

**PROJECT NARRATIVE**

Project Name: Canby South – Ecommerce Whs Applicant: VLMK Engineering + Design  
 Project: S Township – Mulino to Sequoia 503.222.4453  
 Address: Parkway to UP R/R Contact: Greg Blefgen, VLMK  
 Canby, OR 97013  
 Developer: , Trammell Crow Co.

**TABLE OF CONTENTS**

**I. PROJECT SUMMARY** .....2

**II. INTRODUCTION/NARRATIVE** .....3

Description of Request .....3

Existing Site and Surrounding Land Use .....3

Description of Proposed Development .....3

Public Improvements and Transportation.....6

**III. DESIGN CRITERIA RESPONSE** .....6

Chapter 16.08 General Provisions.....6

Chapter 16.10 Off-Street Parking and Loading.....26

Chapter 16.32 M-1 Light Industrial Zone.....46

Chapter 16.35 Canby Industrial Overlay (I-O) Zone .....51

    Chapter 16.35.70 I-O Design review matrix. ....60

Chapter 16.42 Signs .....61

Chapter 16.43 Outdoor Lighting Standards .....61

Chapter 16.46 Access Limitations .....67

Chapter 16.49 Site and Design Review.....74

Chapter 16.58 Lot Line Adjustment .....78

Chapter 16.89 Application and Review Procedures.....80

Chapter 16.120 Parks, Open Space, and Recreational Land .....80

**ATTACHMENTS**

1. Land Use Application Form (Intermediate Modification – Type II)
2. Lot Line Adjustment Application Form
3. Certifications: Ownership
4. Perspective Renderings – See Drawing Set
5. Drawing Set
6. Preliminary Storm Report
7. Preliminary Geotech Report
8. Lighting Fixture Data Sheets – See Drawing Set
9. Traffic Impact Study (DKS) – In Process
10. Colors & Materials Board – See Drawing Set

**I. PROJECT SUMMARY**

Applicant: Trammell Crow Portland Development, Inc.  
c/o Trammell Crow Company  
1300 SW Fifth Ave, Suite 3350  
Portland, OR 97201  
Telephone: 503-946-4971

Owner: Amazon

Site Address: S Township Rd between Sequoia Parkway and S Mulino

Tax Map/Lot: TL 41E03 00100 & 00103

Accessor Site Acreage: 47.86 acres

Comprehensive Plan Designation: LI – Light Industrial

Current Zoning: M-1 Light Industrial with I-O Industrial Overlay

Adjacent Zoning: M-1 & EFU

Existing Structures: N/A

Request: Intermediate Modification to Land use approval (DR & LLA 21-01) for the development of an approximate 778,720sf e-commerce/high cube fulfillment center with lot consolidation. The primary changes are relocating parking, inserting a loop road, and additional storefronts.. NOTE: Major Variance to increase building height to 52'-10" was approved with original application.

Project Contact: VLMK Engineering + Design, Attn: Jennifer Kimura  
3933 S Kelly Ave  
Portland, OR 97239  
[jenniferk@vlmk.com](mailto:jenniferk@vlmk.com)

## **II. INTRODUCTION/NARRATIVE**

### **DESCRIPTION OF REQUEST**

This request includes applications for the following land use approvals in a consolidated/concurrent process:

- Intermediate Modification of Site and Design Review – Modification Type II + NHM
- Lot Consolidation via Property Line Adjustment

## EXISTING SITE AND SURROUNDING LAND USE

The subject properties (TL 100 & 103) have been used for agricultural use for the past 100+ years with crop rotations ranging from wheat to hazelnuts. The property is currently in seed and there are no existing structures on site. A small grove of wild cherry and maple trees occurs at the north central portion of the property adjacent to Township Rd. Topography is relatively flat with a gentle slope to the SE.

The site contains street frontage along Sequoia Parkway to the west, S Township Rd. to the north and S Mulino Rd. to the east. The SW corner of the property abuts the Union Pacific Railroad. Additional ROW and half street improvements will be required along the Township and Mulino frontages.

The property abuts the east boundary of Canby's City limits. Neighboring properties on the east side of Mulino are within Clackamas County and zoned EFU (Exclusive Farm Use). The City's comprehensive plan is light industrial for the properties to the north and west of the site. American Steel (steel fabrication/processing) occupies the parcel to the west whereas the properties to the north and south are single family dwellings, some of which are currently being utilized for agricultural use. Construction for Stanton Furniture's new production plant is completed on Parcel 3100 adjacent to the NE corner of the site.

A low-mid density residential subdivision (Timberpark) is located to the south and west of the proposed development. The subdivision is buffered from the subject site by the Sequoia Parkway railroad overpass, the Union Pacific Railroad right-of-way, a small park located at the NE corner of the subdivision and the Lampros Steel development to the east.

## DESCRIPTION OF PROPOSED DEVELOPMENT

Trammell Crow Company (TCC) proposes to develop the site in substantial likeness to the currently entitled e-commerce/high cube fulfillment center/distribution facility approved via DR 21-01. The proposed modifications include some minor changes to the project to enhance the functionality. The modifications will mostly impact the following:

### 1) Automobile parking locations

- The original application had 90% of the automobile parking stalls located on the north side of the site. The revised site plan relocates a portion of the stalls from the north to the south. Specifically, two rows of parking would be moved from the north side to the south side, and the parking lot in the northeast corner of the site would be moved to the south side.
- The parking ratio will remain the same as the original application.

### 2) Building size

- Since we are relocating rows of auto parking stalls from the north to the south, the building needs to shift to the north by 60 feet. The building footprint needs to shrink by 12,400sf, or 1.6%, because we'd like to move the corner parking lot to the south side of the building.
- The landscape area will increase slightly.

### 3) Truck access & trailer stalls

- Move the western truck access roadway further west to create a more efficient circulation pattern (which should also increase safety and decrease

idling and pollution). The drive location at Township does not change and the truck drive will extend along the south and west edges of the property providing a looped access road with direct connection to Mulino.

#### 4) Building elevations

- Increase amount of glass on the walls
- The original application was for a 791,120sf facility constructed in two phases with a Phase 2 Expansion of 107,880sf. Thus, the site plans and building elevations (the Drawings) presented in the original application only showed Phase 1, which did not include any glass office entryways or windows with Phase 2 on the south. TCC proposes building elevation modifications to:
  - i. Modifications to the north façade to reposition the office entryway from the middle to the corners of the building.
  - ii. The southern façade will include similar office entryways at the SE and SW corners.
- This adds a significant amount of glazing at the potential office entryways at each corner of the building which will be much more aesthetically pleasing to the neighbors and community, alike.

The primary impetus of the project modifications is to make it more functional in case more than one tenant occupies the building. While the original application contemplated multiple users, it also stated that TCC "has provided proposals to a handful of prospective users" [that would have occupied the entire building]. Our proposed modifications make the project better if the leasing scenario yields more than one tenant.

The original application included illustrative requirements of a possible E-commerce User for the speculative development. In that example, the user had an employee count of approximately 500 increasing to upwards of 700 at peak with 24/7 hours of operation. The traffic associated with the 'high-intensity' user included an ADT of 1600 with 194AM and 324PM peak hour trips. As part of the Traffic Impact Analysis, this traffic data was compared with that of a High-Cube Fulfillment, Non-Sort Center Warehouse (ITE 155) which resulted in an ADT of 1432 with 118AM and 126PM peak hour trips. We are working with Canby Planning and the traffic consultant to ensure that the Traffic Amendment Scoping captures the potential for a similar high-intensity use.

The extents of the ancillary office buildouts will be determined with the tenanting of the building. The site and building will be designed with accommodations for storefront entrances into the 'potential' office spaces at the north and south ends of the building. We anticipate the amount of ancillary office space needed for the targeted warehousing and distribution users will be less than 5% of the overall footprint.

The proposed site plan orients the building, access and circulation to best accommodate the desired optimum warehouse depth and truck courts with the existing property dimensions, topography and surrounding infrastructure. The main façade of the building is setback from Township to separate the employee parking and circulation areas from the secured truck entrances and courtyard.

Four access driveways are proposed along Township Rd. with two driveways at Mulino. Due to the security requirements for the e-commerce/high cube fulfillment center use, the

primary truck entrance will occur via the westernmost drive at Township. The driveway and access aisles will be designed to accommodate safe ingress/egress maneuvering and queuing for the anticipated truck traffic. Three employee auto drives are provided at Township with two providing full 3-lane access and one being limited to a 2-lane (right-in / right-out) drive. Secondary truck circulation and emergency vehicle access to the truck courts will be provided by the two drives at Mulino and the eastern most drive at Township.

Pedestrian access to the site will be provided with public sidewalks extending along the street frontages with connections extending to the primary building entrances at Township and Mulino. Additional pedestrian circulation sidewalks will be provided within the auto parking lot to provide safe pathways to the building.

The truck courts will be secured with cyclone fencing with screening slats around the perimeter and gates at the drives. Tractor trailer parking is provided opposite the loading docks which occur on each side of the building and along the truck circulation drive at the west side of the site.

The site plan includes a 778,720sf e-commerce/high cube fulfillment center, 751 auto parking spaces, 238 trailer parking spaces, 141 dock doors and 4 grade doors. The plan also allows for the development to be demised into separate tenant spaces with additional auto parking planned south of the building should future needs necessitate.

The building will be designed to accommodate high-cube warehouse storage with a clear height of up to 40ft. Construction will consist of concrete tilt-up perimeter walls with a low slope roof supported on a conventional foundation system. Wall height along the loading sides of the building will be approximately 44ft whereas the wall heights at the main façade (north wall) will be stepped between 48-52ft to provide articulation. Additional relief in the panels will be provided with storefront fenestration at the primary entrance and office area with complimenting reveals and paint around the perimeter walls.

### TABULATION OF SITE PLAN FEATURES

Total Site Area:	2,084,782sf (47.86 acres)		
Less: Right-of-Way Dedication:	46,609sf (1.07 acres)		
Net Buildable Site Area:	<u>2,038,172sf</u> (46.79 acres)		<u>100.0%</u>
Building Area:	778,720 (17.88 acres)		38.2%
Parking & Paving Coverage:	852,902sf (19.2758 acres)		100.0 41.8%
Landscape (LS) Area:	406,550sf (9.33 acres)		<u>20.0%</u>
Minimum Landscape (LS) Area Requirement:	305,726sf (7.02 acres)		15.0%
• Parking Areas:	<u>357,614sf</u> (8.21 acres)		100%
• Parking Area Landscaping:	62,086sf (1.43 acres)		<u>17.4%</u>
• Minimum Parking Area LS Required:	53,642sf (1.23 acres)		15.0%
Auto Parking:			
• Required:			
▪ Warehouse (1/T):	[739,784sf/1000sf]	=	740 spaces
▪ Office (2/T):	[ 38,936sf/500sf ]	=	<u>39 spaces</u>
	TOTAL REQUIRED	=	779 spaces

- Provided: 756 spaces \*
- Auto Parking:
- Required:
    - Warehouse (1/T): [739,784sf/1000sf] = 740 spaces
    - Office (2/T): [ 38,936sf/500sf ] = 39 spaces
  - TOTAL REQUIRED = 779 spaces
  - Provided: 756 spaces \*

**\* NOTE:** Although the number of auto parking spaces provided does not meet the parking standards outlined in Table 16.10.050, the parking demand necessitated by the Ecommerce / high cube fulfillment center Use does not need the additional spaces.

Parking standards for large distribution warehouse facilities ranges from 0.3 spaces/1000sf – 0.5 spaces/1000sf. Although the site can accommodate the parking standard, it is apparent that the current City standard over estimates the parking demand for large scale warehouse developments and as such, we are respectfully requesting an exception to this standard based upon the specific use/needs.

### **PUBLIC IMPROVEMENTS AND TRANSPORTATION**

As discussed in the pre-application meeting, public and infrastructure improvement requirements along the property frontages are summarized below;

- Sequoia Parkway (City of Canby Jurisdiction) – No additional ROW dedication or utility infrastructure improvements will be required, however a new sidewalk and street trees will be installed extending from Township Rd. to connect to the existing sidewalk at the railroad overpass. In addition, Canby Utility is requesting installation of a new stormwater management system which will include sediment manholes and dry wells.
- Township Rd. (City of Canby Jurisdiction) – Additional ROW dedication will be required to expand the existing half street ROW to 37ft with a 12ft PUE extending along the property frontage. Half street improvements will include reconstructing the roadway to provide 25ft paved width, curb & gutter, 6ft planter strip, 5ft sidewalk, street trees and street lights. Utility improvements will include the extension of a 12" waterline with fire hydrants, storm water treatment / retention via sediment man holes / drywells with Natural Gas, Primary electrical and telephone/cable within the PUE.
- Mulino Rd. (Clackamas County Jurisdiction) – Additional ROW dedication will be required to expand the existing half street ROW to 37ft with an 8ft PUE extending along the property frontage. Half street improvements will include reconstructing the roadway to provide 25ft paved width, curb & gutter, 6ft planter strip, 5ft sidewalk, street trees and street lights. Utility improvements will include storm water treatment / retention via sediment man holes / drywells with Natural Gas, Primary electrical and telephone/cable within the PUE.

### **III. DESIGN CRITERIA RESPONSE**

## **CHAPTER 16.08 GENERAL PROVISIONS**

### **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)

### **16.08.20 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.

***Findings:** The property is situated in the I-O Canby Industrial Area Overlay zone (Pioneer Industrial Park) which permits uses in the underlying M-1 zone. The M-1 Zone states in 16.32.010 that uses permitted outright in the M-1 Zone includes (A) "Manufacturing," (T) "Warehouse," and (X) "Business or Professional Office, When Related and Incidental to the Primary Industrial Uses of the Area."*

- 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)

### **16.08.040 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)

***Findings:** This criterion does not apply to this project. The proposed development has previously been annexed.*

### **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)

***Findings:** This criterion does not apply to this project. The proposed development is not located within a residential zone and adequate parking will be provided on-site.*



### **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)

***Findings:** The proposed development meets or exceeds these Requirements. The development will occur on two lots that have been properly recorded in accordance with the statutes of governing jurisdictions. The two existing lots will be consolidated into a single lot via the property line adjustment and in accordance with jurisdictional requirements.*

### **16.08.80 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.

***Findings:** This criterion does not apply to this project. The proposed development does not propose to reduce the required yard depth with the consolidated parcel meeting the standard requirement.*

- 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.

***Findings:** This criterion does not apply to this project. The proposed development does not propose to reduce the required yard depth and the consolidated parcel will comply with this requirement.*

- 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.

***Findings:** This criterion does not apply to this project. The proposed development does not propose to reduce the required yard area and the consolidated parcel will comply with this requirement.*

- 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)

***Findings:** This criterion does not apply to this project. The existing and proposed lots are not substandard and are conforming zoned lots.*

#### **16.08.90 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.

***Findings:** The proposed development meets or exceeds these Required Conditions. The development includes construction of approximately 3,850lf of City standard sidewalks and curbs with accessible ramps at the drives and street intersections.*

- 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)

***Findings:** The proposed development meets or exceeds these Required Conditions. The proposed development includes City standard sidewalks and curbs with ADA ramps.*

#### **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)

***Findings:** This criterion does not apply to this project. The proposed development does not include any of the above listed exceptions to the height limitations. A building height of 52'-10" was approved via Major Variance with the original application.*

#### **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.

***Findings:** This criterion does not apply to this project. The proposed development does not lie within the above listed zones and fences are not proposed within the required street setback.*

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

**Findings:** *This criterion does not apply to this project. Fences are not proposed within the street setback.*

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

**Findings:** *The proposed development is not proposing to have a fence installed within the required street yard setback.*

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

**Findings:** *The proposed development meets or exceeds these Required Conditions. Screening of parking and loading areas will be achieved with landscape buffers. The truck courts are screened with dense evergreen plantings, a site obscuring cyclone fence with PVC slats and supplemental landscape plantings atop a contoured berm at the entrance into the truck court.*

- E. Fences of up to eight feet in height are permitted for any development in C-2, C-M, M-1 or M-2, or Planned Unit Development zones.

**Findings:** *Fencing meeting the requirements of the development code will be provided around the perimeter of the truck court and at the south property line. The secured truck court will be screened with an 8ft chain link fence with site obscuring PVC slats. The property owner to the south requested an 8ft fence along the common property line.*

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

**Findings:** *This criterion does not apply to this project. The proposed development does not propose to construct any wall or fence for the purpose of 'walling' off the development from the rest of the City.*

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

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

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

***Findings:** The proposed fencing around the truck court will be set back approximately 35ft & 90ft from the public sidewalks at Mulino & Sequoia Parkway and buffered with landscape screening to provide security and visibility for pedestrians utilizing the sidewalk and/or bike lane within the street.*

#### **H. Use of hazardous materials.**

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

- a. Barbed wire or electrified fences enclosing livestock are permitted in any zone permitting farm use. Electrified fences shall be posted or flagged at not less than 25-foot intervals with clearly visible warnings of the hazard when adjacent to developed areas.
- b. In commercial and industrial zones barbed wire is permitted attached to the top of a fence that is at least six foot in height above grade; provided, that barbed wire shall not extend over a street, sidewalk, alley or roadway. The attached barbed wire shall be placed at least six inches above the top of the fence. (Ord. 890 section 8, 1993; Ord. 740 section 10.3.05(K), 1984; Ord. 955 section 2, 1996; Ord. 981 section 43, 1997; Ord. 1338, 2010; Ord. 1514, 2019)

***Findings:** The proposed development meets or exceeds these Required Conditions. Proposed fencing will be a chain link type with the possibility of barbed wire at the top as permitted in this section.*

#### **16.08.115 ARBORS**

- A. Arbors that are constructed of proper design (height and setbacks) and in accordance with, the design standards of the particular zone where it is located are allowed with the following limitations:
  1. Arbors shall be stand-alone structures and shall not be attached to a fence.
  2. The arbor shall not exceed eight feet in height and shall maintain a five foot setback from the property line.

3. If the vegetation becomes too full or too high, the owner is financially responsible to rectify the situation, and to maintain the vegetation, and arbor;
4. The primary purpose of the arbor is to support and sustain foliage/vegetation, provide shade, recreational space, and ascetic amenity. (Ord. 1514, 2019)

***Findings:** This criterion does not apply to this project. The proposed development does not include any proposed Arbors.*

#### **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 co-location;
  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:
- n. Items in section (E) above.
  - o. Alternatives for locating/relocating support structures within 250 feet of the proposed site.
  - p. 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.
  - q. An engineer's statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography, dropped coverage, etc.).
  - a. An engineer's statement demonstrating the reasons why the WTS facility must be constructed at the proposed height.
  - b. 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)

***Findings:** This criterion does not apply to this project. The proposed development does not include any proposed wireless telecommunications facilities.*

**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)

***Findings:** The proposed development meets or exceeds these requirements. Sequoia Parkway, S Township and S Mulino Rd. will be improved along the property frontages in compliance with the City & County development design standards.*

#### **16.08.140 TEMPORARY VENDOR.**

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

- A. Exemptions. The following temporary activities do not require a Temporary Vendor permit, and are exempt from the standards in this section:
1. Any person engaged in the mere delivery of any goods or services to a site, which were purchased from a regular place of business inside or outside the city;
  2. Any person engaged in delivery, exhibition, sale or offering of food on a site for a period of time not to exceed 2 hours during any 24 hour period;
  3. Any contractor who is engaged in constructing, maintaining, or repairing a structure, utility, equipment, or landscaping on a site; or

4. Any person conducting a garage sale per Section 5.04.020.
- B. Permit process.
1. A request for a Temporary Vendor permit shall be processed as a Type I decision pursuant to the procedures set forth in Chapter 16.89. A Temporary Vendor permit applicant shall demonstrate that the proposed activity meets all fire and life safety codes, and is in compliance with this section and with all other applicable sections of the Canby Municipal Code.
  2. An application for a Temporary Vendor permit shall include a site plan drawn to scale, which includes all existing lot lines, setbacks, structures, landscaped areas, paved areas, and parking and loading spaces; and illustrates the proposed location and layout of all the Temporary Vendor's structures, equipment, furnishings, signage, and inventory.
  3. The Temporary Vendor activity (e.g., retail, restaurant, etc) shall be an outright permitted use in the zoning district in which it is located; Or if the use is conditionally permitted in the zoning district, a Conditional Use Permit approval shall be required prior to issuance of a Temporary Vendor permit.
  4. A "Site and Design Review" permit is not required for a permitted Temporary Vendor.
  5. Any signage displayed by the Temporary Vendor must be in compliance with Chapter 16.42 sign standards, and all required Sign permits must be obtained.
  6. A Temporary Vendor must obtain a City of Canby business license.
- C. Duration. A Temporary Vendor permit may be granted for a site for up to 90 consecutive calendar days, and then may be renewed twice upon request for an additional 90 days, provided that the temporary vendor activity has been conducted in compliance with all applicable codes, and no public safety incidents have occurred on the site related to the temporary vendor activity. In no case shall a site be permitted to host Temporary Vendor activity for more than 270 days in any 12 month period.
- D. A Temporary Vendor shall be located on a paved surface with adequate vehicular and pedestrian ingress and egress, in compliance with Section 16.10.070. Inventory and equipment shall not be displayed or stored in any landscaped areas.
- E. A Temporary Vendor shall comply with all required development standards, such as height limitations, setbacks, vision clearance areas, and applicable conditions of any previous land use decisions for the site.
- F. Equipment such as trash cans, fuel tanks, or generators shall be screened such that it is not visible from any abutting public right-of-way.

- G. A Temporary Vendor shall not displace any vehicle parking spaces that are required to meet the minimum off-street parking requirements of another use on site or on a nearby site. A Temporary Vendor shall not encroach into required loading space areas, driveways, or vehicle maneuvering areas.
- H. A Temporary Vendor that displaces one or more vehicle parking spaces is prohibited for any site that:
  - 1. Is non-conforming in terms of meeting minimum required vehicle parking or loading space requirements; or
  - 2. Has been granted a vehicle parking exception, and currently has less than the required minimum number of off-street vehicle parking spaces.
- I. The property owner and the temporary vendor permit holder shall be jointly and separately responsible for any violation of this section or other applicable sections of the Canby Municipal Code. Any such violation may result in the immediate revocation or non-renewal of a temporary vendor permit, and may result in the denial of any future temporary vendor permit for the site upon which the violation occurred. (Ord 1315, 2009; Ord. 1520, 2019)

***Findings:** This criterion does not apply to this project. The proposed development does not include any proposed Temporary Vendors as identified by this section.*

#### **16.08.150 TRAFFIC IMPACT STUDY (TIS).**

- A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.
- B. Initial scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.
- C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.



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

D. TIS General Provisions

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

conference fee at the time of conference scheduling, in accordance with the adopted fee schedule.

6. A TIS determination is not a land use action and may not be appealed.
- E. TIS Scope. The city shall determine the study area, study intersections, trip rates, traffic distribution, and required content of the TIS based on information provided by the applicant about the proposed development.
1. The study area will generally comprise an area within a ½-mile radius of the development site. If the city determines that development impacts may extend more than ½ mile from the development site, a larger study area may be required. Required study intersections will generally include (in addition to the primary access points) collector/collector and above intersections with an anticipated peak hour traffic increase of five-percent from the proposed project.
  2. If notice to ODOT or other agency is required pursuant to noticing requirements in Chapter 16.89, the city will coordinate with those agencies to provide a comprehensive TIS scope. ODOT may also require a TIS directly to support an OR 99E approach permit application.
- F. TIS Content. A project-specific TIS checklist will be provided to the applicant by the city once the city has determined the TIS scope. A TIS shall include all of the following elements, unless waived by the city.
1. Introduction and Summary. This section shall include existing and projected trip generation including vehicular trips and mitigation of approved development not built to date; existing level and proposed level of service standard for city and county streets and volume to capacity for state roads; project build year and average growth in traffic between traffic count year and build year; summary of transportation operations; traffic queuing and delays at study area intersections; and proposed mitigation(s).
  2. Existing Conditions. This section shall include a study area description, including information about existing study intersection level of service.
  3. Impacts. This section should include the proposed site plan, evaluation of the proposed site plan, and a project-related trip analysis. A figure showing the assumed future year roadway network (number and type of lanes at each intersection) also shall be provided. For subdivision and other developments, the future analysis shall be for the year of proposed site build-out. For proposed comprehensive plan and/or zoning map amendments, the future analysis year shall be 20 years from the date of the City's adopted TSP, or 15 years, whichever is greater.
  4. Mitigation. This section shall include proposed site and area-wide specific mitigation measures. Mitigation measures shall be roughly proportional to

potential impacts. See Subsection K below for rough proportionality determination.

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

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

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

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

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

1. Local residential street volumes should not increase above 1,200 average daily trips
  2. Local residential street speeds should not exceed 28 miles per hour (85th percentile speed).
- I. Mitigation. Transportation impacts shall be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. Mitigation measures may be suggested by the applicant or recommended by ODOT or Clackamas County in circumstances where a state or county facility will be impacted by a proposed development. The city shall determine if the proposed mitigation measures are adequate and feasible. ODOT must be consulted to determine if improvements proposed for OR 99E comply with ODOT standards and are supported by ODOT. The following measures may be used to meet mitigation requirements:

1. On-and off-site improvements beyond required standard frontage improvements.
  2. Development of a transportation demand management program.
  3. Payment of a fee in lieu of construction, if construction is not feasible.
  4. Correction of off-site transportation deficiencies within the study area that are substantially exacerbated by development impacts.
  5. Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.
- J. Conditions of Approval. The city may deny, approve, or approve with appropriate conditions a development proposal in order to minimize impacts and protect transportation facilities.
1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
  2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or street that serve the proposed use may be required.
  3. The city may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.
- K. Rough Proportionality Determination. Improvements to mitigate impacts identified in the TIS shall be provided in rough proportion to the transportation impacts of the proposed development.
1. The TIS shall include information regarding how the proportional share of improvements was calculated, using the ratio of development trips to growth trips and the anticipated cost of the full Canby Transportation System Plan. The calculation is provided below:  
  
Proportionate Share Contribution = [Net New Trips/(Planning Period Trips- Existing Trips)] X Estimated Construction Cost.

- 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)

**Findings:** *The proposed development will satisfy the requirements of this code section and incorporate recommendations outlined in the traffic impact study. DKS completed the TIA for the entitled project dated March 2021 and followed up with the Canby South Fee-in-Lieu Analysis Memo on June 10, 2021. We are in discussions with Canby Planning and DKS to confirm the Traffic Amendment Letter Scoping and hope to move those efforts ahead ASAP.*

#### **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.

**Findings:** *The proposed development meets or exceeds these Requirements. The development includes design for adequate street drainage with sediment manholes and drywells as requested by the City of Canby operations group.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The development includes site distance reviews with landscape and site design features located to provide safe and clear vision at entrances and exits.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The development includes the design and extension of public utilities that will adequately serve the subject project and provide services for future neighboring developments.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The development includes design of half street improvements to meet the City & County Design Standards.*

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.

**Findings:** *The frontage streets surrounding the development are classified as 'collector' streets and these half streets will be improved in accordance with City Design Standards.*

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

**Findings:** *The proposed development will include half street improvements along Sequoia Parkway, S Township and S Mulino Rd. to provide 25ft half street roadway widths. The overall roadway widths along Sequoia Parkway will be 50ft and a minimum of 37ft at Township and Mulino.*

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

**Findings:** *The proposed development meets or exceeds these Requirements and includes half street improvements and dedications to provide 37ft of ROW at the surrounding streets.*

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)

**Findings:** *The proposed development meets or exceeds these Requirements. Sidewalks with ADA ramps will be provided with the proposed street improvements to mitigate existing mobility deficiencies along the frontage of the development.*

## **CHAPTER 16.10 OFF-STREET PARKING AND LOADING**

### **16.10.10 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.

**Findings:** *The proposed development has been designed to meet the specific requirements of an e-commerce/high cube distribution center use and includes 756 auto parking spaces and 224 trailer parking spaces. Although the auto parking count provided would be slightly less than 1-2/1000sf requirements for the proposed warehouse/office areas as outlined in table 16.10.050, the development is being designed with pedestrian-oriented accommodations (ie; construction of over 3,850ft of public sidewalks, interior & exterior bike parking, drop off zone in parking lot site location is in close proximity to a local transit stop and the parking requirements do not reflect the typical industry standards for large e-commerce/high cube fulfillment center developments. If a user requires an auto parking count more than what is being provided, additional auto parking could be installed within expansive setback at the NE corner of the site or within the secured truck courts.*

- 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.

**Findings:** *This exception does not apply to this project. The proposed development does not lie within the C-1 zone.*

- 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)

**Findings:** *This exception does not apply to this project. The proposed development does not contain existing structures.*

#### **16.10.20 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)

#### **16.10.30 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.

**Findings:** *This criterion does not apply to this project. Sufficient parking is provided to accommodate the anticipated e-commerce/high cube fulfillment center use being considered with this development. Any future change in use will conform to the requirements of this section.*

- 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.

***Findings:*** *The parking and loading proposed with the development meets and/or exceeds the requirements for the proposed e-commerce/ high cube distribution center use. For high-cube warehouse developments, the industry standard for auto parking count ranges between 0.3 – 0.5 spaces per 1000sf of warehouse. The parking and loading requirements for e-commerce/high cube fulfillment center use is noted on the site plan.*

- 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.

***Findings:*** *The proposed development will meet the parking requirements for the associated e-commerce/ high cube distribution center use. The required parking minimums for the industrial zoned property will be outlined on the plans with assumptions for apportioning the parking requirements between warehouse and ancillary office. As noted above, the auto parking count provided is specific to an e-commerce /high cube distribution center use with the pedestrian-oriented amenities accommodating a supplemental parking demand. Should modifications to the auto parking count be required with the final user (reduction or addition), the site plan will be amended to incorporate the specific parking demand.*

- 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.

***Findings:*** *This criterion does not apply to this project. The development does not contain any proposed dwellings.*

- 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.

***Findings:*** *The proposed development meets or exceeds these Requirements. The development will ensure that the auto parking spaces will remain available for the parking of operable passenger autos 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.

***Findings:** This criterion does not apply to this project. The development does not propose the use of on-street parking.*

- 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.

***Findings:** This criterion does not apply to this project. The development does not propose to share parking facilities with the adjacent parcels.*

- 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)

**Findings:** *The proposed development will meet the parking demand for the e-commerce / high cube fulfillment center use. The required parking minimums for the industrial zoned property will be outlined on the plans with assumptions for apportioning the parking requirements between warehouse and ancillary office. As noted above, the auto parking count provided is specific to an e-commerce/high cube distribution center use with pedestrian-oriented amenities being provided to accommodate supplemental parking demand. Should additional auto parking be required for the final user, the site plan will be amended to incorporate the specific parking needs.*

**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)

**Findings:** *This criterion does not apply to this project. The development does not propose the use of on-street parking.*

**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
<b>Residential Uses:</b>	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single- family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit.
c. Multi-family dwellings in complexes with private internal driveways	One space per studio or 1-bedroom unit. 2.00 spaces per 2-bedroom or larger unit. One additional guest parking space shall be provided for every five units for each development often or more units.
d. Retirement/assisted living	1.0 spaces per unit
e. Residential day care facility and	1.00 space per employee
<b>Institutions:</b>	
a. Convalescent home, nursing home or sanitarium	1.00 spaces per two beds for patients or residents, plus 1.00 space per employee
b. Hospital	4.00 spaces per two beds

<b>Places of Public Assembly:</b>	
a. Library, reading room	1.00 space per 400 square feet of public area
b. Nursery, primary/elementary, or junior high school	2.00 spaces per employee
c. Senior high school	1.00 space per classroom, plus 1.00 space per six students
d. Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length
<b>Commercial Amusement:</b>	
a. Theater	1.00 per six seats
b. Bowling alley	3.0 spaces per 1,000 square feet of floor area
c. Dance hall, skating rink	3.0 spaces per 1,000 square feet of floor area
d. Racquet courts, health clubs	3.0 spaces per 1,000 square feet of floor area
<b>Commercial</b>	
a. Retail shops (under 100,000 sq. ft.)	2.00 spaces per 1,000 square feet of floor area
b. Retail store handling exclusively bulky merchandise such as furniture, automobile and service repair shops	1.00 space per 1,000 square feet of sales floor area
c. Shopping center (over 100,000 square feet of gross leasable area)	3.00 spaces per 1,000 square feet of gross leasable area
d. Banks/savings and loans	2.00 spaces per 1,000 gross square feet of floor area
e. Medical/dental offices	3.00 spaces per 1,000 gross square feet of floor area
f. General offices	2.00 spaces per 1,000 gross square feet of floor area
g. Real estate offices	2.00 spaces per 1,000 gross square feet of floor area
h. Government offices	3.50 spaces per 1,000 gross square feet of floor area
i. Restaurant	8.00 spaces per 1,000 gross square feet of floor area
j. Take-out restaurant	8.00 spaces per 1,000 gross square feet of floor area
k. Motel	0.75 spaces per rentable room
l. Residential hotel, rooming house,	0.75 spaces per rentable room
m. Hotel	0.75 spaces per rentable room
n. Club or lodge	1.00 space per 200 square feet of floor area
o. Day care , adult or child care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1.00 space per 500 square feet of floor area
p. All others	1.00 space per 550 square feet
q. Wireless telecommunication systems	1.00 space per site
r. Self-Storage (Mini) Warehouse	2.00 spaces per 1,000 gross square feet of office space
<b>Industrial:</b>	

a. Manufacturing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.
b. Warehousing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space. Minimum of 5 parking spaces overall.
c. Wholesale establishments	2.00 spaces per 1,000 gross square feet of office space, plus 1.50 spaces per 1,000 gross square feet of non-office wholesale space. Minimum of 5 parking spaces overall.

(Ord 1296, 2008, Ord. 1338, 2010; Ord. 1514, 2019)

**Findings:** *The proposed development will meet the parking requirements for the associated e-commerce/ high cube distribution center use. The required parking minimums for the industrial zoned property will be outlined on the plans with assumptions for apportioning the parking requirements between warehouse and ancillary office. As noted in prior responses, the auto parking count provided is specific to an e-commerce/high cube distribution center center use with pedestrian-oriented amenities being provided to accommodate supplemental parking demand. Industry standard for parking requirements with 'high-cube' and 'large distribution warehouse' use is between 0.3 – 0.5 spaces per 1000sf which is more than met with the proposed parking count. Should adjustments to the auto parking spaces be required for the final user, the site plan will be amended to incorporate the specific parking needs.*

**16.10.60 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

**Findings:** *The proposed development exceeds these Required Conditions and includes a total of 145 loading berths (141 dock height and 4 at grade).*

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'.



**Findings:** *The proposed development exceeds these Requirements.*

- 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.

**Findings:** *The proposed development meets these Requirements. The landscape setbacks along the Sequoia Parkway and S Mulino Rd. frontage will be planted with dense evergreen plantings and the truck court will be enclosed with a sight obscuring fence consisting of an 8ft chain link fence with PVC slats to obscure the truck court from the street and surrounding properties. Additional landscape screening plantings have been added in the street setbacks and along the fence in proximity to the truck courts.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The proposed loading facilities will be installed prior to final building inspection and will be permanently maintained.*

- 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.

**Findings:** *This criterion does not apply to this project. The development does not propose any schools or daycare centers.*

- 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.

**Findings:** *The proposed development meets or exceeds these Requirements. The proposed loading facilities are designed to be located adjacent to the building on the site and clear of the on-site parking lot.*

- 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)

**Findings:** *This exception is not needed. The development exceeds the loading berth requirements.*

#### **16.10.70 PARKING LOTS AND ACCESS.**

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

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

***Findings:*** *The proposed development meets or exceeds these Requirements. The parking lot has been designed in compliance with the dimensional standards outlined in figure 1 and Table 16.10.070 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.

***Findings:*** *The proposed development meets or exceeds these Requirements. The compact parking spaces illustrated on the site plan is in compliance with the required dimensions.*

3. Areas used for staging 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:

***Findings:*** *The proposed development meets or exceeds these Requirements. The vehicle parking and maneuvering areas will be paved with asphalt throughout the auto parking/drives and within the truck courts with concrete aprons provided at the loading docks.*

- 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.

***Findings:*** *This criterion does not apply to this project. The development does not propose any engineered aggregate systems.*

- 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.

**Findings:** *The near surface soils on the site have negligible infiltration capabilities which would render any proposed permeable surfacing unfeasible. All surface water will be collected and filtered through an approved storm water quality system prior to being retained on-site. Storm water retention will include a combination of dry wells and storm chamber systems installed at the depth of the dense gravel which occurs 10-30ft below grade.*

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.

**Findings:** *The proposed development meets or exceeds these Required Conditions. The development has designed the driveways to be paved with concrete and asphalt to the full width and depth exceeding the requirements outlined in this section.*

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.

**Findings:** *This criterion does not apply to this project. The development is not adjacent to a residential planning district or use. The parking areas have been located throughout the site to provide safe and convenient access to the proposed office areas and to minimize maneuvering conflicts with truck traffic. As required by the applicable design standards, evergreen landscape screening is being provided in front of the parking stalls to minimize headlight glare onto the neighboring properties. The parking areas will be illuminated with a combination of pole mounted lights within the parking areas, the street lighting required with the ROW improvements and wall mounted lighting on the buildings.*

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.

**Findings:** *The proposed development meets or exceeds these Requirements. The development has designed the parking lot as to not require backing movements within a street right-of-way.*

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.

**Findings:** *The proposed development meets or exceeds these Requirements. To the extent possible, the access drives, pedestrian connections, auto parking and truck staging/loading areas have been located to provide safe ingress/egress throughout the development. The truck driveways have been widened to 50-60ft to provide safe and efficient maneuvering into/out of the truck courts and to minimize turning/staging conflicts. Directional signage will be provided at the driveways denoting 'truck' or 'auto' entrances.*

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.

**Findings:** *The proposed development meets or exceeds these Required Conditions. The development has designed the parking facilities to include the use of parking bumpers to prevent cars from encroaching on the adjacent landscaped areas or adjacent pedestrian walkways. No parking is proposed along the right-of-way that would require such provisions.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The development has designed the accessible parking to meet the requirements of ORS 447.233 and all Oregon Structural Specialty Code requirements.*

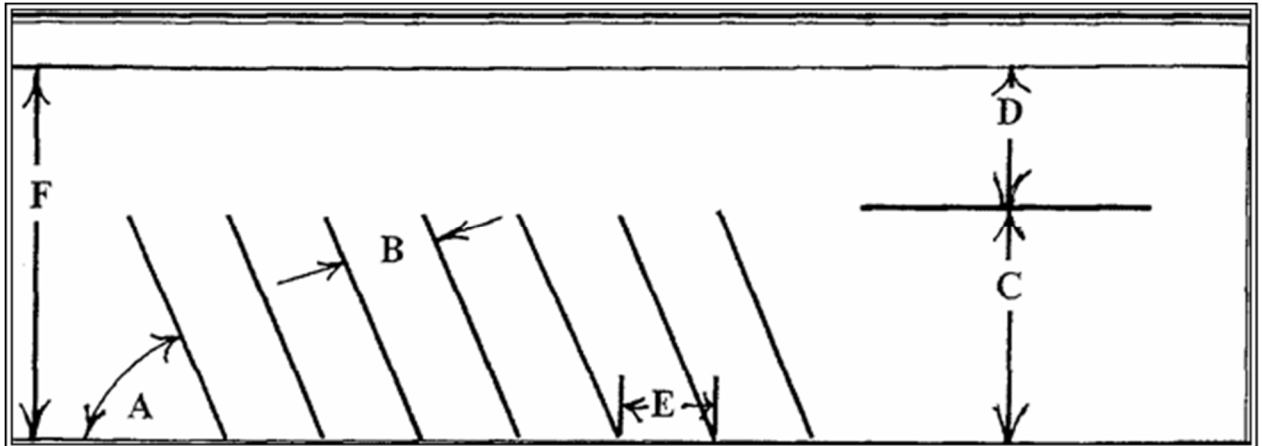
**TABLE 16.10.070**  
**Minimum dimensional Standard for Parking**

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

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

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

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



B. Access

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

**Findings:** *The proposed development meets or exceeds these Requirements. Design drawings will be submitted to the City that demonstrate how the requirements of this section will be met. In the event that any modifications are to be made with future development, it is understood that revised drawings would need to be re-submitted and approved as required.*

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.

**Findings:** *Joint/shared access with the parcel to the south is not proposed for the southernmost truck driveway at Mulino. The proposed drive location exceeds the County's drive spacing standards to the existing driveway serving the neighboring parcel and due to the secured nature of the proposed truck egress drive, a shared drive is not desirable.*

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

**Findings:** *The proposed development meets or exceeds these Required Conditions. The development proposes six (6) ingress/egress driveways connecting the development 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.

**Findings:** *This criterion does not apply to this project. The development does not contain any residential uses.*

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.

**Findings:** *The proposed development meets or exceeds these Required Conditions. A total of 2 pedestrian connections are proposed along the street frontages to provide connections to the internal sidewalks and allow for efficient ingress/egress to the primary building entrances. The drive aisle crossings are located at the ends of the parking runs and delineated with striping on the asphalt to provide safe access to the building.*

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.



**Findings:** The proposed development meets or exceeds these Required Conditions. The development has designed the City sidewalks within the right-of-way to be constructed to meet the City design standards. Per City Comments provided at the Pre-Application Conference, the development will be required to construct public sidewalks along the full frontage of the property at Sequoia Parkway, S. Township and S. Mulino Rd. The sidewalk at Sequoia Parkway will transition to the existing sidewalk at the Rail overpass whereas the sidewalk at Mulino will terminate at the end of the drive radius with the sidewalk to be extended with future development of the neighboring parcel (by others).

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)

<b>Minimum Access Requirements</b>			
<b>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):</b>			
<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks &amp; Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access OR Option B: 2 accesses	20 feet  12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
50-499	Option A: 1 access OR Option B: 2 accesses	30 feet  20 feet	Curbs required; Minimum of one sidewalk connection to residences and parking areas
Over 500	As required by Site and Design Review Board		As required by Public Works Director
<b>16.10.070(B)(9): Minimum access requirements for commercial or institutional uses - ingress and egress for commercial uses shall not be less than the following:</b>			
<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks &amp; curbs (in addition to driveways)</i>
1-4	1	12 feet	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	
<b>16.10.070(B)(10): Minimum access requirements for industrial uses - ingress and egress for industrial uses shall not be less than the following:</b>			
<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks &amp; curbs (in addition to driveways)</i>
1-250	1	24 feet	Curbs required; sidewalks on one side minimum
Over 250	As required by Public Works Director		

**Findings:** *The proposed development meets or exceeds these Requirements. The proposed development includes six (6) access drives with widths greater than 24ft.*

8. One-Way Ingress or Egress – The hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses. (Ord. 1514, 2019)

**Findings:** *The second auto drive into the car parking lot at Township is designed as a right-in / right-out drive and will have a minimum of 12ft traffic lanes.*

**9. Driveways:**

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

**Findings:** *The proposed development meets or exceeds these Required Conditions. The driveway locations have been designed and located to comply with the City of Canby design standards to include intersection/drive spacing, site distance and width. The driveway widths are 60ft, 36ft, 30ft & 50ft respectively for the drives at S. Township and 50ft for the two drives at S. Mulino Rd. with the wider drives designed to provide safe turning movements for the associated industrial truck traffic without crossing lanes of traffic. ADA approved ramps are included on each side of all driveways.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The proposed development includes six (6) driveway access points along the 3,850ft of surface street frontage. As previously noted, these access drives have been designed and located to accommodate the +employee and truck traffic anticipated with the e-commerce use and to provide safe and efficient maneuvering ingress/egress for the truck, auto, emergency and pedestrian traffic.*

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

**Findings:** *As previously noted, the proposed drives have been designed and located to provide safe and efficient maneuvering ingress/egress for the truck, auto, emergency and pedestrian traffic associated with the development. All surrounding frontage streets are classified as Collectors. The westernmost drive at S Township connects to a loop road which circulates the site providing internal access to the truck courts and segregating auto and truck traffic. This drive will be designed with a 60ft access width to allow for internal queuing and safe ingress and egress for trucks. The south drive at Mulino (loop road connector) and the easternmost drive at S. Township have also been designed with 60ft wide drive approaches to accommodate safe truck ingress/egress. The secondary truck drive at Mulino (nearest Township) could also be utilized to provide access into the eastern truck court should the use of the development necessitate.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The driveways have been designed in accordance with the City design standards, with the approval of the City's planning staff and recommendations outlined in the accompanying Traffic Impact Study. Furthermore, the study demonstrates that traffic hazards will not be created by the proposed drive locations.*

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

**Findings:** All frontage streets surrounding the property are classified as Collector Streets. Joint/shared access is not proposed for the southernmost driveway at Mulino due to the security requirements for the truck drive and the spacing to the existing drive on the neighboring parcel exceeds the County's drive spacing standard. The 4 access drives at S. Township have been provided for the safe and efficient truck and auto ingress/egress with the traffic anticipated with the proposed use.

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

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

Res. = Residential Zone  
 Comm. = Commercial Zone  
 Ind. = Industrial Zone

**Notes: (1) Special conditions may warrant access.**

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

**Findings:** The proposed development proposes to apply for an exception to the minimum driveway width of 36ft for the proposed truck drives at Township and Mulino. Previous developments in the area, located along similar collector streets have been approved to increase the driveway widths up to the proposed width of 60ft at the primary truck entrance and 50 feet at secondary truck entrances. This will significantly improve the safety of these drives by reducing truck turning conflicts with vehicles maneuvering into and out of these drives.

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

**Minimum Driveway Spacing**

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

**Cul-de-sac**  
**Public Alley**

50' (1)(3)  
50' (1)(3)

10'

- Notes:**
- (1) Minimum distance or no closer than 60% of parcel frontage unless this prohibits access to the site, in which case City Administrator or designee may approve a deviation.
  - (2) Direct access to this street will not be allowed if an alternative exists or is planned.
  - (3) For single-family residential houses, the minimum distance between driveways and an intersection shall be thirty (30) feet.

**Findings:** *The proposed development meets or exceeds these Requirements and the requirements outlined in Section 16.35.050.F. The driveways at S. Township are spaced approximately 372ft and 216ft respectively with the western drive located 227ft from the Sequoia Parkway intersection and the eastern drive located 202ft from S. Mulino Rd. The driveways at S. Mulino Rd. are spaced approximately 1268ft apart with the north drive located 447ft from the S. Township intersection and the south drive is located 276ft from the neighbors drive to the south.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The south edge of the access drive throat at the southernmost truck drive at S. Mulino Rd. is located approximately 40ft from the property line.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The proposed driveways are located beyond the required queue length for traffic movements at the intersections of Sequoia Parkway & S. Mulino Rd. and S. Township Rd..*

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

**Findings:** *This criterion does not apply to this project. The development does not contain any multi-family driveways.*

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

***Findings:*** *This criterion does not apply to this project. The development does not contain any residential type circular driveways.*

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

***Findings:*** *This criterion does not apply to this project. The development does not propose a driveway closer than fifty (50) feet from an intersection.*

11. Where an existing alley is 20 feet or less in width, the property line setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from, garages, carports, or parking areas. (Ord. 890 section 12, 1993; Ord. 872, 1991; Ord. 854 section 2 [part], 1991; Ord 848, Part V, section 16.10.070 (A)(B) 1990; Ord. 955 section 3 & 4 1996; Ord. 981 section 44, 1997; Ord. 1019 section 5, 1999; Ord 1237, 2007; Ord. 1514, 2019)

***Findings:*** *This criterion does not apply to this project. The development does not contain an alley.*

#### **16.10.080 STREET TREE PLAN.**

A Street Tree Plan can be provided in lieu of meeting the requirement of planting a tree every 30 lineal feet of street frontage as stated in Ordinance 1385 Exhibit B. The Street Tree Plan can compensate for driveways, utilities, or other obstructions that inhibit the 30 foot spacing requirement. The requirement for the planting of street trees is required under Chapter 12.32 CMC. (Ord. 854, 1991; Ord. 848, Part VI, section 1, 1990; Ord. 1514, 2019)

***Findings:*** *The proposed development meets or exceeds these Requirements. The landscaping design submitted with the application includes the planting of street trees in compliance with this requirement.*

#### **16.10.90 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)

**Findings:** *This criterion does not apply to this project. The proposed development does not contain any drive-up uses.*

### **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.

**Findings:** *The proposed development meets or exceeds these Requirements. The development includes bicycle racks to be constructed to meet the standards of this section.*

- 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.

**Findings:** *The proposed development meets or exceeds these Requirements. The development includes bicycle racks to be constructed near the main entrances to meet the requirements of this section with additional racks to be provided at the interior of the building.*

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

**NOTES:**

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

***Findings:** The proposed development meets or exceeds the requirement. Exterior bike racks will be provided at the primary employee entrances to the building with additional bike parking provided at the interior of the building.*

**CHAPTER 16.32 M-1 LIGHT INDUSTRIAL ZONE**



### 16.32.10 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;

***Findings:** The proposed development could include a manufacturing or processing use and it is understood that the operations of such use will need to comply with these requirements and that Prohibited uses as noted will not be allowed in the industrial park.*

B. Automobile body shop, or heavy repair shop;

C. Contractor's equipment or storage yard;

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

E. Food processing plant;

F. Fuel distribution, wholesale or retail;

G. Ice or cold storage plant;

H. Laundry or dry-cleaning plant;

I. Lumber yard;

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

K. Motor or rail freight terminal;

L. Railroad tracks and related facilities;

M. Restaurant, when related and incidental to primary industrial uses of the area;

N. Service station, when related and incidental to primary industrial uses of the area;

O. Stone, marble, or granite cutting;

P. Tire retreading or recapping;

- Q. Transfer and storage company;
- R. Utility storage or service yard;
- S. Veterinarian's office or animal hospital;
- T. Warehouse;

**Findings:** *The proposed e-commerce / high cube distribution center development is likely to consist primarily of high-cube warehousing and distribution as the predominant use which is and outright allowed use.*

- U. Wholesale distribution, including warehousing and storage;

**Findings:** *The proposed e-commerce / high cube distribution center development is likely to consist primarily of high-cube warehousing and distribution as the predominant use which is and outright allowed use.*

- 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;

**Findings:** *The proposed e-commerce / high cube distribution center development is likely to consist primarily of high-cube warehousing as the predominant use which is and outright allowed use and will include accommodations for an accessory office incidental to the primary industrial use.*

- 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.

EE. Brewery: General manufacturing of products included in SIC 208: Beverages. (Ord. 890 section 31, 1993; Ord. 749 section 1(A), 1984, Ord. 740 section 10.3.31(A), 1984; Ord. 995 section 10 & 11, 1996; Ord. 981 section 30 & 31,

### **16.32.20 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)

***Findings:** This criterion does not apply to this project. The development does not propose any conditional uses as outlined in the City of Canby Development Code.*

### **16.32.30 DEVELOPMENT STANDARDS.**

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

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

***Findings:** The proposed development far exceeds the minimum lot area standard of five thousand square feet.*

- B. Minimum width and frontage: fifty feet;

***Findings:** The proposed development far exceeds the minimum frontage width of fifty feet.*

- C. Minimum yard requirements:

- 1. Street yard: twenty feet where abutting Highway 99E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Properties not fronting on Highway 99E or S. Ivy Street shall maintain a 10 foot street yard setback. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot

line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within, or to project over, a street right-of-way.

**Findings:** *This criterion does not apply to this project. The development is not located along HWY 99-E or S. Ivy Street.*

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

**Findings:** *This criterion does not apply to this project. The development is not adjacent to a residential zone.*

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

**Findings:** *This criterion does not apply to this project. The development is not adjacent to a residential zone.*

D. Maximum building height:

1. Freestanding signs: thirty feet;

**Findings:** *This criterion does not apply to this project. The development does not include the design of any free-standing signs.*

2. All other structures: forty-five feet.

**Findings:** *To accommodate the 40ft clear height requirement for the anticipated e-commerce/ high cube distribution center use, portions of the building roof and some wall elements will exceed the forty-five foot maximum height limitation. Wall heights will range from approx. 46ft to 52ft. A 52'-10" building height was approved with the original application via a major variance.*

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.

**Findings:** *The proposed development meets or exceeds these Requirements. The proposed development will maintain vision clearances as outlined in this section.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The building setback will be maintained as measured from the foundation line of the building.*

3. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics).

**Findings:** *This criterion does not apply to this project. The proposed development does not contain any proposed wireless/cellular towers.*

4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm and shall be of such material and design as will not detract from adjacent residences. (Ord. 890 section 33, 1993; Ord. 830 section 11, 12, 1989; Ord. 740 section 10.3.31(C), 1984; Ord. 955 section 12, 1996; Ord. 981 section 51, 1997; Ord. 1237, 2007; Ord. 1514, 2019)

**Findings:** *This criterion does not apply to this project. The proposed development is not adjacent to a residential zone.*

## **CHAPTER 16.35 CANBY INDUSTRIAL OVERLAY (I-O) ZONE**

### **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)

### **16.35.20 APPLICABILITY.**

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

- A. Incorporates the Canby Industrial Area Master Plan into Title 16. The Master Plans design guidelines, standards, and plan maps are hereby incorporated by reference.
- B. Permits land uses which are permitted by the underlying zone districts (C-M, M-1, M-2), with some exceptions.
- C. Replaces selected development standards contained in the C-M, M-1, and M-2 zones, for continuity and quality of site design within the Master Plan area.
- D. Utilizes the City's processes for development review, including land divisions, conditional uses, and design reviews. Provides a design review matrix (i.e., replacing the table in Chapter 16.49) which is tailored to the Master Plan area.
- E. Provides additional conditional use standards to ensure development compatibility.
- F. Lists uses that are prohibited outright due to incompatibility with the goals for the area. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

***Findings:** The proposed development meets or exceeds these Requirements. The proposed development lies within the boundary of the Canby Pioneer Industrial Park and will comply with pertinent sections of the I/O Overlay district standards.*

#### **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.

***Findings:** The Pre-Application conference was held on November 14<sup>th</sup>, 2023*

- 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.

***Findings:** At the Pre-Application Conference, it was determined that the anticipated e-commerce/ high cube distribution center development would not require a Hazardous Material Management Plan.*

- 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 OUTHRIGHT.**

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)

***Findings:** The proposed development meets or exceeds these Requirements. The proposed e-commerce / high cube distribution center development will comply with the outright allowed uses allowed in the M-1 zone.*

### **16.35.40 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 3 employees per developed acre. For the purposes of this section only, "developed" means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;

***Findings:** The proposed e-commerce / high cube distribution center development will meet or exceeds these Requirements. The development area is approx. 46.78 acres which would require a total of 141 employees. The employee count anticipated with the proposed development will exceed this requirement. A recent study completed by Johnson Economics entitled 'Shifting Usage Patterns in Industrial Developments' dated April 21, 2021 outlined the following employment densities for varying warehouse uses; E-Commerce Warehouse (1employee / 700sf), Automotive DC Warehouse (1/2579sf), High-Tech Warehouse (1/3098sf), Food & Beverage Warehouse (1/5358sf) and Chemical Storage Warehouse (1/11521sf). The data included a summary of recently completed (2017 – 2021) major industrial projects (sized from 95,000sf – 918,400sf) primarily within the Portland Metro area. The average employee count for the five 'Distribution' Warehouses was 1/1666sf. Applying this average to the proposed development would suggest an employee count of 467.*

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;

***Findings:** The proposed development meets or exceeds these Requirements. The proposed e-commerce/ high cube distribution center development does not contain a development area greater than 60 acres.*

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;



**Findings:** *The proposed e-commerce / high cube distribution center development will meet these Requirement. The development will utilize City utilities but will not adversely impact the supply for future developments.*

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

**Findings:** *The proposed e-commerce/ high cube distribution center development will meet these Requirements. It is understood that any H occupancy uses considered for occupying space within the industrial park will require supplemental conditional use approval.*

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;

**Findings:** *The proposed development meets or exceeds these Requirements. The proposed development does not lie within a C-M zone.*

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

**Findings:** *The proposed e-commerce / high cube distribution center development will meet these Requirements. It is understood that any retail or commercial use not related to the primary industrial use of the park will require supplemental conditional use approval.*

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

**Findings:** *The proposed e-commerce / high cube distribution center development will meet these Requirements. It is understood that any proposed use with retail areas occupying more than 15% of the building footprint will require supplemental conditional use approval.*

- 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; Ord. 1514, 2019).

***Findings:** This criterion does not apply to this project. The proposed e-commerce / high cube distribution center development does not include the application for any Conditional Uses.*

**16.35.45 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)

***Findings:** The proposed e-commerce / high cube distribution center development meets or exceeds these Requirements. The development does not contain any of the uses outlined in this section.*

#### **16.35.50 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.

***Findings:** The proposed development meets or exceeds these Requirements. No Restriction.*

- B. Minimum lot width and frontage: none.

***Findings:** The proposed development meets or exceeds these Requirements. No Restriction.*

- 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.

***Findings:** The proposed development meets or exceeds these Requirements. The development contains a building with perimeter wall heights between 46 feet and 52 feet and as designed, has minimum setbacks of more than 240 feet from the right-of-way. The Parking setback is equal to or greater than the minimum of 20 feet.*

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.

***Findings:** The proposed development meets or exceeds these Requirements. The side yard setbacks exceed the minimum 10-foot requirement.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The rear yard setbacks exceed the minimum 10-foot requirement.*

- D. Maximum building height: 45 feet.

**Findings:** *To accommodate the 40ft clear height requirement for the anticipated e-commerce center use, portions of the building roof and some wall elements will exceed the forty-five foot maximum height limitation. Wall heights will range from approx. 46ft to 52ft. A 52'-10" building height was approved with the original application via a major variance.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. There is No Restriction to lot coverage as the proposed development lies within the M-1 Zone.*

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

**Findings:** *The proposed development meets or exceeds these Requirements and the requirements outlined in Section 16.35.050.F. The driveways at S. Township are spaced approximately 372ft and 216ft respectively with the western drive located 227ft from the Sequoia Parkway intersection and the eastern drive located 202ft from S. Mulino Rd. The driveways at S. Mulino Rd. are spaced approximately 1268ft apart with the north drive located 447ft from the S. Township intersection and the south drive is located 276ft from the neighbors drive to the south.*

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

**Findings:** *The proposed development meets or exceeds these Required Conditions. The proposed development is designed to include half street improvements to Sequoia Parkway, S. Township and S. Mulino Rd. all of which are designated as collector streets. ROW improvements will be completed in accordance with the requirements as outlined by the City during the Pre-Application Conference.*

- 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.

**Findings:** *The proposed development meets or exceeds these Requirements. The development is designed to have the main entrances of the building facing the streets with pedestrian connections to the street and interior circulation sidewalks. Pedestrian access is provided via a striped pedestrian path across the drive aisles with onsite sidewalks connected to the City sidewalk at or near the main entrances.*

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

**Findings:** *This criterion does not apply to this project. The proposed development does not lie within the C-M zone.*

- 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.

**Findings:** *The proposed development meets or exceeds these Requirements. The proposed development is designed to include street trees and ground cover within the ROW plantings which shall be approved by the City.*

- 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

**Findings:** *The proposed development meets or exceeds these Requirements. The development is designed to be constructed of concrete tilt-up perimeter walls. The building elevation has been designed to define the office entrances with a combination of panel articulation, storefront glazing, cornice elements, recessed entries and a complimentary paint scheme which is further enhanced by vertical and horizontal reveals extending around the perimeter of the building. Refer to Architectural elevations included in this submittal for reference.*

- 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.

**Findings:** *The proposed development meets or exceeds these Requirements. The proposed development includes the addition of street lighting, building lighting and site pole lighting to effectively illuminate the pedestrian pathways, parking, drive aisles and loading areas. A photometrics plan has been included with the site plan review submittal.*

- 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.

**Findings:** *Joint/shared access with the parcel to the south is not proposed for the southernmost truck driveway at Mulino. The proposed drive location exceeds the County's drive spacing standards to the existing driveway serving the neighboring parcel and due to the secured nature of the proposed truck egress drive, a shared drive is not desirable.*

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

**Findings:** *The proposed development meets or exceeds these Requirements. The development includes landscape irrigation for all landscaped areas.*

- 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.

**Findings:** *The proposed development meets or exceeds these Requirements. The development will meet the requirements of other applicable regulations as referenced above.*

- O. Open storage or “laydown yards” shall be screened by a six foot site-obscuring fence or hedge-type vegetation that would become a solid site obscuring barrier within three years of planting. (Ord. 1008 section 1[part], 1998; Ord. 1237, 2007; Ord. 1299, 2008; Ord. 1514, 2019)

**Findings:** *The proposed development meets or exceeds these Requirements. The e-commerce use being proposed with this development includes a secured truck court which will include the parking/staging of truck trailers. The yard will be screened on all sides with an eight foot chainlink fence with site obscuring PVC slats. In addition to the site obscuring fence, the yard/fence will be buffered/screened with landscape plantings consisting of a combination of evergreen and deciduous trees/shrubs.*

#### **16.35.60 DESIGN GUIDELINES.**

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

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

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

**16.35.70 I-O DESIGN REVIEW MATRIX.**

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

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

Industrial Overlay Design Review Matrix  
**Table 16.35.040**

CRITERIA	Possible Scores
<b><u>Parking</u></b>	
Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% of parking spaces=0; 50%-75%=1; 75%-100%=2.	0   1   2
Increase minimum interior parking lot landscape over the base 15%: 15%-18%=0; 18%-22%=1; >22%=2.	0   1   2
Increase the base number of trees required by 16.49.120 (all landscape islands must contain 1 tree, 1 tree for every 40’ along the required setback): 100%-105% of base requirement=0; 105%-110% of base requirement=1;>110%=2; (# of trees proposed/# of trees required x100=% of base requirement)	0   1   2
Number of parking spaces provided: (% of required minimum): >110%=0; 110%-105%=1; 105%-100%=2. See Table 16.10.050 for required parking. (# of spaces proposed/# of spaces required x100=% of required minimum)	0   1   2
<b>Minimum Acceptable Score</b> <span style="float: right;"><b>4 points</b></span>	<b>Total 4</b>
<b><u>Transportation/Circulation</u></b>	
Design private, on-site pedestrian pathways: 6’ painted ways=0; 6’ brick/paver ways=1; 6’ brick/paver & raised concrete ways=2	0   1   2
Number of pedestrian connections between the street sidewalk and internal circulation system: One connection = 0 Two or more connections = 1	0   1   2
<b>Minimum Acceptable Score (some provisions may not apply) 2points</b>	<b>Total 3</b>
<b><u>Landscaping</u></b>	
Trees installed at 3 inch caliper: <25% of trees=0; 25%-50%=1; 50%-100%=2.	0   1   2



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

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

**CHAPTER 16.42 SIGNS**

**Findings:** *This criterion does not apply to this project. Although the site plans include accommodations for monument signs, we are not requesting approval of these signs with the development application.*

**CHAPTER 16.43 OUTDOOR LIGHTING STANDARDS**

**16.43.40 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).

**Findings:** *The proposed development will follow the Zone Two (LZ 2) requirements.*

- B. The designated Lighting Zone of a parcel or project shall determine the limitations for lighting as specified in this ordinance.

**Findings:** *The proposed development will follow the Zone Two (LZ 2) requirements.*

**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.

**16.43.60 PROHIBITED LIGHT AND LIGHTING.**

- A. All outdoor light sources, except streetlights, 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.

***Findings:** The proposed development meets or exceeds these Required Conditions. The proposed development includes a lighting design that is sensitive to the light trespass requirements outlined in this section. Street lighting design will be provided in accordance with the City of Canby Public Works Standards, also meeting the requirements of this section.*

- B. The following lighting systems are prohibited from being installed or used except by special use permit:.

- 1. Aerial Lasers.

***Findings:** The proposed development meets or exceeds these Requirements. The development does not include “aerial lasers”.*

- 2. “Searchlight” style lights.

***Findings:** The proposed development meets or exceeds these Requirements. The development does not include “searchlight” style lights.*

- 3. Other very intense lighting, defined as having a light source exceeding 5200 lumens.

***Findings:** The proposed development meets or exceeds these Requirements. The development does not include lighting having a light source that exceeds 5200 lumens.*

**16.43.70 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.

***Findings:*** *The proposed development meets or exceeds these Requirements. The development will include lighting fixtures that comply with the requirements of this section. 'Good lighting' design applications will be utilized where possible.*

- 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.

***Findings:*** *The proposed development meets or exceeds these Requirements. The proposed development will include a photometrics plan during the site review process that includes the lighting fixture specifications and cut sheets outlining the luminaires used to meet the requirements of this section.*

- 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.

***Findings:*** *The proposed development meets or exceeds these Requirements. The development will include a photometrics plan during the site review process that includes the lighting fixture specification and cut sheets outlining the luminaires used to meet the requirements of this section.*

- 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.

***Findings:*** *The proposed development meets or exceeds these Requirements. The development will include a photometrics plan during the site review process that includes the lighting fixture specification and cut sheets outlining the luminaires used to meet the requirements of this section.*

- 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).

***Findings:*** *The proposed development meets or exceeds these Requirements. The development includes a landscape design that screens the parking spaces with regards to light trespass from vehicle head lights. Drive-thru aisles are not included in this development.*

- F. All facade lighting must be restricted to the facade surface. The margins of the facade shall not be illuminated. Light trespass is prohibited.

**Findings:** *The proposed development meets or exceeds these Requirements. The development does not propose façade lighting at this time. Building wall pack lights and down lights at the canopy with pole lights in the parking/maneuvering areas are the types of on-site lighting proposed with this development. Street lighting in accordance with the City Standards will also be provided.*

**TABLE 16.43.070 – LUMINAIRE MAXIMUM LUMENS AND REQUIRED SHIELDING**

<b>Lighting Zone</b>	<b>Fully Shielded</b>	<b>Shielded</b>	<b>Partly Shielded</b>	<b>Unshielded</b> (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.

**16.43.80 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.

**Findings:** *The proposed development meets or exceeds these Requirements. Site Lighting is supplied solely for the illumination of pedestrian pathways, auto parking and truck loading/maneuvering and will meet the requirements of this section. The luminaires on the pole lights in proximity to the south, east and west property lines will include side shields to mitigate light trespass.*

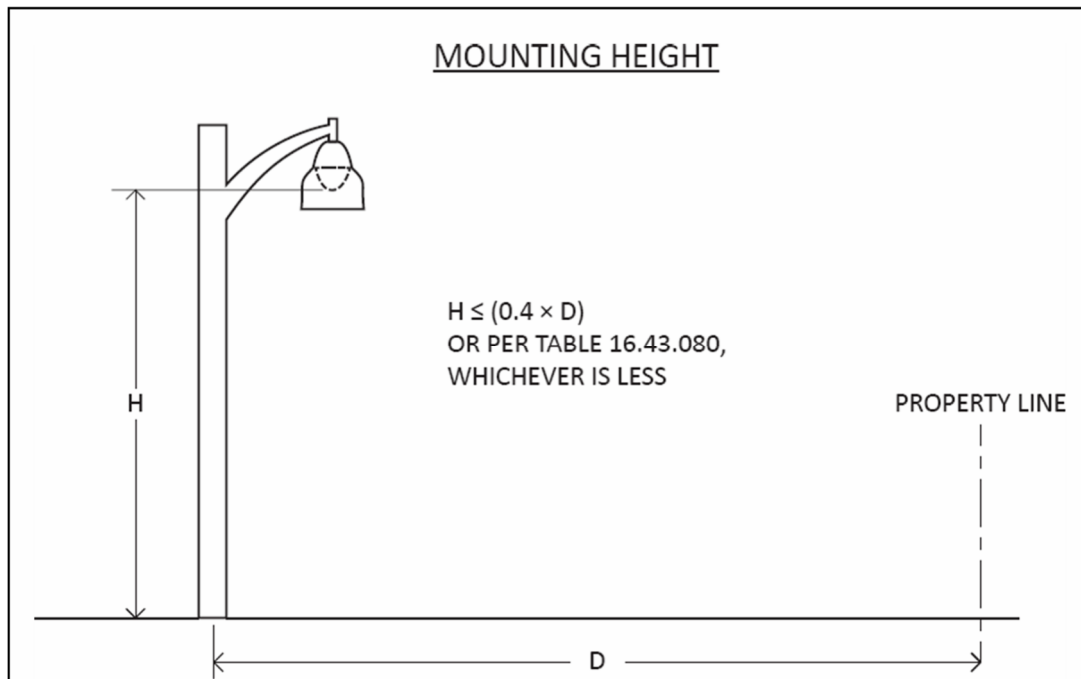
B. Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than 4 feet higher than the tallest part of the building or structure at the place where the lighting is installed, nor higher than 40% of the horizontal distance of the light from the property line, whichever 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.

***Findings:** The proposed development meets or exceeds these Requirements. The development includes wall mounted light fixtures to be below the top of the wall of the building.*

**TABLE 16.43.080 – MAXIMUM LIGHTING MOUNTING HEIGHT IN FEET**

<b>Lighting Zone</b>	<b>Lighting for Driveways, Parking and Transit</b>	<b>Lighting for Walkways, Plazas and other Pedestrian Areas</b>	<b>All Other Lighting</b>
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.

***Findings:** The proposed development meets or exceeds these Requirements. The development will include timers and/or photocells to control the exterior lighting.*

#### **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.

***Findings:** This criterion does not apply to this project. The development does not include exceptions to the standard requirements.*

#### **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)

***Findings:** The proposed development meets or exceeds these Requirements. The development will include a photometrics plan during the site review process that includes the lighting fixture specification showing that the luminaires used meet the requirements of this section.*

#### **CHAPTER 16.46 ACCESS LIMITATIONS**

##### **16.46.10 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 34 feet in width with no parking restriction.
2. The number of units permitted are as follows:

One access:	30 units
Two accesses:	132 units
Three accesses:	207 units

For more than three accesses, use the following formula: # of units permitted =  $(60 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points})$

- B. Single ownership developments (condominiums, townhouses, manufactured homes, multi-family developments, etc.).
1. Two lane access roads/drives shall be a minimum width of 20 feet with no parking permitted, or 28 feet with parking restricted to one side only, or 34 feet with no parking restrictions. Three lane access roads/drives shall be a minimum width of 32 feet with no parking permitted, or 40 feet with parking restricted to one side.
  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 =  $(75 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points})$   
 (round down to the nearest whole number)

For more than three accesses on a three lane access road/drive, use the following formula:  
 # of units permitted =  $(100 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points})$

- C. The Planning Commission may allow increases beyond the maximum number of units listed in subsections A and B. Such increases shall be based upon findings that no unwarranted problems for the public street system or emergency service provision will result.
- D. All turnaround systems shall meet or exceed the requirements of the parking provisions of Chapter 16.10.
- E. All on-site private roads and drives shall be designed and constructed to provide safe intersections and travel surfaces which will not result in hazards for motorists, bicyclists or pedestrians.

- F. N. Maple Street, north of NE 23rd Avenue, and S. Elm Street, south of SW 13th Avenue, shall be exempt from the residential unit restrictions for single access roads, provided that legally binding alternative emergency vehicle access is available. Road width requirements for these roads shall remain in effect.
- G. Public roads accessing any development shall be a minimum of two travel lanes (twenty-four (24) feet of paved width) to the nearest improved collector or arterial street, provided that any required improvement to provide additional pavement width to access a development meets both of the following conditions:
  - 1. An essential nexus is proven, whereby the required improvement is directly related to the proposed development; and
  - 2. Rough proportionality is proven, whereby the cost of the required improvement is roughly proportional to the impact that the development will have on the infrastructure. Specific findings are required for each of the conditions listed above. If either of the two conditions are not met, the infrastructure is considered to be inadequate, and conditioning approval of a development on the widening of the access to the development is considered to be inappropriate. (Ord. 955 section 22, 1996; Ord. 1019 section 21, 1999; Ord. 1237, 2007; Ord. 1514, 2019)

***Findings:** This criterion does not apply to this project. The proposed development does not include and residential development.*

#### **16.46.20 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.

##### **A. Vision Clearance:**

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

- B. Where an existing alley is 20 feet or less in width, the setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from, garages, carports, or parking areas. (Ord. 740 section 10.3.62, 1984; Ord. 1514, 2019)

***Findings:** The proposed development meets or exceeds these Requirements. Access driveways serving the development occur at the property street frontages.*

#### **16.46.30 ACCESS CONNECTION.**

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)

***Findings:** The proposed development meets or exceeds these Requirements and the requirements outlined in Section 16.35.050.F. The driveways at S. Township are spaced approximately 372ft and 216ft respectively with the western drive located 227ft from the Sequoia Parkway intersection and the eastern drive located 202ft from S. Mulino Rd. The driveways at S. Mulino Rd. are spaced approximately 1268ft apart with the north drive located 447ft from the S. Township intersection and the south drive is located 276ft from the neighbors drive to the south.*

**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)

**16.46.40 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)

***Findings:** This criterion does not apply to this development. The Proposed street accesses have met the access separation requirements.*

#### **16.46.50 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)

***Findings:** This criterion does not apply to this development. The Proposed street accesses have met the access separation requirements.*

#### **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)

***Findings:** The proposed development meets or exceeds these Required Conditions. The proposed development includes six (6) strategically located access points to effectively and safely serve the development.*

#### **16.46.70 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)

***Findings:** This criterion does not apply to this development. The Proposed development does not propose any exceptions to the access spacing standards*

#### **16.46.80 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.

***Findings:** This criterion does not apply to this development. The Proposed development is not located along a state highway.*

#### **16.46.90 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)

***Findings:** This criterion does not apply to this development. The Proposed development is not located along a state highway.*

### **CHAPTER 16.49 SITE AND DESIGN REVIEW**

#### **16.49.40 CRITERIA & STANDARDS**

- A. In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards.
- B. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
  - 1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
  - 2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
  - 3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
  - 4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.
  - 5. The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific



zone or zones under this title.

***Findings:*** *The proposed development meets or exceeds these Requirements. The site plan, building architecture and landscaping are in substantial conformance with the development standards and is compatible with the designs for other similar developments in the same vicinity.*

#### **16.49.065 BICYCLE & 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.
- 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.
- F. 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. 1043 section 3, 2000; Ord. 1339, 2010; Ord. 1340, 2011; Ord. 1514, 2019)

***Findings:*** *The proposed development meets or exceeds these Requirements. The site plan includes construction of over 3850lf of public sidewalk along the abutting street frontages with direct connections to the primary entrances to the building. Sidewalks are provided within the parking areas to facilitate safe pedestrian and*

*bicycle access. Bicycle parking is provided at the primary entrances with secured and covered access provided within the building. Permeable surfacing materials is not feasible for this project due to the minimal infiltration characteristics of the near surface soils and maintenance/longevity concerns associated with the traffic anticipated with the development.*

#### **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.
  3. 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, wellbranched 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)

**Findings:** *The proposed development meets or exceeds these Requirements. The landscaping plan has been designed to both enhance and screen the building, auto parking and truck courts. Street trees compatible with neighboring developments will be planted within the planter strips along all street frontages. The primary truck entrance at the NW corner of the site will be screened with an approximate 1.5acre landscape area with 4-6ft contoured berms. The truck court will be screened and buffered from the right-of-way with a combination of evergreen and deciduous plantings with complimenting ground cover planted in the 35ft plus setback to the security fence line. The small grove of juvenile trees at the north end of the site will be removed. Shade trees will be provided throughout the parking and maneuvering areas to reduce heat build-up and mitigate noise / air pollution.*

## **CHAPTER 16.58 LOT LINE ADJUSTMENT**

### **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)

***Findings:** The proposed development meets or exceeds these Requirements. The lot created by the lot consolidation meet the lot dimension standards and will not impair extension of public facilities.*

#### **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 oneyear 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)

***Findings:** The proposed development meets or exceeds these Requirements. The lots created by the adjusted property lines will not require alterations of existing easements and the new deed descriptions will be recorded with the County following reviews by the City and County.*

#### **CHAPTER 16.89 APPLICATION AND REVIEW PROCEDURES**

***Findings:** The proposed development meets or exceeds these Requirements. This application is for a Type II Decision. Pre-Application Conference, Neighborhood Meeting, and Public Notice requirements have all been met with associated correspondence included with this application as required.*

#### **CHAPTER 16.120 PARKS, OPEN SPACE, AND RECREATIONAL LAND**

##### **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.

##### **16.120.20 MINIMUM STANDARD FOR PARK, OPEN SPACE AND RECREATION LAND**

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.

***Findings:*** *These criterion do not apply to this development. The Proposal includes a property line adjustment and in lieu of Parkland Dedication, the development will pay the SDC as noted below.*

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.

***Findings:*** *The proposed development does include a partition and will meet the criterion by paying the system development charge in lieu of land dedication.*

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
<b>Single Family Residential</b>	<b>2.7</b>
<b>Standard Multi-family Unit</b>	<b>2.0</b>
<b>Manufactured dwelling park</b>	<b>2.0</b>
<b>Congregate multi-family unit</b>	<b>1.5</b>

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

$$(\text{Maximum units}) \times (\text{persons/unit}) \times 0.01 \text{ (acreage to be dedicated)}$$

### **16.120.30 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 exist as to 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.

***Findings:** This criterion does not apply to this development as the development will be paying the system development charge in lieu of coordinating the dedication of parkland property.*

#### **16.120.40 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 conveyer 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.

***Findings:** The proposed development will pay the SDC for Parks, Open Space and Recreation Land if found to be required by the City.*

#### **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.

#### **16.120.60 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.

***Findings:*** *The proposed development will pay the SDC for Parks, Open Space and Recreation Land if found to be required by the City.*