fifty-one (51) percent of the privately owned property in the area to be designated.

**3.** No property shall be designated without the written consent of the owner, or, in the case of multiple ownership, a majority of the owners. If the owner or owners refuse to consent to designation at any point during the designation process, the property shall be removed from any form of consideration for local designation.

**4.** The Planning Director shall establish standards for a complete application and may require a pre-application conference. Upon acceptance of a complete application, the Planning Director shall schedule a public hearing pursuant to applicable state laws.

**5.** After review, notice and public hearing, as specified in section 16.110.050, the Historic Review Board shall make a decision on the City's Historic Landmark or Historic District designation. In addition the Board shall make a recommendation to the Canby Planning Commission and City Council for assignment of the Historical Protection Overlay Zone.

**6.** The Board shall develop findings to support its decisions. These findings shall indicate those elements of a property or district that are included in the designation and subject to regulation under the provisions of this Division. A list of Contributing Resources shall be identified upon creation of a Historic District.

**7.** Upon receipt of the record of the Historic Review Board proceedings and the recommendation of the Board, the Planning Commission shall conduct a review of that record and shall make a recommendation to the City Council on the overlay zone designation. The City Council shall conduct a review of the records of both the Historic Review Board and Planning Commission and shall vote to approve, deny, or approve subject to modifications the recommendation that has been forwarded to them. The Planning Commission and City Council may, but are not required to, hold new public hearings on the matter. (Ord. 905, 1994; Ord. 1061, 2000; Ord. 1111, 2003)

**16.110.050 Review, Notice, Public Hearing Procedures.**

**1.** Review of any application pursuant to this chapter shall follow procedures set forth in Canby Ordinance Chapter 16.89.

**2.** The Historic Review Board shall follow the public hearing procedures found in ordinance section 16.88.130(C) and the notice requirements of ordinance section 16.88.130 (D) when reviewing the following applications:

**a.** Designation of a Historic Landmark or Historic District;

**b.** Modification of a Historic District boundary;

**c.** Demolition or moving of a Historic Landmark or Contributing Resource;

**d.** Alterations subject to the Historic Board review.

**e.** New construction subject to the Historic Board review.

**3.** The Planning Commission shall apply the criteria of this ordinance to major alterations to be reviewed within its jurisdiction for reasons other than Historic Preservation purposes, but which occurs on or to a Historic Landmark or a Contributing Resource within a Historic District. The Historic Review Board will make recommendations regarding these matters to the Planning Commission and the commission shall recognize such recommendations in its action.

**4.** The Planning Director shall apply the criteria of this ordinance when reviewing:

**a.** Minor alterations subject to the Planning Director's jurisdiction (see section 16.110.020, definition of Alterations.)

**b.** Lot line adjustments which occur on or to a Landmark or within a Historic District.

**5.** All other historically related administrative actions for which the Planning Director has decision making authority shall be subject to the review procedures provided in section 16.89.

**6.** The Planning Commission shall receive notice of all public hearings held by the Historic Review Board. (Ord. 905, 1994; renumb., mod. by Ord. 1061, 2000; Ord. 1080, 2001)

**16.110.055 Criteria for Historic Landmark and Historic District Designation.**

**1.** In order to designate buildings, sites, objects, or structures as Historic Landmarks or Historic Districts, it shall be found that:

**a.** The resource is about 50 years or older, or the resource is less than 50 years old but of exceptional importance with regard to its historical, architectural or environmental significance; and

**b.** There is historical, architectural, or environmental significance.

**2.** The following factors shall be considered in determining whether the criteria found in subsection 1(b) of this section are satisfied:

**A.** Historical Significance.

**1.** Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation.

**2.** Association with an event that has made a significant contribution to the city, county, state or nation.

**3.** Association with broad patterns of cultural, political, social, economic, industrial, or agricultural history.

**4.** Potential for providing information of a prehistoric or historic nature in the city, county, state, or nation.

**5.** Listed on the National Register of Historic Places.

**B.** Architectural Significance.

**1.** Example of a particular architectural style, building type and/or convention.

**2.** Example of quality of composition, detailing and/or craftsmanship.

**3.** An example of a particular material and/or method of construction.

**4.** It retains original design features, materials and/or character.

**5.** The only remaining, or one of few remaining resources of a particular style, building type, design, material, or method of construction.

**6.** The work of a master architect.

**C.** Environmental Significance.

**1.** A visual landmark in the neighborhood or community.

**2.** Existing land use surrounding the resource contributes to the integrity of the pertinent historic period.

**3.** It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, view sheds and natural features.

**4.** It contributes to the continuity or historic character of the street, neighborhood and/or community. (Ord. 905, 1994; renumb., mod. by Ord. 1061, 2000)

**16.110.070 Building Code Requirements, Handicapped Access.**

**1.** Permits Required. Any alteration or relocation of a Historic Landmark shall be subject to the applicable regulations under the Building Code.

**2.** Waivers. Except for 1-2 family structures, as provided in section 104(f) of the Uniform Building Code, repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation or continued use of a Historic Landmark, or building within a Historic District or Historic Corridor, may be made without conformance to all the requirements of the Uniform Building Code when authorized by the Building Official, provided:

**a.** Any unsafe conditions as described in the Uniform Building Code are corrected;

**b.** The restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and

**c.** The Building Official seeks the advice of the Historic Review Board and/or the Oregon State Historic Preservation Officer.

**3.** Alterations of Landmarks and Contributing Resources to provide handicap access, as approved by the Building Official with advice from the Planning Director and Historic Review Board, shall be allowed. To the extent practical, the design of the alteration shall be discreet and preserve the historic features upon which the designation is based.

**4.** Modifications to certain regulations. As pertains to designated properties, the Planning Commission may modify the Land Development and Planning Code regulations pertaining to signs, fence and wall provisions, general provisions regarding height, yards, area, lot width, frontage, depth, coverage, number of off-street parking spaces required, and regulations prescribing setbacks, if the modifications:

**a.** are necessary to preserve the historic character, appearance or integrity of the proposed Historic Landmark, and

**b.** are in accordance with the purposes of the zoning and sign regulations.

The Historic Review Board shall make recommendations to the Planning Commission on such matters.

**5.** Appeals. In the case of appeals related to the application of the Uniform Building Code to a Historic Landmark, or building within a Historic District, the City Council or the appropriate Local or state appeals board shall seek the advice of the state Historic Preservation Officer. (Ord. 905, 1994; Ord. 1061, 2000)

**16.110.075 Moving or Demolition of a Landmark or Contributing Resource.**

**1.** Purpose. The intent of this subsection is to protect Historic Landmarks and Historic Districts from destructive acts and to provide the citizens of the city time to review the

significance of a Historic Landmark or Contributing Resource within a Historic District, and to pursue options to preserve such building(s) if historic preservation is deemed in the best interest of the community.

**2.** Prior to submittal of a request for moving or demolition, a preservation plan is required.

**a.** The applicant shall prepare and submit a plan for preservation of the Landmark or Contributing Resource. A pre-application conference shall be scheduled to allow the applicant and staff to discuss the proposal, the preservation plan requirements, and the applicable criteria. The plan shall be reviewed by the Historic Review Board.

**b.** The Preservation Plan shall include a narrative describing how the applicant will accomplish all of the following:

**1.** The resource shall be advertised in the local, regional and historic preservation newspapers of general circulation in the area, once per week during the pre-application period.

**2.** A city-provided sign shall be placed on the property informing the public of intended action which will remove or demolish the structure. The sign shall remain on the property until a permit is issued.

**3.** Information will be prepared and made available, related to the history and sale of the property, to all who inquire.

**4.** The proposed plan for the new use of the Historic Landmark site shall be provided.

**5.** A record of the parties who have expressed an interest in the structure shall be provided and, to ensure that an adequate effort has been made to secure a relocation site, a list of locations and owners who have been contacted regarding purchase of a relocation site shall be provided.

**c.** Following receipt of the preservation plan, the Planning Director shall review and approve said plan and shall issue a media release to local newspapers of general circulation. The media release shall include, but not be limited to, a description of the significance of the Historic Landmark, the reasons for the proposed demolition or removal, and the possible options for preserving the Historic Landmark.

**3.** Moving or Demolition Permit. No building designated as a Historic Landmark or Contributing Resource within a Historic District shall be intentionally moved unless such action is approved by the Historic Review Board. No building designated as a Historic Landmark or Contributing Resource within a Historic District shall be intentionally demolished unless such action is approved by the City Council.

Application for permit to move or demolish such a building shall be made to the Planning Director.

**4.** Public Hearing Review: The Historic Review Board shall hold a public hearing under provisions and procedures in Subsection 16.110.050, to review the request to move, demolish or destroy a Historic Landmark or Contributing Resource within a Historic District. The Board shall make a final decision on applications to move an Landmark or Contributing Resource and shall make a recommendation to the City Council on demolitions. The Board shall make written findings supporting its decision to approve or suspend the request. The burden of proof lies with the applicant. For demolition applications, the City Council shall review the record and findings of the Historic Review Board and make a final decision. The council may, but is not required to, hold a public hearing on the matter.

**5.** Moving a Historic Landmark or Contributing Resource. In order to allow the moving of a Historic Landmark or Contributing Resource, the Historic Review Board shall consider the following:

**a.** Relocation is the only alternative for preservation of the Historic Landmark or Contributing Resource;

**b.** The proposed relocation site will not greatly reduce the historical and/or architectural significance of the Historic Landmark or Contributing Resource; the site is a contextually appropriate setting; it is within the city and preferably within the neighborhood within which it is currently located;

**c.** The designated resource cannot reasonably be used in conjunction with the proposed use;

**d.** The continued location of the Landmark or Contributing Resource on the proposed development site precludes development on the site which would provide a greater community benefit;

**e.** The designated Landmark or Contributing Resource is structurally capable of relocation;

**f.** If the Landmark or Contributing Resource is relocated within the city, the owner of the relocation site agrees, as a condition of the purchase agreement, to apply within ninety (90) days of relocation, to the city for designation as a Historic Landmark, to be protected under the provisions of this ordinance;

**g.** The loss of the Landmark or Contributing Resource will not affect the integrity of a Historic District; and adequate effort has been made to seek a relocation site within the Historic District.

**6.** Demolition of a Historic Landmark or Contributing Resource. In order to allow the demolition of a Landmark or Contributing Resource, the Historic Review Board and City Council shall consider the following:

**a.** All plans, drawings, and photographs submitted by the applicant; and,

**b.** Information presented at the public hearing concerning the proposed work proposal; and,

**c.** The Canby Comprehensive Plan; and

**d.** The purposes of this ordinance as set forth in section 16.110.010; and

**e.** The criteria used in the original designation of the Historic Landmark or Historic District in which the property under consideration is situated; and,

**f.** The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to the other buildings within the district or corridor; and the position of the building in relation to public rights-of- way and to other buildings and structures in the area; and,

**g.** The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district or corridor which cause it to possess a special character or special historical or aesthetic interest or value; and,

**h.** Whether suspension of the permit will involve substantial hardship to the applicant, and whether approval of the request would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this ordinance; and,

**i.** When applicable, the findings of the Building Official in determining the status of the subject building as a dangerous building under section 15.16 of the Municipal Code, and the feasibility of correcting the deficiencies to meet the requirements of the City Council rather than demolishing the building.

**7.** Approval of Moving or Demolition Request/Appeals. The Historic Review Board or City Council may approve the moving or demolition request in consideration of the provisions under 3 and 4, above. The action of the Historic Review Board shall be transmitted to the applicant in writing within ten (10) days of the decision on the request, and shall be final after a period of fifteen (15) days from the date of the letter and findings approving the request, unless a notice of appeal is filed by any aggrieved party, pursuant to section 16.89.

**8.** Suspension of Moving or Demolition Permit Request. The Historic Review Board may suspend the request for moving or demolition of an Historic Landmark or Contributing Resource if it determines that in the interest of preserving historic values for public benefit, the building should not be moved or demolished. Written findings supporting the suspension of the request shall be transmitted to the applicant within ten (10) days of the final public hearing on the request.

**9.** Stay of Moving or Demolition. If the moving or demolition request is suspended by the Historic Review Board, the written finding supporting the action to suspend the request shall be transmitted to the Planning Director, along with a request that the enforcement of any applicable notice and order of the building official be stayed during the pendency of an appeal, or for a period of not more than sixty (60) days from the date of the letter and findings supporting the suspension. During this stay of demolition period, the following actions may be taken:

**a.** The Fire Marshal, Chief of Police, or the City Council designee, may require the owner or other party responsible for the subject building to take appropriate actions, other than demolition, to protect the public from hazardous conditions associated with the building.

**b.** The applicant may be required by the Historic Review Board to continue to carry out the Preservation Plan (Section 16.110.075 (2)) activities through the entire stay of moving or demolition.

**c.** The Historic Review Board may research programs or projects underway which could result in public or private acquisition of the subject building and site, and assess the potential for the success of these programs or projects.

**1.** If the Board determines that there is reasonable grounds to believe that such program or project may be successful, it may extend the suspension period up to thirty (30) additional days per extension, not to exceed more than a total of 120 days from the date of the letter and finding suspending the request.

**2.** If the Board determines that all such programs or projects are unlikely to be successful, and the applicant has not withdrawn his application for a demolition permit or taken appropriate alternative action to correct the hazards associated with the subject building as provided in a notice and order of the City Council, then at the end of the stay of demolition period, the building official may, with advice of the Planning Director, issue such permit, subject to all other applicable codes and ordinances.

**10.** Appeal of Stay of Demolition. Action of the Historic Review Board in suspending issuance of the permit for demolition may be appealed by the applicant, to the City Council, within fifteen (15) days of the date of the written findings suspending the demolition permit, by filing a notice of appeal, as provided in section 16.88.140.

**11.** Documentation Required. When moving or demolition is imminent, whether by direct approval or if efforts during the Preservation Plan and Stay of Demolition are unsuccessful, the following complete documentation of the structure(s) is required to be submitted to the Planning Director by the applicant, or access allowed to a designee of the Historic Review Board:

**a.** floor plans, to scale, of the structure(s) and related structures.

**b.** site plan, to scale, showing surrounding roadways, landscaping, natural features, structure(s) and related structure(s).

**c.** photographs of all exterior elevations.

**d.** photographs of architectural detail not shown in elevation photographs.

**e.** the Historic Preservation League of Oregon, Canby Heritage League, Old Home Forum, and any other local preservation group shall be given written notice of the opportunity to salvage and record the resource. A copy of such notice shall also be given to the Planning Director.

**12.** Moving or Demolition Permit Issuance. A moving or demolition permit for a Landmark found to comply with all provisions set forth in Division 10 of this ordinance shall not be issued until all development permit applications for the new use or development have been approved by the city. (Ord. 905, 1994; Ord. 1061, 2000)

**16.110.080 Alteration of a Historic Landmark or Contributing Resource, or New Construction Within a Historic District.**

**1.** Purpose. It is the intent of this subsection to provide for the appropriate level of review for proposed new construction, alterations and development affecting properties within Historic Districts, or those affecting Historic Landmarks, and to provide criteria for review.

**2.** Application Requirements. In addition to any normally required building permits, a Certificate of Appropriateness is required. Prior to formal application, a pre-application conference between the applicant and Planning Director shall occur. All applications for alterations and development made pursuant to this section shall include:

**a.** the applicant's name and address.

**b.** the owner's name(s) and address.

**c.** a detailed explanation of proposed alterations.

**d.** a written description of the location of the site and, if applicable, boundaries of the Historic District or Corridor.

**e.** a map illustrating the location of the site and, if applicable, boundaries of the District.

**f.** a list of exterior materials pertinent to the application request.

**g.** drawings:

**1.** side elevation for each side of any affected structure,

**2.** shall indicate dimensions and be to scale,

**3.** photographs may be used in lieu of drawings for small projects.

**h.** site plan showing relationship of structure(s) to roadways, parking areas, access drives, landscape features, plant materials, fences and other pertinent elements, drawn to scale.

**3.** Maintenance. The normal responsibilities of the property owner to care, repair and replace with like materials can be done without formal review. Normal maintenance may include, but not be limited to:

**a.** painting and related preparation of the structure.

**b.** repair and/or replacement of roofing materials with the same kind existing.

**c.** ground care and maintenance required for the permitted use on the property.

**d.** replacement of fences, shrubs or other yard fixtures or landscaping with like type or style.

**e.** existing materials may be replaced in-kind, of either building or grounds because of damage or decay of materials.

**f.** installation and maintenance of irrigation systems.

**4.** Minor Alterations. The Planning Director shall determine the status of a proposed alteration. While the following improvements may not always require a regular building permit, minor alterations shall always be reviewed and approved by the Planning Director, who may consult with the Historic Review Board, or any member thereof, in applying the provisions of this section. A Certificate of Appropriateness is required for minor alterations. An alteration shall be considered minor when the result of the proposed action is to restore portions of the exterior to the original historic appearance while performing repairs, such as:

**a.** addition of gutters and downspouts (suggest repair of built-in, wooden, or half-round gutters and round downspouts).

**b.** repairing or providing a compatible new foundation that does not result in raising or lowering the building elevation.

**c.** change in material to match original type of material on the structure or grounds.

**d.** change in type of roof material in character with the original roofing material.

**e.** replacement of storm windows or doors with wooden, dark anodized, clad or painted in compatible color.

**5.** New Construction or Major Alterations Criteria. The Historic Review Board shall review all proposed new construction and alterations which exceed a minor status. A request for a new construction or alteration permit under this provision shall be made on the appropriate application form provided by the Planning Department. Review and approval of an application shall consider the following Secretary of the Interior's Standards for Rehabilitation:

**a.** A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and special relationships.

**b.** The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features and spaces and special relationships that characterize a property shall be avoided.

**c.** Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other historic properties, shall not be undertaken.

**d.** Changes to properties that have acquired historic significance in their own right shall be retained and preserved.

**e.** Distinctive materials, features, finish and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

**f.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

**g.** Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

**h.** Archeological resources affected by a project shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

**i.** New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and special relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale, and proportion and massing, to protect the historic integrity of the property and its environment.

**j.** New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the

historic property, including historic plant materials, and its environment would be unimpaired. *(Additional Criteria for Consideration)*

**k.** The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the District or Corridor, considering setbacks, distances between structures, location of entrances and similar siting considerations.

**l.** Changes to yard areas including planters, fences, ponds, walkways and landscape materials, should be compatible with the overall historic setting. (Ord. 905, 1994; Ord. 1061, 2000)

**116.110.085 Partitions and Subdivisions.**

The Historic Review Board shall review and make recommendations, as soon as possible, to the Planning Commission, on all proposed partitions or subdivisions of sites designated as a Landmark or located within a Historic District. The Planning Director shall transmit applications to the Historic Review Board as soon as possible. Review of proposed subdivisions or partitions shall be based on the following criteria:

**1.** The partition or subdivision does not allow a significant feature of the original site, as identified in the designation action and inventory, to be located on a separate site from the Landmark.

**2.** The partition or subdivision allows adequate setbacks from Landmark improvements to provide for buffering and mitigation of impacts associated with development of the new parcels. Such special required setbacks shall be indicated on the plat or partition or in deed covenants.

**3.** Yard and landscaped areas including large trees and shrubs associated with the Historic Landmark structure shall be retained with the structure whenever possible. (Ord. 905, 1994)

**16.110.090 Incentives.**

**1.** Economic.

**a.** The Planning Director or Historic Review Board shall provide all applicants and interested parties with details regarding monies available from national, state, county, and local sources.

**b.** The city shall explore and consider the feasibility and advisability of the adoption of economic incentives for the benefit of owners of historic resources (i.e. revolving fund, to offset hardship, buy endangered properties, offer low interest loans or grants, tax relief).

**c.** The city shall explore and consider property tax rebates for designated properties.

**d.** The city shall explore and consider Community Development Block Grants for rehabilitation of designated properties.

**e.** The city shall encourage the establishment of a mechanism for providing opportunities for:

**1.** cooperative purchase of materials for improvement;

**2.** assistance in application for National Register application; and

**3.** facilitating loan and insurance availability for designated properties.

**2.** Educational.

**a.** The Planning Director shall provide owners of historic resources with the names of local, state, and national preservation organizations and pertinent publications.

**b.** All owners of historic resources shall be invited to attend an annual preservation workshop sponsored either by the city, or in partnership with other jurisdictions in the county and shall be made aware of their eligibility for and advantage of membership in the Historic Preservation League of Oregon.

**c.** The Historic Review Board members may provide design guidance (but not to be construed as free long-term design service).

**d.** The Historic Review Board and the Planning Director shall work with Parks Development and local developers to feature historic themes at appropriate sites.

**3.** Recognition.

**a.** The city shall provide all owners of designated Landmark properties with an appropriate certificate.

**b.** Consistent with the requirements of the Sign Code section 16.42, property owners of Historic Landmarks and Contributing Resources shall be encouraged to display a standard identifying sign, as available through local preservation organizations. (Ord. 905, 1994; renumb. by Ord. 1061; 2000)

**16.110.095 Casualty Destruction.**

A historic resource damaged or destroyed by unintentional means, to the extent that the cost of rebuilding damaged portions would exceed fifty (50) percent of the replacement value of the entire historic resource, may be removed from the Landmark status list by requesting such action of the City Council, and providing such proof as is necessary to establish that the requirements of this section are met. (Ord. 905, 1994)

**16.110.100 Fees.**

No fees or deposits for applications, plan reviews, interpretations or any other action pursuant to this chapter, shall be established. (Ord. 905, 1994)

**16.110.105 Enforcement.**

It shall be the duty of the Planning Director to enforce the provisions of this chapter and to insure compliance with conditions of approval or postponement. (Ord. 905, 1994)

**16.110.110 Penalties.**
Any person who fails to comply with, or who violates any provision of this chapter, except the demolition provisions of section 16.110.075, or who violates or fails to carry out the terms and conditions of any approval granted pursuant to this chapter, shall be subject to a fine of not less than $50.00 or more than $500.00 per violation. The demolition of a Landmark in violation of section 16.110.075 is punishable by a fine of not less than $500, nor more than $25,000. (Ord. 905, 1994; Ord. 1061, 2000)

**16.110.115 Official Action.**
All officials, departments and employees of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this chapter, and shall issue no permit or grant approval for any development, alteration, moving or demolition which violates or fails to comply with conditions or standards imposed to carry out this chapter. Any permit or approval issued or granted in conflict with the provisions of this chapter, whether intentional or otherwise, shall be void. (Ord. 905, 1994)

**16.110.120 Abatement of Violations.**
Any development which occurs contrary to the provisions of this chapter or contrary to any permit or approval issued or granted hereunder is hereby declared to be unlawful and a public nuisance, and may be abated by appropriate proceedings.(Ord. 905, 1994)

**16.110.125 Injunctive Relief.**
Upon request of the city administrator, the City Attorney may institute an appropriate action in any court to enjoin the demolition, alteration or moving of any historic resources, or noncontributing resource or construction on or to any Landmark or within any Historic District which is in violation of any provision of this chapter. (Ord. 905, 1994)

**16.110.130 Evidence of Violation.**
Proof of a violation of this chapter or permit or approval issued or granted hereunder shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the unlawful activity, condition, building, structure or other development exists. Prosecution, or lack thereof, of the owner of the property, the occupant, or other person in possession or control of the property shall not be deemed to relieve any other responsible person. (Ord. 905, 1994)

**16.110.135 Cumulative Remedies.**
The rights, remedies and penalties provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the city under any other provision of law. A person holding a city business license who violates the provisions of this chapter is also subject to a proceeding to consider revocation of the license pursuant to Code section 5.04, Business Licenses. (Ord. 905, 1994)

**16.110.140 Interpretation, Regulations and Procedures.**
The Planning Director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this section. A request for an interpretation of this section shall be made in writing and may be appealed pursuant to section 16.110.145. The Planning

Director may develop rules, regulations and procedures to aid in the implementation and interpretation of the provisions of this section. (Ord. 905, 1994; Ord. 1061, 2000)

**16.110.145 Appeals.**

**1.** Any person may appeal a decision of the Planning Director to the Historic Review Board. The appeal must be filed within fifteen (15) days of the written decision of the Planning Director.

**2.** Any person may appeal a decision of the Historic Review Board within fifteen (15) days of the written decision of the Historic Review Board. The appeal will be heard by the City Council, pursuant to procedures set forth in Code section 16.89. (Ord. 905, 1994; Ord. 1061, 2000)

**16.110.150**
(Ord. 1061, 2000; del. by Ord. 1111, 2003)

**16.110.155**
(Renumb. to 16.110.090 by Ord. 1061, 2000)

**16.110.160, .165, .170, .175, .180**
(Ord. 905, 1994; Del. by Ord. 1061, 2000)

**16.110.185 Carryover Provisions.**
Any alteration of the three structures already designated under the Historic Overlay provisions in 1984, by Ordinance No.742, shall be reviewed under provisions of this chapter. (Tax Lot 6900 of Tax Map 3-1E-33CD; Tax Lot 1100 of Tax Map 3-1B-33CC; and Tax Lot 2600 of Tax Map 3-1E-33CC.) (Ord. 905, 1994)

**16.110.190 Severability.**
Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 905,1994)

# Division XI. – PARKS, OPEN SPACE AND RECREATION LAND

## Chapter 16.120

## GENERAL PROVISION

**Sections:**

**16.120.010 Purpose**
**16.120.020 Minimum standards for park, open space and recreation land**
**16.120.030 Dedication procedures**
**16.120.040 Cash in lieu of dedication of land**
**16.120.050 Review procedure**
**16.120.060 Partial credit for private park, open space and recreational facilities/areas:**
**16.120.070 Minimum standards for open space**
**16.120.090 Preservation and maintenance**

### 16.120.010 Purpose

The availability of park, open space, and recreation land is an important element in determining the character of a developing neighboring city to the metropolitan area, such as City of Canby. Land which substitutes trees, grass, and vegetation for structures, paving, and other urban features provides not only an aesthetically pleasing landscape with striking views of Mt. Hood, but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks, open space, natural parks and trail recreation lands, together with support facilities, also help to meet the active and passive recreational needs of the population of Canby; therefore, concurrent development of support facilities is equally important. This chapter implements policies of Goal 8 of the Comprehensive Plan, the Park and Recreation Master Plan, and Park and Open Space Acquisition Plan by outlining provisions for parks, open space and recreational facilities in the City of Canby.

### 16.120.020 Minimum standard for park, open space and recreation land

**A.** Parkland Dedication: All new residential, commercial and industrial developments shall be required to provide park, open space and recreation sites to serve existing and future residents and employees of those developments. Multi-family developments which provide some “congregate” services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and service are communal and provided by facility employees, are specifically exempt from park land dedication and system development fee requirements.

**1.** The required parkland shall be dedicated as a condition of approval for:

**a.** Approval of a tentative plat of a subdivision or partition.

**b.** Approval of site and design review for all development but single-family and duplex development.

**c.** The replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.

**2.** The City shall require land dedication or payment of the system development charge (SDC) in lieu of land dedication (Section 4.20.170). In addition, the City may credit private on-site park, open space and recreation area(s) and facilities (Section 16.120.060). The City may approve any combination of these elements. Prior to parkland dedication, a Level I Environmental Assessment of the lands proposed for dedication shall be performed by the applicant as part of the site plan approval for the project.

The following factors shall be utilized in the City's choice of whether to accept land or cash in lieu:

**1.** The topography, geology, public streets access to, parcel size, shape, and location of land in the development available for dedication;

**2.** Relationship of site to surrounding land uses and the surrounding transportation system;

**3.** Potential adverse/beneficial effects on environmentally sensitive areas;

**4.** Compatibility with the Park and Recreation Master Plan and Park and Open Space Acquisition Plan, Public Facilities element of the Comprehensive Plan, Transportation System Plan and the City of Canby Parks Capital Improvement Plan in effect at the time of dedication;

**5.** Opportunity for preservation of natural and historical features, scenic viewpoints, watershed environments, and sections of land for wildlife habitat.

**6.** Connections with, and continuity of, open space links, trails, and other major components of the open space system for parks.

**7.** Availability of previously acquired property;

**8.** Opportunity for shared use with other community facilities;

**9.** Opportunity for future expansion of the site; and

**10.** The feasibility of dedication.

**3.** Calculation of a Land Required: The total requirement of park, open space and recreational land shall be 0.01 of an acre per person based on the City standard of 10 acres of land per 1,000 residents. This standard represents the land-to-population ratio the City of Canby requires for city parks, and may be adjusted periodically through amendments to the Parks and Recreation Master Plan.

**a.** Population Formula: The following table of persons per unit shall be used in calculating the required dedication of acres of land:

**Table 1**
**Persons per Dwelling Unit**

| Type of Unit | Total Persons Per Unit |
|---|---|
| **Single Family Residential** | **2.7** |
| **Standard Multi-family Unit** | **2.0** |
| **Manufactured dwelling park** | **2.0** |
| **Congregate multi-family unit** | **1.5** |

Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment.

**b.** Determination of Resident Population: The projected resident population of the land to be subdivided or developed is determined by multiplying the maximum number of units allowed by the plat or the site plan by the appropriate number of standard of persons per unit set forth in Table 1 above. This figure is then to be multiplied by 0.01 to determine the total acreage that must be dedicated or deeded to the City for park, open space or recreation

(Maximum units) x (persons/unit) x 0.01 (acreage to be dedicated)

## 16.120.030 Dedication procedures

When the final plat or site plan is approved, the developer shall dedicate the land as previously determined by the City in conjunction with approval of the tentative plat or site plan. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction.

Dedication of land or covenants approved as part of a preliminary plat or site plan approval may be given or provided when the final plat is presented for approval. The developer must clear, or fill and grade all parkland to be dedicated to the satisfaction of the City and shall cause a Level I Environmental Assessment, as referenced by *Section 16.120.020 Minimum standards for park, open space, and recreation land* of this Code, to be performed on all lands to be dedicated as part of the City's construction plan approval for the plat.

**A.** In addition to a formal dedication on the plat or site plan to be recorded, the subdivider shall convey the required lands to the City by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above

situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easement which, in the opinion of the Planning Director, will interfere with the use of the land for park, open space or recreational purposes.

If any questions exits as the presence of any reservation, encumbrances or easements, the subdivider or developer may be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.

**B.** Where any reservation, encumbrances or easements exist, the City shall require payment in lieu of the dedication of lands (see *Section 16.120.040 Cash in lieu of dedication* below) unless the City chooses to accept the land subject to encumbrances.

**C.** If the developer does not own the property held subject to the land dedication the Planning Commission may, at its discretion, approve the grant of a long-term lease of land, which will satisfy the intent of the parkland dedication provisions set forth within this Code.

**D.** Trails that are to be dedicated that are within the floodway of a 100-year floodplain shall be credited no more than 25% of land dedication requirements. Trails that are to be dedicated that are not within the floodway, but are within the 100-year floodplain, or which are part of irrigation ditches or stormwater detention areas shall be credited no more than 50% of land dedication requirement. No other land dedicated in a floodplain shall receive any credit.

**16.120.040 Cash in lieu of dedication of land**

In no case shall land dedication requirements be in excess of 15 percent of the gross land area of the development without the agreement of the developer. The decision of whether land is acceptable for use by the public for park and recreation purposes is to be made by the City Planning Commission based on the findings and planning set forth in the Canby Park and Recreation Master Plan and Acquisition Plan. Formal acceptance of parks and recreation lands required to be dedicated shall be by the City Council following any land use hearing and recommendation by the City Planning Commission. In all cases, except for PUD's, actual dedication of land shall occur prior to final plat sign-off. Dedication of land in the case of a PUD shall occur, by separate instrument, prior to commencement of construction of the project.

If land proposed for dedication to the public does not meet the criteria set forth in the Canby Park and Open Space Acquisition Plan, then at the option of the city, a park system development charge shall be required. Once calculated, the dedication of land shall remain the same, and not change, unless the original plans are altered.

**A.** Procedures for Land Dedication. Development applications shall include a scaled plan which identifies the sites proposed to be dedicated as park land. Parkland and recreational sites shall be clearly and accurately depicted on the final plat map and

documented in the tax lot files. All phased residential subdivisions and planned unit developments shall show any proposed parkland for dedication on the overall master plan plat for the proposed development in addition to other anticipated public facilities. Such master plan as finally approved and accepted by the Planning Commission is considered binding on all future phases. Any requests by the developer to change parkland dedication for future phases must be brought back to the Commission for approval. In case of phased development where separate plats are recorded, land dedication shall occur prior to final platting of forty percent of the gross land area.

Tentative approval of parkland boundaries shall be made by the hearing body at the time of the public hearing on the development proposal. All sites shall be dedicated in a condition ready for full service including electrical, water, sewer and streets as is applicable to the location of the site or as necessary infrastructure and/or improvements to adjacent sites can be made at the discretion of the city. In case of phased development, sites may be improved as each phased is developed rather than at the time of original dedication. An environmental audit sufficient to meet DEQ requirements shall be required on all parkland proposed to be dedicated to the city prior to acceptance. The cost of such an audit shall be split equally between the city and the developer.

All lands dedicated to the city for parkland and recreational space shall be conveyed to the city either by warranty deed or be depicted on the final recorded plat as so dedicated. The conveyor shall be responsible for payment of all title searches, real estate taxes, and recording fees at the time of conveyance.

**B.** Options for Meeting System Development Charge Requirements. Any land proposed or required for parkland dedication, including improvements thereon, shall be appraised at its fair market value at the time it is dedicated to the city. The cost of the appraisal shall be divided equally between the developer and the city. This value of the property shall be credited toward the system development charge calculated for the development with the difference being the cash owed the System Development Improvement Fund. In no case may the city require more land of the developer than would be required if the entire amount of the system development charge was paid in cash. Similarly, no developer may dedicate parkland above the valuation required by the system development charge so that the city would be required to refund money to the developer unless mutually agreed upon by the city and developer.

If no parkland dedication is required or requested by the city, the full amount of the park system development charge will be assessed and is due and payable at the time the first building permit(s) is/are issued.

**a.** Cash charged in lieu of land dedication shall be based on the City's System Development Charge for parkland, as provided by the Systems Development Charge ordinance.

**b.** Cash in lieu of parkland dedication may be paid in installments on a per building basis for multi-family development or a per lot basis for platted single family or

duplex subdivisions. Payment must be made in full for each building or lot in conjunction with construction permits.

**16.120.050 Review procedure**

Decisions made for section *16.120.020 Minimum standards for park, open space and recreation land* and *Section 16.120.030 Dedication procedures* shall be made by the Planning Director for Type I and Type II decisions and by the Planning Commission for Type III decisions. The applicant shall have full rights of appeal to the Planning Commission or City Council according to procedures set forth in *Division VIII General Standards and Procedures.*

**16.120.060 Partial credit for private park, open space and recreational facilities/areas:**

Where a substantial private park and recreational area is provided in a proposed residential development and such space is to be privately owned and maintained by the future residents of the development, partial credit, not to exceed 50% may be given against the dedication if the Planning Commission finds that it is in the public interest to do so and that all the following standards are met:

**1.** That yards, court areas, and setbacks required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private parkland.

**2.** That the private ownership and maintenance of the parkland is adequately provided for by recorded written agreement, conveyance or restrictions.

**3.** That the use of the private parkland is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City or its successor.

**4.** That the proposed private parkland is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location.

**5.** That facilities proposed for the parkland are in substantial accordance with the provision of the Canby Park and Recreation Master Plan and Canby Park and Open Space Acquisition Plan and,

**6.** That the parkland for which credit is given is a minimum of two acres and provides a minimum of three of the basic local park elements listed below, or a combination of such and other recreational improvements that will meet the specific recreation park needs of the future residents of the area:

| **CRITERIA LIST** | **ACRES** |
|---|---|
| Children's play apparatus area | .50 – .75 |
| Landscaped park-like and quiet areas | .50 - 1.00 |
| Family picnic area | .25 - .75 |
| Game court area | .25 - .50 |

| | |
|---|---|
| Turf play field | 1.00 - 3.00 |
| Recreation center building | .15 - .25 |
| Swimming pool (42' x 75') w/adjacent deck and lawn area | .25 -.50 |
| Recreation and community gardening | .15 - .25 |

Before credit is given, the Planning Commission shall make written findings that the above standards are met.

**16.120.070 Minimum standards for open space**

**A.** Purpose: Areas unsuitable or undesirable for development, including, but not limited to, areas containing drainageways, floodplains, identified steep slopes, significant natural features or other environmentally sensitive land may be set aside as permanent open space. No more than 25% of the required parkland dedication shall be within an identified flood plain or on an identified steep slope. The following procedures shall apply:

**1.** The types of open space which may be provided, together with maintenance required for each type, are as follows:

**a.** Natural Areas are areas of undisturbed vegetation, steep slopes, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction. Maintenance is limited to removal of litter, dead tree and plant material and brush. Natural water courses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter flood plain levels.

**b.** Agricultural Uses. No specific maintenance is required.

**c.** Garden plots are the division of open space into plots for cultivation as gardens by residents. Maintenance may be limited to weeding.

**d.** Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas is encouraged. Maintenance is limited to a minimum removal of litter dead brush and avoidance of hazards, nuisances or unhealthy conditions.

**e.** Lawns and landscaped areas consisting of grass with or without trees. Maintenance is limited to mowing, removal of litter, dead plant material, and necessary pruning.

**2.** An open space plan shall be submitted as part of the application for a tentative plat or site plan. This plan will designate the boundaries of all required open space areas as specified in the Canby Parks Acquisition Plan. The open space plan must:

**a.** Designate areas to be reserved as open space.

**b.** Specify the manner in which the open space shall be perpetuated, maintained, and administered (see ***Section 16.120.090 Preservation and maintenance*** below).

**3.** Dedication of open space may occur concurrently with development of the project. At the discretion of the City, for development which will be phased, the open space may be set aside in totality and/or developed in conjunction with the first phases of the development or incrementally set aside and developed in proportion to the development occurring in each phase.

**4.** Open space must be residentially zoned and must be located adjacent to the primary site.

**16.130.090 Preservation and Maintenance**

Open space areas shall be maintained so that the use and enjoyment thereof is not diminished or destroyed. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:

**A.** Dedication to the City of Canby or an appropriate public agency approved by the City, if there is a public agency will to accept the dedication.

**B.** Common ownership by a homeowner's association which assumes full responsibility for its maintenance.

**C.** Dedication of development rights to an appropriate public agency with ownership remaining with the developer or homeowner's associations. Maintenance responsibility will remain with the property owner; and/or

**D.** Deed-restricted private ownership preventing development and/or subsequent subdivision and providing for maintenance responsibilities.

In the event that any private owner of open space fails to maintain it according to the standards of this Code, the City of Canby, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space.

# Division XII. – RIPARIAN PRESERVATION

## Chapter 16.130

## GENERAL PROVISIONS

**Sections:**

**16.130.010 Purpose**
**16.130.020 Definitions**
**16.130.030 Applicability and generalized mapping**
**16.130.040 Permitted and prohibited activities**
**16.130.050 Alteration requiring mitigation**
**16.130.060 Setback adjustment**
**16.130.070 Variances**
**16.130.080 Molalla River riparian reduction**
**16.130.090 Appeals**
**16.130.105 Conflicts**
**16.130.110 Findings of facts**
**16.130.120 Amendments**
**16.130.130 Severability**

### 16.130.010 Purpose

Riparian land regulations contained in this chapter are intended to implement the policies of the Canby Comprehensive Plan, and are intended to resolve conflicts between development and conservation of riparian areas. Specifically, this chapter allows reasonable economic use of property while establishing clear and objective standards to protect and maintain the integrity of the rivers and streams in Canby by minimizing erosion, promoting bank stability, maintaining and enhancing water quality, and fish and wildlife habitats, and preserving scenic quality and recreation potential.

### 16.130.020 Definitions

**1.** "Building Envelope" means the land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

**2.** "Fish Use" means inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.

**3.** "Impervious surface" means any material which reduces and prevents absorption of storm water into previously undeveloped land.

**4.** "Lawn": is grass or similar materials maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

**5.** "Mitigation" means taking one or more of the following actions listed in order of priority:

**a.** Avoiding the impact altogether by not taking a certain development action or parts of that action;

**b.** Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;

**c.** Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

**d.** Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures;

**e.** Compensating for the impact by replacing or providing comparable substitute resources or environments.

**6.** "Net Loss" means a permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures having been taken.

**7.** "Non-conforming" is a structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, though expansion, re-construction, or substantial improvement may be regulated.

**8.** "Off-Site Mitigation" means habitat mitigation measures undertaken in areas distant from a development action, and which are intended to benefit fish and wildlife populations other than those directly affected by that action.

**9.** "On-Site Mitigation" means habitat mitigation measures undertaken within or in proximity to areas affected by a development action, and which are intended to benefit fish and wildlife populations directly affected by that action.

**10.** "Riparian corridor " includes a river or major stream, associated wetlands, and the "riparian setback" area:

**11.** The "riparian setback area" is a slope distance measured from the Molalla River top-of-bank, mean high water line, or the edge of an associated wetland, whichever is greater. The riparian setback is the same as the "riparian corridor boundary" in OAR 660-23-090 (1) (d).

**a.** Within the City Limits of Canby, the standard Molalla River riparian setback if 75 feet, unless modified in accordance with this chapter;

**b.** Clackamas County 100 foot riparian setbacks for the Molalla River apply to lands currently outside the City Limits but within the Urban Growth Boundary (Section 704 of Clackamas County Zoning and Development Ordinance.

**c.** Isolated wetlands and minor streams (including adjacent wetlands) have no riparian setback;

**12.** "Structure" is a building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.

**13.** "Substantial Improvement" is any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

**a.** Before the improvement or repair is started, or

**b.** If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition Substantial Improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

**c.** Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

**d.** Any alteration of a structure listed on the National register of Historic Places or a State Inventory of Historic Places.

**14.** "Top of Bank" means the stage or elevation at which water overflows the natural banks of streams or the waters of the state and begins to inundate upland areas. It has the same meaning as 'bankfull stage" as defined in OAR 141-85-0101 (2): In the absence of physical evidence aerials may be used to approximate the bankfull stage or delineate the top of bank.

**16.130.030 Applicability and generalized mapping**

The inventory of riparian areas contained in the Canby Wetlands and Riparian Inventory specifies which streams and lakes are fish-bearing, and the stream –size category. Based on the classification contained in this inventory, the following riparian corridors shall be established:

**1.** Along the Molalla River within the City Limits, with average annual stream flows greater than 1,000 cubic feet per second (2760 cfs ), the riparian corridor boundary shall be 75 feet upland from the top of each bank.

**2.** Clackamas County 100 foot riparian setbacks for the Molalla River apply to lands currently outside the City Limits but within the Urban Growth Boundary (See Section 704 of Clackamas County Zoning and Development Ordinance).

**3.** Where the riparian corridor includes all or portions of a significant wetland as identified in the Local Wetland and Riparian Inventory, and mapped on the Canby Wetland and Riparian Inventory Map, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.

**4.** Except as provided for in 16.130.030(2), the measurement of distances to the riparian corridor boundary shall be from the top of bank. The measurement shall be a slope distance. In areas where the top of each bank is not clearly defined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most land ward. In areas where the predominant terrain consists of steep cliff, the distance to the corridor boundary shall be measured as a horizontal distance until the top of the cliff is reached, and as a slope distances from that point.

**16.130.040 Permitted and prohibited activities**

**A.** The permanent alteration of the riparian area by grading or by the placement of structures of impervious surfaces is prohibited, except for the following uses provided they are designed to minimize intrusion into the riparian area and no other option or location area feasible:

**1.** Streets, roads, and paths;

**2.** Drainage facilities, utilities, and irrigation pumps;

**3.** Water related and water-dependent uses;

**4.** Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;

**5.** Structures or other non-conforming alterations existing fully or partially within the riparian area may be expanded provided the expansion does not occur within the riparian area. Substantial improvement of a non-conforming structure in the riparian area shall require compliance with the standards of this ordinance.

**6.** Existing lawn within the riparian area may be maintained, but not expanded within the riparian area. Development activities on the property shall not justify replacement of riparian area with lawn.

**7.** Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be

evaluated by the Director and appropriate natural resource agency staff. Such alteration of the riparian area shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.

**B.** Removal of riparian vegetation is prohibited, except for:

**1.** Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.

**2.** Removal of vegetation necessary for the development of approved water-related or water-dependents uses. Vegetation removal shall be kept to the minimum necessary to allow the water –dependent or water –related use.

Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from this department . if no hazard will be created, the department may require these trees, once felled, to be left in place in the riparian area.

**16.130.050 Alteration requiring mitigation**

**A.** Permanent alteration of the riparian area by placement of structures or impervious surfaces is allowable under the following procedures, subject to the mitigation requirements of 16.130.050 (B).

**1.** A setback adjustment as allowed under 16.130.060.

**2.** A Variance to the riparian setback approved through the procedures of 16.130.070.

**3.** On the Molalla River, having average annual stream flow exceeding 1,000 cubic feet per second and having a 75-100-ft. riparian buffer established under this ordinance, the riparian setback may be reduced as allowed under 160.130.080.

**B.** Proposals for development activities within the riparian area allowed in 16.130.050 shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW), as per OAR 635-415 Fish and Wildlife Habitat Mitigation Policy. A mitigation recommendation shall be obtained from ODFW. For purposes of implementing Goal 5, the goal is no net loss of protected resources; correspondingly, for purposes of designing appropriate mitigation , site should be considered at least in “Habitat Category 2” (OAR 635-415-030), which strives for no net loss of habitat values. Approval of the development proposal shall be conditional, requiring compliance with the mitigation recommendation of ODFW.

**16.130.060 Setback adjustment**

**1.** Qualifying lots: Lots on which the riparian setback required by this ordinance exceeds any other setback in a particular yard, and which, when combined with other

required yard setbacks, results in a building area depth of 25 ft. or less or a building envelope of 800 sq ft or less.

**2.** Setback reduction procedure. Setback reduction shall be the minimum necessary to create a building envelope 25-feet deep or a building envelope of 800 sq ft (whichever requires a lesser reduction of the setback). The yard setback opposite the riparian area may be reduced of to ½ the standard setback. If this does not create a sufficient building envelope, the riparian setback may be reduced up to ½ the required setback. Additional reduction of setbacks require a variance. Removal of vegetation within the original riparian setback shall be the minimum necessary to allow development of the use, and shall otherwise conform with the standards of Section IIB of this ordinance.

**16.130.070 Variances**

**1.** In cases where the provision for a Setback Adjustment under Section 16.130.060 are not sufficient, a property owner may request a Variance to the riparian setback. Granting of a Variance requires finding that:

**a.** the proposed development requires deviation from the riparian standards; and

**b.** strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity; and

**c.** the provisions of Section 16.130.060 are insufficient to remedy the hardship.

**16.130.080 Molalla river riparian reduction**

**A.** Molalla River Riparian Reduction : Structures and impervious surfaces may be placed within the 75-100 foot riparian setback as follows:

**1.** The removal of vegetation shall be limited to the minimum amount necessary to accommodate the use. Any vegetation removed in excess of this standard shall be non-native species, and the proposal shall specify replacement of that vegetation with native species.

**2.** The applicant shall provide sufficient information regarding the proposed development and potential impacts to riparian resources to allow the staff, in consultation with the Oregon Department of Fish and Wildlife, to determine whether the proposal will provide equal or better protection of riparian resources. This information includes, but is not necessarily limited to: a plot plan showing the top of the stream or water body bank, the extent of development within the riparian setback, uses that will occur within the riparian setback and potential impacts (for example: chemical runoff, noise, etc.), the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), any proposed alterations of topography or drainage patterns, existing uses on the property and any potential impacts they could have on riparian resources.

**3.** In no case shall such alterations occupy more than 50% of the width of the riparian area measured from the upland edge of the corridor.

**16.130.090 Appeals**

Any decision by the City of Canby on a land use application concerning the riparian protection requirements herein may be appealed to the Planning Commission and City Council pursuant to Canby's Land Development and Planning Ordinance.

**16.130.105 Conflicts**

To best protect important values of riparian areas in the event that the requirements of this section conflict with other ordinance requirements, the City shall apply the requirements that best provide for the protection of the resource.

**16.130.110 Findings of facts**

The City Council adopts the above findings of fact as a basis for adoption of this land use ordinance**.**

**16.130.120 Amendments**

All amendments made to this ordinance shall be in accordance with the amendment procedures set forth in Canby's Land Development and Planning Ordinance.

**16.130.130 Severability**

The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections, or permit approvals and prosecutions brought pursuant to this section.

# Division XIII. – WETLANDS

## Chapter 16.140

## GENERAL PROVISIONS

**Sections:**

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### 16.140.010 Purpose

The purpose of this ordinance is to establish a process and standards which will minimize the degradation and destruction of significant wetlands within the City of Canby's Urban Growth Boundary, and conserve wetland resources and their functions and values. This ordinance is intended to protect and enhance local water quality; to preserve fish and wildlife habitat; to provide flood storage capacity, and to preserve open spaces within the City of Canby.

### 16.140.020 Definitions

As used in this ordinance the following words and phrases shall mean:

Enhancement: An activity which improves one or more specific functions or values of an existing wetland.

Function and Values: Functions refers to the environmental roles served by wetlands and buffer areas including, but not limited to , water quality protection and enhancement, fish and wildlife habitat, flood storage, nutrient attenuation , and sediment trapping. Values refers to the qualities ascribed to a wetland such as educational and recreational opportunities, open space and visual aesthetic qualities.

Restoration: To improve a disturbed wetland by returning wetland parameters which may be missing; adding soils, water, or plants. The restoration may return a missing or damaged wetland function to achieve a desired outcome.

"Wetland" is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions;

**a.** A "significant Wetland" is a wetland that meets the Division of State Lands definition of a Locally Significant Wetland, and which appears on the City of Canby Wetlands and Riparian Corridors Map;

**b.** An "Associated Wetland" is a significant wetland, all or part of which is within 75 feet of the Molalla River top-of-bank.

**c.** An "Isolated Wetland" is a significant wetland, all of which is located outside of the riparian setback;

**d.** A "Non-Significant Wetland" is a wetland that does not meet the Division of State Lands definition of a Locally Significant Wetland. Non-significant wetlands are not regulated by this chapter, but do require DSL notification under ORS 227.350.

**16.140.030 Applicability and Generalized Mapping**

The wetland regulations contained in this ordinance apply to those areas identified as significant wetlands on the Canby Wetlands and Riparian Corridors Map, and wetland sites meeting Division of State Lands criteria. Precise wetland boundaries may vary from that shown on the Canby Wetlands and Riparian Inventory Map if an on-site delineation or other City approved documentation indicate more accurate boundaries. For any proposed development impacting significant wetlands or within 50 feet of identified significant wetlands, the applicant shall be required to conduct a wetland delineation to determine the precise wetland boundary for application of the Removal –Fill Law, and if applicable, the nature and extent of development impacts on adjacent wetlands. The more precise boundaries obtained through a wetland delineation can be identified, mapped, and used for a development without a change in the Canby Wetland and Riparian Inventory Map. All developments proposed within or adjacent to a designated
Wetland area shall be subject to the provisions of this ordinance and Site Plan Review pursuant to Canby's Land Development and Planning Ordinance.

**16.140.040 Permitted uses**

The following uses are permitted within wetlands identified as locally significant.

**1.** Removal of fill and any refuse that is in violation of local, state or federal regulation. Removal of fill must be consistent with State of Oregon Removal-Fill regulations.

**2.** Removal of non-native vegetation or invasive plant species.

**3.** Planting or replanting with native plants.

**4.** Channel maintenance to maintain storm water conveyance and flood control capacity, as required by local policies, state and federal regulations, or

intergovernmental agreements.

**5.** Site management and maintenance practices, whose purpose is to maintain or improve natural functions and values or protect public health and safety, and which are consistent with adopted plan and policies, including but not limited to perimeter mowing and other cutting necessary for hazard prevention;

**6.** Wetland and natural area restoration and enhancement of natural function and values which involve displacement, excavation or relocation of less than 50 cubic yards of earth, and which carry out the objective of this ordinance and are consistent with adopted policies and plans.

**7.** Preservation and maintenance activities associated with historic structures.

**16.140.045 Uses subject to site and design review**

Within locally significant wetlands the following uses are subject to site and design review in accordance with Canby's Land Development and Planning Ordinance.

**1.** Nature interpretive centers and wetland research facilities, when specified in or consistent with adopted plans or policies.

**2.** Maintenance facilities for storage of equipment and materials used exclusively for maintenance of wetlands and other natural resources

**3.** Construction of trails, boardwalks, viewing platforms, information kiosks, and trail signs.

**4.** Realignments and reconfigurations of channels and pond banks, including the restoration and enhancement of natural functions and values which involve displacement, excavation or relocation of more than 50 cubic yards or earth and which carry out the objectives of this ordinance.

**5.** Construction of access roads for maintenance of channels, wetlands and other natural resource areas.

**6.** Construction of bikeways and other paved pathways.

**7.** Construction of stormwater quality treatment facilities that use biofiltration methods.

**16.140.050 Prohibited uses**

Within locally significant wetlands, practices that are specifically not allowed and would adversely affect wetland function and values include, but are not limited to the following:

**1.** New development or expansion of existing development.

**2.** Storage or use of chemical pesticides, fertilizers, or other hazardous or toxic materials.

**3.** Construction of new septic drainfields.

**4.** Channelizing or straightening natural drainageways.

**5.** Removal or destruction of rare, threatened or endangered plant species or valuable native plant species as found on a list determined by the Oregon Natural Heritage Program and kept on file an Canby City Hall.

**6.** Filling, grading, and/or excavating wetland areas.

**16.140.060 DSL notification required**

In addition to the restrictions and requirements of this Section, all proposed development activities wholly or partially within areas identified as wetlands are also subject to DSL standards and approval. Where there is a difference, the more restrictive regulation shall apply. The City shall be responsible for notifying DSL whenever any portion of any wetland is proposed for development, in accordance with ORS 227.350. No action can be taken on a proposed development until such notification is provided.

**16.140.070 Appeals**

Any decision by the City of Canby on a land use application concerning the wetland protection requirements herein may be appealed to the Planning Commission and City Council pursuant to Canby's Land Development and Planning Ordinance.

**16.140.080 Variances**

**A.** For parcels that have no usable building site through application of the requirements of this ordinance, a variance may be granted to allow development on the parcel, provided that the design of the development minimizes impact to the wetland.

**B.** A variance may be granted in those instances where claims of map error are verified by the Division of State Lands.

**C.** A variance may be granted in those instances where the Planning Commission and City Council jointly determine that the public need outweighs the potential adverse impacts of the development in or near a locally significant wetland resource.

**16.140.090 Conflicts**

To best protect important values of wetlands in the event that the requirements of this section conflict with other ordinance requirements, the City shall apply the requirements that best provide for the protection of the resource.

**16.140.100 Findings of facts**

The City Council adopts the above findings of fact as a basis for adoption of this land use ordinance.

**16.140.105 Amendments**

All amendments made to this ordinance shall be in accordance with the amendment

procedures set forth in Canby's Land Development and Planning Ordinance.

**16.140.110 Severability**

The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections, or permit approvals and prosecutions brought pursuant to this section.