

ORDINANCE NO. 1365

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.41 OF THE CANBY MUNICIPAL CODE CONCERNING THE SUBAREA BOUNDARY OF THE CANBY DOWNTOWN OVERLAY ZONE

WHEREAS, Great Basin Engineering, representing Fred Meyer Stores, Inc., applied for a text amendment and zone change to alter Chapter 16.41, Downtown Canby Overlay Zone (DCO) in order to change the subarea boundary of the Downtown Overlay Zone on taxlots 3S1E33DC00100, 00200, 00300, 02200 & 02300 from Core Commercial (CC) to Outer Highway Commercial (OHC), as shown in Exhibits "A" and "B", and

WHEREAS, the Planning Commission held public hearings on July 23, 2012, September 24, 2012, and October 22, 2012 during which the citizens of Canby and their representatives were given the opportunity to present testimony on these proposed changes; and

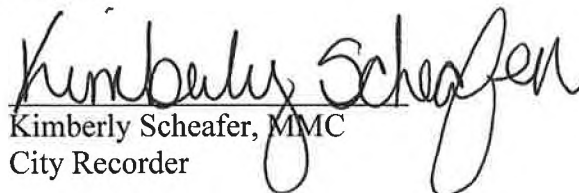
WHEREAS, the Planning Commission found that the standards and criteria of the Canby Comprehensive Plan and the Canby Land Development and Planning Ordinance concerning text amendments and zone changes were not satisfactorily met, and therefore recommended by a vote of 3-1 to forward a recommendation of denial to the City Council, and

WHEREAS, the City Council, after reviewing the text amendment and zone change applications, supporting materials, and testimony on November 7, 2012, found that the proposed amendment complies with the Canby Comprehensive Plan and the Canby Land Development and Planning Ordinance, and the plans and policies of the county, state, and local districts and will preserve the function and local aspects of land conservation and development; that there is a public need for the change; that the amendment will serve the public need better than any other change which might be expected to be made; that the amendment preserves and protects the health, safety, and general welfare of the residents in Canby; and that it complies with the Statewide Planning Goals; and therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

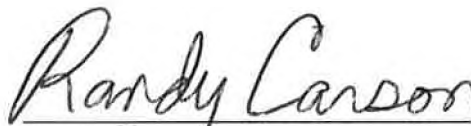
- 1) The City Council hereby approves Text Amendment and Zone Change files TA 12-01 and ZC 12-02; and
- 2) Title 16, Chapter 16.41 of the Land Development and Planning Ordinance of the City of Canby, is modified as detailed in Exhibit "A."

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, November 7, 2012 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on December 5, 2012, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.,


Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on December 5, 2012 by the following vote:

YEAS 4 NAYS 2


Randy Carson
Mayor

ATTEST:


Kimberly Scheafer, MMC
City Recorder

Exhibit A:
Proposed Canby *Land Development and Planning*
***Ordinance/Zoning* Map Changes**

Chapter 16.41 DOWNTOWN CANBY OVERLAY (DCO) ZONE

Sections

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

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



Figure 6
Example of high-quality screening design



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

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

3. Outer Highway Commercial Area. The Outer Highway Commercial area extends along Highway 99E both south of Elm Street and mid-block between Knott and north-of-Locust Streets. This area is quite different from the Core Commercial and

Figure 7
Example of well-planned landscaping



Transitional Commercial areas, by nature of its highway access and orientation. The design focus in this area is less about creating a high-quality pedestrian experience, and more about ensuring that automobile-oriented design is built to the highest standard possible.

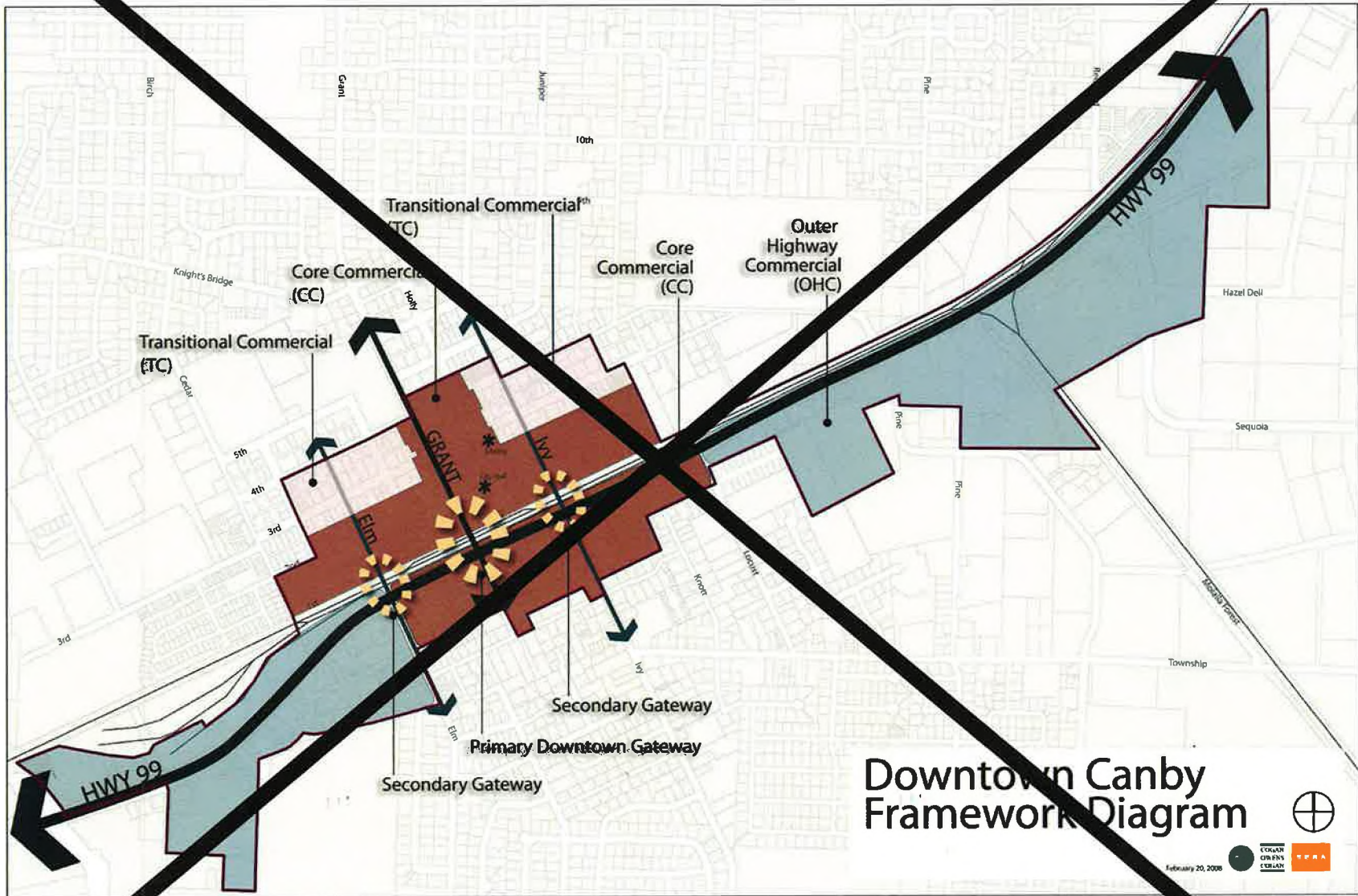




Figure 21
The chamfered entry on this building reinforces the corner



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



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

1. General applicability.

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

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

c. Design standards do not apply to the following:

(1) Interior remodels not combined with exterior changes and valued at less than 60 percent of the total improvement value of the property;

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

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

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

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

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

a. Core Commercial Sub-Area (CC). The “downtown” portion of this area extends primarily along 1st and 2nd Avenues between Cedar and Knott Streets, and extends northward, away from Highway 99E along Grant and Holly, past Wait Park

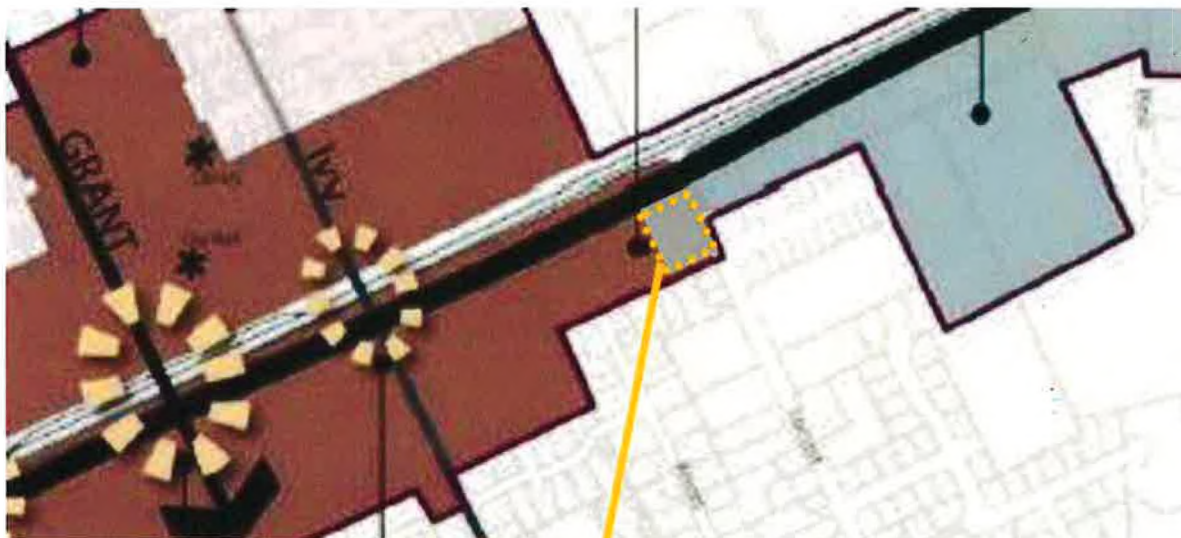
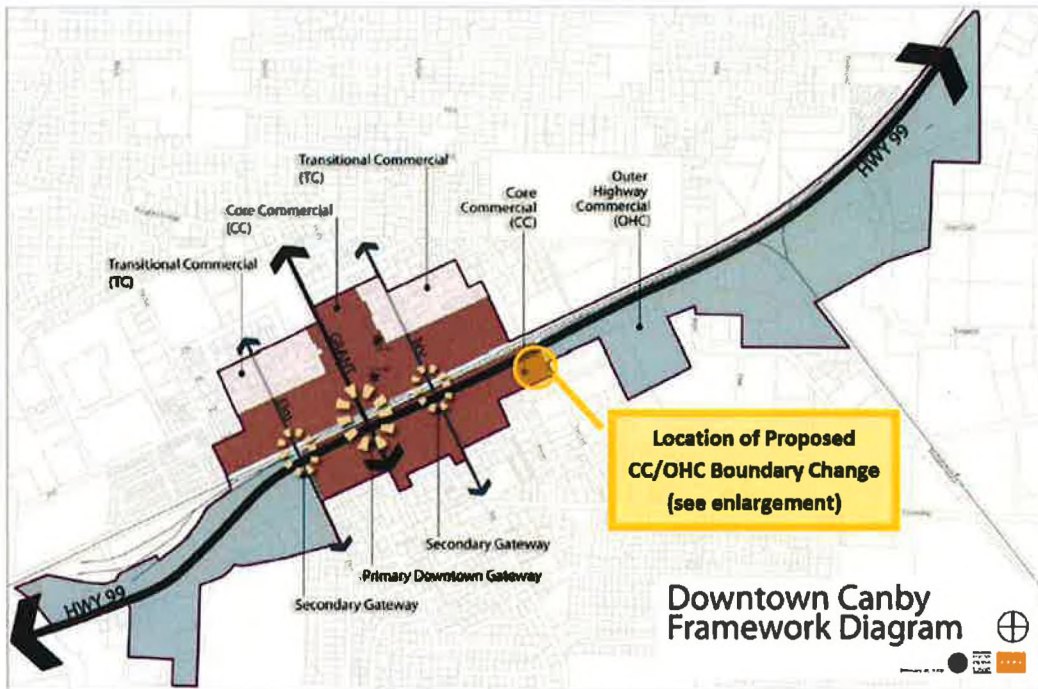


Figure 24
The Canby Herald Building in the commercial core incorporates many good design elements including a recessed entry, sign frieze, engaged



to 4th Avenue. This area is the “heart” of Canby. Here one will find the City’s more historic, traditional commercial structures. The built environment is characterized by one to two story buildings with commercial storefronts, built up to the sidewalk, and containing a more or less solid “building wall.” The result is a more active and vibrant street life than may be found elsewhere in the City. Future development in this area should continue this trend, designing commercial and mixed-use buildings that adequately address the sidewalk and create an engaging experience for pedestrians (see Figures 23 and 24).

The inner highway portion of the Core Commercial area spans the length of Highway 99E between Elm and mid-block between Knott and Locust Streets. In many ways, it serves as an extension of the Downtown Core, just across the highway. Because this area serves as a “gateway” from Highway 99E into the traditional downtown and serves many of the same purposes and types of uses, buildings here should be appropriately scaled, inviting to pedestrians, and demonstrate high-quality architectural design. As a result, architectural standards for this area and the downtown are identical, although some development standards differ as described in section 16.41.050.



Proposed Action

Change the Downtown Canby Overlay (DCO) designation of 0.75 acres, from Core Commercial (CC) to Outer Highway Commercial (OHC), consisting of the following five tax lots:

Tax Map 3S 1E 33DC
Tax Lots

00100, 00200, 00300, 02200 & 02300

