

BOYER INDUSTRIAL PARK

*SE 4TH AVE
CANBY, OR 97013*

DESIGN REVIEW

VLMK Project Number: 20220059

*Tony Boyer
2001 S Township Rd
Canby, OR 97013*

*Prepared By: Ben Hagerman
1.3.2025*

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I. PROJECT SUMMARY

DESCRIPTION OF REQUEST

The applicant is proposing to divide the existing 10.97-acre site into three smaller parcels. Parcel B contains an existing business, BBC steel and associated steel laydown yard, owned and operated by the applicant. Parcel C contains an existing residence owned by the applicant, not to be disturbed by the proposed development. The existing residence has existing land use approval under the previous county zoning designation, any changes to the use of the residence will require a separate application. Parcel A is vacant unused land, bordered by 4th avenue to the north and the Southern Pacific Railroad to the west and will be developed under the Type III SDR application as follows.

The applicant proposes three 16,200sf modern light industrial buildings for Parcel A. Two of the buildings are to be occupied by BBC Steel, with a mixture of storage and manufacturing and the third to be an unoccupied shell building for lease to a future tenant. Any future occupancies will be addressed under a separate application.

EXCEPTIONS TO DESIGN CRITERIA

The project meets or exceeds all the design criteria of the Canby Municipal Code as found in the Criteria Response section of this document. There are no exceptions requested to the Design Criteria and there are no Conditional Use Applications included.

ATTACHMENTS

1. Land Use Application – Site & Design Review Type III, I-O Overlay
2. Land Use Application - Partition Type II
3. Project Narrative and Criteria Response
4. Pre-Application Conference Notes
5. Neighborhood Meeting Minutes & Attendance
6. Mailing List for Neighboring Properties
7. Legal Lot Information
8. Existing Utility Easement
9. Combined Drawing Set
10. Preliminary Onsite Storm Report
11. Geotechnical Engineering Report
12. Traffic Impact Analysis
13. TIA Technical Memorandum
14. Applicant Statement

LAND USE APPLICATIONS

- Site & Design Review I-O Overlay Type III
- Partition Process Type II

JURISDICTIONS

There are several jurisdictions having some level of authority over the proposed project including:

1. City of Canby
2. Clackamas County
3. Department of Environmental Quality
4. Canby Fire District

II. INTRODUCTION / NARRATIVE

OVERVIEW

Three 16,200sf light industrial concrete tilt-up buildings are to be constructed of similar style and finish on the single parcel. All three of the buildings boast corner office suites to provide flexibility for users to maintain a private office or expand the warehouse area as needed. Ample parking is located to the sides and front of the buildings with access from SE 4th Ave. Emergency access to S. Township Rd. will be available via a shared access easement at the gated access near the south boundary.

The buildings will be constructed using concrete tilt-up construction methods, which provide durability and flexibility for a variety of future uses. Each building will feature a modern design with large storefront windows and wrap around steel canopies at corner office locations. Warehouses have a ~20ft clear height, designed for a mixture of manufacturing and light warehouse storage uses.

The project site is zoned M-2 Heavy Industrial within the I-O Industrial Overlay Zone which allows mixed uses including manufacturing and warehouse storage. BBC steel will occupy buildings 2 and 3, while building 1 will be unoccupied until a tenant is identified, future occupancy will be addressed under a separate application. The proposed and projected speculative use buildings are consistent with the zoning designation and the master plan for the Pioneer Industrial Park. Future tenants will be required to obtain separate permits for their specific uses, ensuring compliance with all zoning and land use regulations.

This project represents a significant investment in the local economy, providing flexible space for future businesses and contributing to the overall development of the area. The speculative nature of the unoccupied building allows for a wide range of potential uses, supporting the diverse needs of the community.

EXISTING CONDITIONS

The existing overall site contains two buildings. An industrial building currently occupied by BBC steel is located in the SE quadrant of the site. The building is accessed from S. Township Road via a shared driveway. A single-family residence located in the SW corner shares the single driveway from S. Township Rd. The residence is currently leased and occupied by a tenant.

A telecommunications tower is located in the NE corner of the site. The tower is fully enclosed by fencing and serviced from an existing driveway at SE 4th Avenue.

The development site is vacant land not previously used. 4th avenue is screened by a row of Sequoia trees along the entire frontage. An existing 30-foot wide public utility easement runs through the overall site between S. Township Rd. and SE 4th Ave. Located within and adjacent to the easement, are existing public water & sanitary lines, storm dry wells, fire hydrants and electrical vaults.

The site is accessed by two existing driveways on SE 4th Ave., one near the cell tower and one at the utility easement location.

ZONING AND LAND USE

The site is located within the Pioneer Industrial Park. Currently zoned M-2 Heavy Industrial Zone, within the I-O Industrial Overlay zone. The proposed uses of this development are approved as outlined in the Criteria Response section of this document. The existing residential use is approved under previous Clackamas County land use zoning and is not to be disturbed with this application.

DESIGN AND FUNCTION

The modern commercial-style industrial buildings have been designed with reveal patterns to add texture and depth to the concrete surfaces and thoughtful paint schemes with accent colors to make the building stand out and look more modern and inviting, uplifting the overall aesthetic of the area.

By using colors and patterns that complement the local environment, the building can blend more seamlessly with its surroundings, creating a cohesive look for the neighborhood. Custom paint schemes similarly reflect the design of the newly completed BBC Steel corporate headquarters on the south side of S. Township road and reflect the company's brand, adding a sense of identity and pride to the area.

High-quality industrial paints and well-designed reveal patterns can protect the building from weathering and wear, ensuring it remains attractive over time. The use of durable materials and finishes reduces the need for frequent maintenance, keeping the building looking good with minimal effort. The added windows and skylights enhance the building's appearance and reduce the need for artificial lighting, contributing to energy efficiency.

Steel canopies wrap the corner office locations where the use of tinted storefront glazing systems will provide easy identification of the entrances and full function of the three buildings.

UTILITIES

Stormwater- All onsite stormwater will be kept onsite to infiltrate through a series of designed drywell systems intended to return surface water to underground aquifers without affecting the natural flow of water.

Sanitary Sewer- There is currently an existing sanitary sewer main located within the PUE dissecting the site. The public main connects the lines located within SE 4th Avenue and S. Township Rd. The three buildings will tie into this main and gravity feed without the use of pumping.

Water- There is currently an existing 8" public water line located within the utility easement (PUE) dissecting the site. This line connects the 8" line in S. Township Rd with the 12" line SE 4th Ave. All three buildings will tap off this existing mainline for fire and domestic water.

Natural Gas- There is currently an existing natural gas line within the PUE dissecting the site. All three buildings will coordinate gas meter locations with NW natural to be served from this existing main line.

Power- Power is currently located within the PUE dissecting the site, existing vaults will likely need to be replaced or relocated in coordination with CUB. Each building will be served with a separate meter and power service.

Lighting- the site will be adequately illuminated by high-efficient LED building mounted down lighting. Wall lights at three sides of the building will provide sufficient light as demonstrated in the Photometric

plan provided in the Drawing set. Exiting street lighting at SE 4th avenue and S. Township Road will remain with no modifications proposed.

Solid Waste & Recycling- Recycling and trash receptacles are to be kept inside the building for domestic use and a location coordinated with the waste hauler to pick up on collection day. Any industrial waste is to be screened from view or kept inside the building.

TRANSPORTATION

The site is accessible from SE 4th Ave. via S. Sequoia Pkwy to the East. All truck traffic will be directed out S. Sequoia Pkwy to Hwy 99E. No truck traffic will be allowed the use of Haines St. Included is the TIA prepared by DKS demonstrating compliance with the city plan.

PUBLIC IMPROVEMENTS

SE 4th avenue is fully improved with Right-of-Way previously dedicated. The street width meets city standards with an existing curb, gutter and sidewalk to remain. The proposed development includes a grind and overlay (or fee-in-lieu if acceptable to Canby Public Works) of the existing roadway surface for the extents of the development area frontage, limited to Parcel C. The existing sidewalk will remain with new pedestrian connections provided with the replacement driveway.

S. Township Rd. has ROW previously dedicated with the prior development. Although not proposed with this application, future development of Parcels A or B will require ROW improvements along this frontage. Fire department access is to be maintained as planned from SE 4th Ave. to S. Township Rd. An existing concrete driveway and street frontage landscape is to remain undisturbed with this application.

VEHICLE ACCESS

All access to the site will be from the existing driveway off SE 4th avenue. The driveway will be modified to include accessible ramps at the existing city sidewalk. The main drive aisle extends south to a gate to provide emergency access for fire trucks. The drive aisle will be paved for the full width extending to S. Township Rd.

PARKING

The site is adequately parked per the City of Canby design guidelines. A total of 54 spaces are required and a total of 73 are supplied. Included is conduit from the electrical room to 15 future electric vehicle (EV) parking spaces as mandated by the State. EV charging stations can be installed by the owner as desired.

Parking is located to the sides and in front of each building allowing proper separation from the main drive aisle and pedestrian traffic. The parking lots are created for shared use but can be easily identified by separate tenants as needed.

III. DESIGN CRITERIA RESPONSE

16.08 General Provisions

16.08.070 ILLEGALLY CREATED LOTS.

- A. 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 the requirements of this provision. The development lot was created and recorded in compliance with city, county and state statutes and regulations. Included is the record of survey as record with Clackamas County on 9/11/97.*

16.08.150 TRAFFIC IMPACT STUDY (TIS).

- B. 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.
- C. 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.
- D. 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).

Findings: *The proposed development has satisfied the requirements of this code section. Included as an attachment with this application is the completed Traffic Impact Analysis and supplemental technical memo. As coordinated with City staff and DKS, the uses for the three buildings have been identified as mixed uses including light industrial, light manufacturing and warehouse storage. With these uses identified, the traffic impacts to the surrounding streets and intersections will be mitigated with system development fees and a fee-in-lieu assessment.*

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 will meet these requirements. The development does not propose any public improvements or changes to the public drainage system. All existing drainage to remain undisturbed.*

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

Findings: *The proposed development will meet these requirements. The development includes site distance reviews with landscape and site design features located to provide safe and clear vision at entrance and exit drives.*

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

Findings: *The proposed development will meet these requirements. The development includes existing public utilities dissecting the site within an existing utility easement that will adequately serve the subject project and allow services for future developments.*

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

Findings: *The proposed development will meet these requirements. The development includes design of half street improvements to meet the City's 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: *This criterion does not apply to this development. The development area is not fronted by a neighborhood connector.*

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

Findings: *The proposed development will meet these requirements. The development includes half street improvements consisting of a grind and overlay along the SE 4th Ave frontage of the development parcel. No improvements are required at S. Township Rd. as the development parcel does not front this street.*

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

Findings: *The proposed development will meet these Requirements. SE 4th avenue has an overall ROW width of 60ft.*

- 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 will meet these Requirements. The existing driveway on SE 4th avenue will be modified to include ADA ramps at the existing sidewalk.*

16.10 Off-Street Parking and Loading

16.10.010 OFF-STREET PARKING REQUIRED – EXCEPTIONS.

- A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

Findings: *The proposed development meets the requirements of this section. Per the supplied parking calculation included in the Combined Drawing set. There are more spaces supplied than are required.*

- 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 parcel does not contain existing structures or uses to be enlarged.*

16.10.050 PARKING STANDARDS DESIGNATED.

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

TABLE 16.10.050

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

USE	PARKING REQUIREMENT
Residential Uses:	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit.
c. Multi-family dwellings in complexes with private internal driveways	One space per studio or 1-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
Institutions:	
a. Convalescent home, nursing home or sanitarium	1.00 spaces per two beds for patients or residents, plus 1.00 space per employee
b. Hospital	4.00 spaces per two beds
Places of Public Assembly:	
a. Library, reading room	1.00 space per 400 square feet of public area
b. Nursery, primary/elementary, or junior high school	2.00 spaces per employee
c. Senior high school	1.00 space per classroom, plus 1.00 space per six students
d. Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length
Commercial Amusement:	
a. Theater	1.00 per six seats
b. Bowling alley	3.0 spaces per 1,000 square feet of floor area
c. Dance hall, skating rink	3.0 spaces per 1,000 square feet of floor area
d. Racquet courts, health clubs	3.0 spaces per 1,000 square feet of floor area
Commercial	

a. Retail shops (under 100,000 sq. ft.)	2.00 spaces per 1,000 square feet of floor area
b. Retail store handling exclusively bulky merchandise such as furniture, automobile and service repair shops	1.00 space per 1,000 square feet of sales floor area
c. Shopping center (over 100,000 square feet of gross leasable area)	3.00 spaces per 1,000 square feet of gross leasable area
d. Banks/savings and loans	2.00 spaces per 1,000 gross square feet of floor area
e. Medical/dental offices	3.00 spaces per 1,000 gross square feet of floor area
f. General offices	2.00 spaces per 1,000 gross square feet of floor area
g. Real estate offices	2.00 spaces per 1,000 gross square feet of floor area
h. Government offices	3.50 spaces per 1,000 gross square feet of floor area
i. Restaurant	8.00 spaces per 1,000 gross square feet of floor area
j. Take-out restaurant	8.00 spaces per 1,000 gross square feet of floor area
k. Motel	0.75 spaces per rentable room
l. Residential hotel, rooming house,	0.75 spaces per rentable room
m. Hotel	0.75 spaces per rentable room
n. Club or lodge	1.00 space per 200 square feet of floor area
o. Day care , adult or child care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1.00 space per 500 square feet of floor area
p. All others	1.00 space per 550 square feet
q. Wireless telecommunication systems	1.00 space per site
r. Self-Storage (Mini) Warehouse	2.00 spaces per 1,000 gross square feet of office space
Industrial:	
a. Manufacturing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space. Minimum of 5 parking spaces overall.
b. Warehousing	2.00 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space. Minimum of 5 parking spaces overall.
c. Wholesale establishments	2.00 spaces per 1,000 gross square feet of office space, plus 1.50 spaces per 1,000 gross square feet of non-office wholesale space. Minimum of 5 parking spaces overall.

Findings: *The proposed development exceeds these Requirements. The site is adequately parked per the City of Canby design guidelines. A total of 54 spaces are required (11 Office and 43 Warehouse/Manufacturing) with a total of 73 are supplied. Included is conduit runs from the*

electrical room to 15 future electric vehicle (EV) parking spaces as mandated by the State of Oregon. EV charging stations can be installed by the owner as desired.

16.10.060 OFF-STREET LOADING FACILITIES

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

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

Findings: *The proposed development exceeds these Requirements. Each building is required to have 1 berth. Building 1 and 2 both have 4 berths and building 3 has 5 berths at grade level.*

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. All loading berths are designed to accommodate the intended light industrial users for buildings of this size and orientation with all berths at grade level.*

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 SE 4th Ave. frontage will be planted with dense plantings and the truck court is angled from the street and not readily visible by surrounding properties.*

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 will meet 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 will meet these Requirements. The loading facilities are located centrally to the building and drive aisle whereas the primary auto parking area is located to the side and between the buildings adjacent to the offices.*

- 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.*

16.10.070 PARKING LOTS AND ACCESS.

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

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

Findings: *The proposed development will meet these Requirements. The parking lot has been designed in compliance with the dimensional standards outlined in 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 will meet these Requirements. All proposed parking stalls will meet the standard stall dimensions outlined in this section.*

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

Findings: *The proposed development will meet these Requirements. The vehicle parking and maneuvering areas will be paved with asphalt throughout the auto parking/drives and within the truck courts.*

- 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 paved 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 ineffective. 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 well 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 will meet 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. The main drive aisle will be used for fire access and will be paved for the full width extending to and through the neighboring parcels to the south to the existing driveway at S. Township Rd.*

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: *The proposed development will meet these Requirements. The parking areas are located in front and to the sides of the buildings and all site lighting will be building mounted and shielded as required to not cast light away from the lots.*

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 will meet these Requirements. The development has designed the parking lots with all maneuvering areas to be allowed onsite in a safe location 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 will meet these Requirements. To the extent possible, the access drives, pedestrian connection, auto parking and truck staging/loading areas have been located to provide safe ingress/egress throughout the development. The existing driveway is modified to include accessible ramps and onsite pedestrian path to provide access to the buildings.*

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 will meet 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.

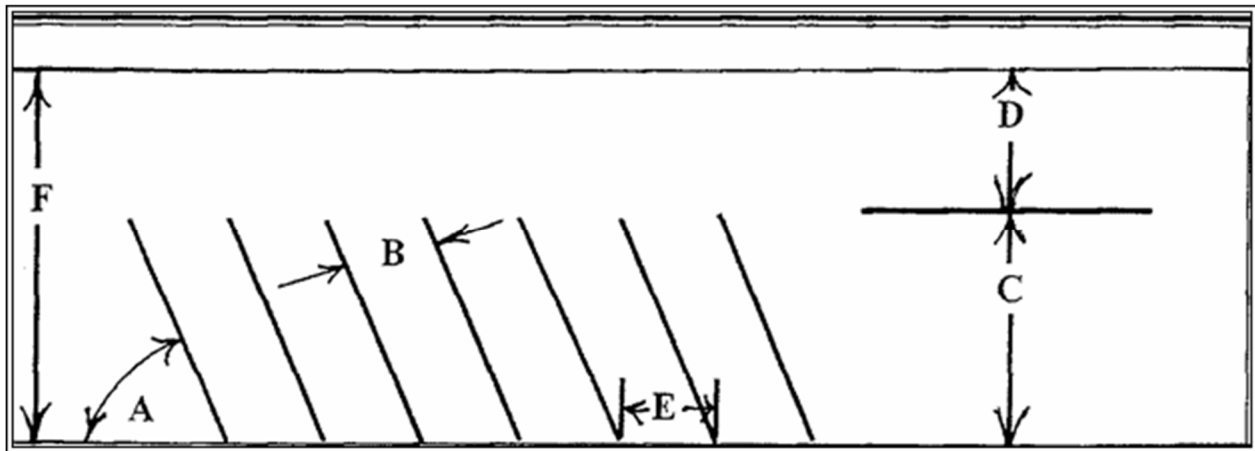
TABLE 16.10.070
Minimum dimensional Standard for Parking

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 will meet these Requirements. Design drawings will be submitted to the City that demonstrate how the requirements of this section will be met.*

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: *The proposed development will meet these Required Conditions. The proposed partition has been designed to allow shared access from the existing western most driveway. A shared access easement serving all parcels will be recorded as part of this development.*

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

Findings: *The proposed development will meet these Required Conditions. The development connects directly to SE 4th Ave via an existing 36ft wide driveway to be modified to include accessible ramps on each side at the existing sidewalk.*

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: *The proposed development will meet these Required Conditions. The partition does not affect the access to the existing residence. The existing access is within 50ft of the ground floor as required.*

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 will meet these Required Conditions. A pedestrian connection is provided to each building and connected to the public sidewalk at SE 4th avenue by a combination of raised and flush sidewalks with ramps and striped paths across drive aisles and loading berths. Pedestrian connections are also provided in the parking lots via a continuous concrete sidewalk to provide safe access to the office and warehouse entries.*

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 currently meets these Required Conditions and no modifications are required. As identified by the traffic consultant and city engineer, the existing sidewalk at SE 4th avenue is adequate and no further improvements are required beyond accessible ramps added to the existing driveway access. No improvements are required at S. Township Rd. as the development parcel is not adjacent to this frontage. It is understood that future development of Parcels A & B will necessitate ROW improvements along the Township Rd. frontage.*

7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare. (Ord. 890 section 12, 1993; Ord. 1237, 2007; Ord. 1338, 2010)

Minimum Access Requirements			
16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):			
<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access OR Option B: 2 accesses	20 feet 12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
50-499	Option A: 1 access OR Option B: 2 accesses	30 feet 20 feet	Curbs required; Minimum of one sidewalk connection to residences and parking areas
Over 500	As required by Site and Design Review Board		As required by Public Works Director
16.10.070(B)(9): Minimum access requirements for commercial or institutional uses - ingress and egress for commercial uses shall not be less than the following:			
<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & curbs (in addition to driveways)</i>
1-4	1	12 feet	<i>None required</i>
5-99	1	20 feet	Curbs required; sidewalk on one side minimum
100-249	2	20 feet	Curbs required; sidewalk on one side minimum
Over 250	As required by Site and Design Review Board		As required by Public Works Director
16.10.070(B)(10): Minimum access requirements for industrial uses - ingress and egress for industrial uses shall not be less than the following:			

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

Findings: *The proposed development will meet these Requirements. The development includes under 250 parking spaces and 1 access greater than 24ft in width is supplied.*

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 proposed development will meet these Requirements. Two way ingress/egress is provided via the existing 36ft driveway and no lane will be limited to less than 12 feet.*

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 will meet these Required Conditions. The existing driveway location has been reviewed and found to be in compliance with the City of Canby design standards to include intersection/drive spacing, site distance and width. The driveway will be modified to include a sidewalk at one side for pedestrian connection to the buildings, and accessible ramps on each side at the existing public sidewalk to allow safe access to and from the site as well as along its frontage.*

- 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 will meet these Requirements. The site is served directly by the single shared driveway at SE 4th Avenue. The existing driveway at S. Township Rd will provide emergency vehicle access for Parcel C via the secured gate at the end of the drive aisle.*

- 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: *This criterion does not apply. The development site is not a corner lot or fronted by more than one street.*

- 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: *This criterion does not apply. There are no additional driveways requested.*

- 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: *The proposed development includes a shared driveway with the neighboring parcel to the east. Other shared access easements are for emergency use only as permitted by the city.*

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

Driveway Widths (Minimum/Maximum, Ft.)

Street Classification	Res.	Comm.	Ind.
Arterial:	NA (1)	12/36	12/36
Industrial:	NA (1)	12/36	12/36
Collector:	12/24 (2)	12/36	12/36
Neighborhood Route:	12/24 (2)	12/36	12/36
Local:	12/24 (2)	12/36	12/36
Cul-de-sac:	12/24 (2)	12/36	12/36
Public Alley	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 meets the requirements of this section. The existing single driveway is 36ft wide, meeting the minimum requirements for a commercial use along a collector.*

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

Minimum Driveway Spacing

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

Notes:

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

Findings: *The proposed development will meet these Requirements. The existing driveways are adequately spaced as demonstrated on the Site Plan included in the Combined Drawings.*

- 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 will meet these Requirements. The proposed property boundary divides the driveway to allow shared access via a shared access easement. Minimum distances in all other directions have been met.*

- 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 will meet these Requirements. The existing driveway is adequately spaced from the Railroad overpass and not adjacent to any other intersections.*

- 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: *The proposed development will meet these Requirements. The TIA reviewed the proposed drive spacing and found them to be acceptable.*

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. There are no alleys associated with this development.*

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 will meet these Requirements. The landscaping design submitted with the application includes the planting of street trees in compliance with this requirement. Existing sequoia trees are to be removed and replaced with correctly sized street trees. A tree removal plan and landscape plan has been included in the Combined Drawing Set.*

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 will meet these Requirements. The development includes exterior bicycle racks to be constructed to meet the standards of this section. Bicycle parking calculations are included in the Combined Drawing set showing the minimum allowed and total provided to meet this requirement.*

- 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 will meet these Requirements. The development includes bicycle racks to be constructed within 50ft of the primary employee entrances to the office and warehouse.*

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

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

Shopping Centers	0.33 space per 1000 ft ²
Financial Institutions	2, or 0.33 space per 1000 ² , whichever is greater
Theaters, Auditoriums, etc.	1 space per 30 seats
Downtown Commercial Zone	4 spaces per block
Industrial	
Industrial Park	2, or .1 space per 1000 ft ² , whichever is greater
Warehouse	2, or .1 space per 1000 ft ² , whichever is greater
Manufacturing, etc.	2, or .15 space per 1000 ft ² , whichever is greater

Findings: *The proposed development will meet these Requirements. 11 bicycle spaces are required (6 Office, 2 Warehouse, and 3 Manufacturing), with 12 spaces supplied equally dispersed between the 5 main entrances.*

NOTES:

Each individual use needs to be evaluated for bicycle parking – e.g., a commercial accessory use in an industrial district may have different requirements than the industrial uses around it. Similarly, in mixed-use developments, the amount of each use and required bicycle parking needs" evaluation. Finally, within each use category one needs to consider the different user categories - residents, employees, customers, etc. - and parking requirements for each. (Ord. 1019 section 1, 1999; Ord. 1043 section 3, 2000; Ord. 1076, 2001)

Chapter 16.34 M-2 HEAVY INDUSTRIAL ZONE

16.34.10 USES PERMITTED OUTRIGHT.

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

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

Findings: *The proposed development will meet these Requirements. The proposed uses of Manufacturing, Light Industrial and Warehouse storage are all allowed uses within the M-1 zone.*

16.34.20 CONDITIONAL USES.

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

- A. Aggregate removal operations;
- B. All other uses when evaluated on the standards and criteria specified in Chapter 16.50 and the point system set out in Table 16.34.020 for evaluating heavy industrial development proposals.
- C. Detached telecommunications facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)

- D. Detached telecommunications facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E pursuant to the standards and requirements of Chapter 16.55. (Ord. 740 section 10.3.33(B), 1984; Ord. 981 section 33, 1997, Ord. 1539, 2020)

Findings: *This criterion does not apply to this application. All proposed uses are allowed outright and no Conditional Use Application is included.*

16.34.30 DEVELOPMENT STANDARDS.

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

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet.
- C. Minimum yard requirements:
 - 1. Street yard: ten feet, twenty feet where abutting a residential zone;
 - 2. Interior yard: none, except twenty feet where abutting a residential zone.
 - 3. Rear yard: none, except twenty feet where abutting a residential zone.
- D. Maximum building height:
 - 1. Freestanding signs: thirty feet;
 - 2. All other structures: forty-five feet.
- E. Maximum lot coverage: no limit.
- F. Other regulations:
 - 1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad;
 - 2. Outside storage 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. 1514, 2019)

Findings: *The requirements of the I-O Industrial Overlay supersede the requirements of this section. See review of section 16.35.*

M-2 CONDITIONAL USE REVIEW MATRIX TABLE 16.34.020

Explanation: When considering conditional use applications for the M-2 Zone, each of the following characteristics will be evaluated by the Planning Commission and assigned a certain number of points (positive and negative). A net point total of "0" will be considered to be the prerequisite for approval of

an M-2 conditional use. In entering its findings of fact for its decision, the Commission shall indicate its findings regarding the following:

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

Findings: *The requirements of the I-O Industrial Overlay supersede the requirements of this section. See review of section 16.35.*

16.35 I-O Canby Industrial Area Overlay Zone

16.35.030 USES PERMITTED OUTRIGHT.

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

Findings: *The proposed development will meet these Requirements. The proposed uses of Manufacturing, Light Industrial and Warehouse storage are all allowed uses within the M-2 zone.*

16.35.040 CONDITIONAL USES.

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

- A. Any proposed site development, change in use, land division, or other action that results in any of the following requires conditional use approval in the I-O zone:
1. Less than 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 development will meet these requirements. The existing BBC Steel operation spans over 2 sites in 3 separate buildings. Between the 3 existing buildings, BBC Steel employs between 35 and 60 (avg. 47.5) employees over the existing 14.48 acres throughout the year. An average rate of 3.28 employees per acres (47.5/14.48).*

The main office is located within a new manufacturing facility located alongside the older facility on the south side of S. Township Rd., across the street from the proposed development. The parcel on the south side of S. Township Rd. is 3.51 acres, requiring 11 employees (3 employees/acre).

The proposed development site, located on the north side of S. Township Rd. is 10.97 acres before the proposed partition. An existing metal building occupied by BBC Steel will remain on the proposed Parcel B, adjacent to the development site. After the partition, Parcel B will be approx. 7.62 acres, requiring 23 employees (3 employees/acre).

The development Parcel A is 3.02 acres, requiring 10 employees (3 employees/acre). The proposed buildings 2 and 3 are to be occupied by BBC Steel. With the addition of the new buildings 2 and 3, BBC Steel expects to increase their business by at least 10 employees.

The total employee requirement for BBC Steel between the above mentioned sites is 44 Employees (11+23+10), BBC Steel will supply between 45 and 70 employees after the expansion to the new buildings (increase of 10 employees), meeting the requirements of this section.

Building 1 will be occupied by a future tenant that will further add to the existing employee totals.

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 these Requirements. The proposed development is less 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 development meets these Requirements. Services supplied to the development will be planned in coordination with the local agencies to ensure compliance availability of remaining services for other uses. Public sanitary and water service is available within the PUE which extends through the site. The anticipated power needs should be well below CUB's forecasted growth threshold for 2025 with primary service extension also existing within the PUE.*

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

Findings: *The proposed development meets these Requirements. The development does not propose an H occupancy.*

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: *This criterion does not apply to this development as it is not within the 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 uses of Manufacturing, Light Industrial and Warehouse storage are all allowed uses within the M-2 zone. No conditional use is required.*

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 development will not include any retail area.*

- 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 criteria do not apply to this development. There are no conditional uses requested with this application.*

16.35.050 DEVELOPMENT STANDARDS.

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

A. Minimum lot area: none.

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

B. Minimum lot width and frontage: none.

Findings: *The proposed development meets 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 street yard setback at SE 4th Ave is roughly 80ft which exceeds the required 35ft setback requirement outlined in this section.*

The existing residence I is setback from S. Township Rd. approximately 50ft.

The existing metal building is also setback sufficiently from the street at more than 70ft from S. Township Rd. All proposed lot lines are planned to be in full compliance with all of the setback requirements of this section.

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 these Requirements. The minimum side yard setback is 10ft at the western boundary adjacent to the Molalla Rail. The proposed setback to the property boundary at the South side of the development parcel adjacent to the existing residential use is 20ft.*

The existing residence located on parcel C is located 10ft from the proposed northern boundary with Parcel A and 24ft from the utility easement dissecting the site.

The existing metal building is 20ft+ to the eastern boundary and more than 35ft to the shared utility easement with a substantial rear laydown yard abutting SE 4th Ave.

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 these Requirements. The minimum side yard setback is 10ft at the western boundary adjacent to the Molalla Rail. The proposed setback to the property boundary at the South side of the development parcel adjacent to the existing residential use is 20ft.*

The existing residence located on parcel C is located 10ft from the proposed northern boundary with Parcel A and more than 60ft from the western boundary.

The existing metal building is 20ft+ to the eastern boundary which is the closest lot line and considered to be the rear.

- D. Maximum building height: 45 feet.

Findings: *The proposed development meets the requirements of this section. The proposed building height is 27ft, below the listed maximum of 45ft allowed without a conditional use.*

- 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 these Requirements. The development is within the M-1 zone: No restrictions.*

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

Findings: *The proposed development meets these Requirements. The existing driveways at SE 4th avenue are spaced more than 500ft apart. No additional driveways are proposed.*

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

Findings: *The proposed development will meet these Required Conditions. 4th Avenue has been previously upgraded. The development includes a half street grind and overlay for the length of the development frontage and accessible sidewalk ramps installed at the existing shared driveway of the development parcel.*

- 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 these Requirements. The development parcel is served by a raised concrete sidewalk connected to the city sidewalk near the driveway. The entrance to Building 1 is located at the corner closest to the street and provides direct visibility from the street.*

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 will meet these Requirements. The proposed development is designed to include street trees and ground cover in the planter strips within the ROW. Landscape plans are included in the Combined Drawing Set.*

- 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 area

Findings: *The proposed development will meet these Requirements. The buildings are to be constructed with concrete tilt-up walls and accented with reveals and paint to compliment the corner offices. Steel canopies wrap the corner office suites to provide architectural relief and function. Refer to Architectural elevations and perspectives included in the Combined Drawings 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 will meet these Requirements. The proposed development includes the addition of building lighting and low mounted bollard lighting to effectively illuminate the pedestrian pathways, parking, drive aisles and loading areas. Accent lighting will also be provided to illuminate signs, flag poles, art and certain accent elements of the building. A photometrics plan has been included with the site plan review submittal. Street Lighting at SE 4th Ave. is existing and will not need to be modified.*

- 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: *The proposed development meets this requirement. The existing driveway is to be shared with the adjacent parcel as shown with the partition exhibit. The new boundary will be*

drawn in the center of the driveway and utility easement and will be shared between the two parcels.

- 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 will meet these Requirements. The Landscaping plans specify irrigation as required in non-drought tolerant landscape 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 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 will meet these Requirements. The laydown yard associated with the existing BBC Steel business operation will be secured on all sides with a 6-8 foot chain-link fence and will maintain the existing matured dense evergreen (Sequoia Trees) landscape screen. No other "yards" are planned.*

16.35.060 DESIGN GUIDELINES.

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

Findings: *The proposed development has utilized the Industrial Area Master Plan design guidelines to assist in planning to maximize as many of the City goals as possible while maintaining the useability of the site for the warehouse occupants.*

16.35.070 I-O DESIGN REVIEW MATRIX.

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

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

**Industrial Overlay Design Review Matrix
Table 16.35.040**

CRITERIA	Possible Scores
Parking	
Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% of parking spaces=0; 50%-75%=1; 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
Minimum Acceptable Score	4 points
	Total: 4 Points

Findings: *Parking areas are located to the sides and in front of the buildings. However, the buildings are oriented with the main entrances facing the shared drive aisle. The applicant has awarded 1 point for the meeting the intent of placing the majority of the parking out of view from the right-of-way.*

1 point has been awarded for the supplying between 18%-22% increase over the minimum parking lot landscape requirement. The parking lot area= 45,466sf, 15%=6,820sf, 8,813sf is supplied (19.4%)

2 Points have been awarded for increasing the min qty of trees required. 17 trees are required and 19 trees are required (111%).

0 points are available as more parking has been supplied than required. 54 spaces required and 73 spaces are supplied (135%)

Landscaping		
Trees installed at 3 inch caliper: <25% of trees=0; 25%-50%=1; 50%-100%=2.		0 1 2
Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas, and similar features): no=0; yes=1; yes and for public use =2.		0 1 2
Amount of grass (less grass is better) (% of total landscaped area)>50%=0; 25%- 50%=1; <25%=2		0 1 2
Minimum Acceptable Score	3 points	Total: 3 Points

Findings: *0 points have been awarded for 3" caliper trees as none are proposed.*

1 point has been awarded for providing a useable employee area located on the north side of the parking lot includes a bench for private use by employees during breaktime.

2 points have been awarded for the amount of grass used. The total landscape area is 25,219sf (19.16% (15% required)), 0sf of lawn grass is proposed.

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

Findings: *0 points have been awarded for building entrances at or near the street. The buildings all face the main drive aisle to allow the multi-building layout on the site.*

1 point has been awarded for entrances visible form the street. The main drive aisle is wide enough to allow visibility to all 5 of the entrances along with the "Industrial Park" nature of the multi-building layout welcoming onsite traffic to each building parking lot and entrances.

1 point has been awarded for the use of quality building materials. While the buildings are primarily constructed of concrete. And mixture of storefront glazing, steel canopies, concrete reveal patterns and paint scheme all contribute to the aesthetic of the state-of-the art Class-A industrial buildings.

2 points have been awarded for the building articulation as the “front elevation” is comprised of a mixture of storefront glazing, steel canopies and door openings, leaving no wall free for additional architectural elements.

16.43 Outdoor Lighting Standards

16.43.030 APPLICABILITY.

The outdoor lighting standards in this section apply to the following:

- A. New uses, buildings, and major additions or modifications:
 - 1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.
 - 2. All building additions or modifications of fifty (50) percent or greater in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or cumulative additions, shall meet the requirements of this Code for the entire property, including previously installed and any new outdoor lighting.
- B. Minor additions. Additions or modifications of less than fifty (50) percent to existing uses, in terms of additional dwelling units, gross floor area, or parking spaces, shall meet the requirements of this Code with regard to shielding and lamp type for all new lighting.

16.43.040 LIGHTING ZONES.

- A. Zoning districts designated for residential uses (R-1, R-1.5 and R-2) are designated Lighting Zone One (LZ 1). All other zoning districts are designated Lighting Zone Two (LZ 2).

Findings: *The proposed development is within the LZ 2 lighting zone.*

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

Table 16.43.040 Lighting Zone descriptions

Zone	Ambient Illumination	Representative Locations
LZ 1	Low	Rural areas, low-density urban neighborhoods and districts, residential historic districts. This zone is intended to be the default for residential areas.

LZ 2	Medium	High-density urban neighborhoods, shopping and commercial districts, industrial parks and districts. This zone is intended to be the default condition for commercial and industrial districts in urban areas.
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Findings: *The proposed development will follow the Zone Two (LZ 2) requirements.*

16.43.060 PROHIBITED LIGHT AND LIGHTING.

- A. All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source or its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.

Findings: *The proposed development will meet these Required Conditions. The proposed development includes a lighting design to meet the requirements of reduced energy consumption and dark sky compliance with sensitivity to the light trespass requirements outlined in this section. The street lighting will be provided in accordance with the Canby Utility design standards and will also meet 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 will meet these Requirements. The development does not include "aerial lasers".*

- 2. "Searchlight" style lights.

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

16.43.070 LUMINAIRE LAMP LUMENS, SHIELDING, AND INSTALLATION REQUIREMENTS.

- A. All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements in Table 16.43.070 per the applicable Lighting Zone. These limits are the upper limits. Good lighting design will usually result in lower limits.

Findings: *The proposed development will meet these Requirements. This application includes a site lighting plan specifying lighting fixtures that comply with the requirements of this section. 'Good lighting' design with 'dark sky compliance' 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 will meet these Requirements. This application includes a photometrics plan demonstrating 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 will meet these Requirements. This application includes a photometrics plan demonstrating 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 will meet these Requirements. This application includes a photometrics plan demonstrating 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 will meet these Requirements. The development includes a landscape design that screens the parking spaces with regards to light trespass from vehicle head lights. No external point of service is proposed.*

- 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 will meet these Requirements. Where utilized, facade lighting will be restricted to the facade surface and the margins of the facade will not be illuminated. To the extent possible, the lighting design will be dark sky compliant.*

Table 16.43.070 – Luminaire Maximum Lumens and Required Shielding

Lighting Zone	Fully Shielded	Shielded	Partly Shielded	Unshielded (Shielding is highly encouraged. Light trespass is prohibited.)
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LZ 1	2600 lumens or less	800 lumens or less	None Permitted	Low voltage landscape lighting and temporary holiday lighting.
LZ 2	7800 lumens or less	1600 lumens or less	800 lumens or less	Landscape and facade lighting 1600 lumens or less; ornamental lights of 800 lumens or less.

16.43.080 HEIGHT LIMITS.

Pole and surface-mounted luminaires under this section must conform with Section 16.43.070.

A. Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height according to Table 16.43.080, whichever is lower. The following exceptions apply:

1. Lighting for residential sports courts and pools shall not exceed 15 feet above court or pool deck surface.
2. Lights specifically for driveways, and then only at the intersection of the road providing access to the site, may be mounted at any distance relative to the property line, but may not exceed the mounting height listed in Table 16.43.080.
3. Mounting heights greater than 40% of the horizontal distance to the property line but no greater than permitted by Table 16.43.080 may be used provided that the luminaire is side-shielded toward the property line.
4. Landscape lighting installed in a tree. See the Definitions section.
5. Street and bicycle path lights.

Findings: *The proposed development will meet these Requirements. Site Lighting has been proposed in accordance with the height and setback limitations of this code section.*

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.

43.080 – Maximum Lighting Mounting Height in Feet

Lighting Zone	Lighting for Driveways, Parking and Transit	Lighting for Walkways, Plazas and other Pedestrian Areas	All Other Lighting
LZ 1	35.0	18.0	8.0
LZ 2	37.5	18.0	15.0

Findings: *The proposed development will meet these Requirements. Site Lighting is existing along SE 4th ave. and has been reviewed to be in accordance with the limits of this section and below the height and setback maximums.*

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 will meet these Requirements. This application includes a photometrics plan with the lighting fixture specification showing the luminaires used meet the requirements of this section.*

16.46 Access Limitations on Project Density

16.46.020 INGRESS AND EGRESS.

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

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.

Findings: *The proposed development will meet these Requirements. Vision clearances shall be maintained on regular basis.*

- 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: *This criterion does not apply to this development. The Proposed development is not adjacent to an alley.*

16.46.030 ACCESS CONNECTION.

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

TABLE 16.46.30

Access Management Guidelines for City Streets*

Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***	Minimum Spacing** driveway to driveway***
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector	600 feet	250 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet****	

* 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 will meet these Requirements. Driveway spacing along SE 4th avenue exceeds 500ft. all other dimensions meet the requirements listed above.*

16.46.035 RESTRICTED ACCESS.

The City may allow an access to a City street that does not meet the spacing requirements of Table 16.46.030 if the proposed access is restricted (prevents certain turning movements). The City may require an applicant to provide an engineered traffic study, access management plan, or other information as needed to demonstrate that the roadway will operate within the acceptable standards with the restricted access in place. (Ord. 1237, 2007). Access to OR 99E shall be regulated by ODOT through OAR 734.51. (Ord. 1340, 2011)

16.46.040 JOINT AND CROSS ACCESS.

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

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

Findings: *This criterion does not apply to this development. There are no major traffic generators adjacent to this development.*

- B. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - 1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
 - 2. A design speed of 10 mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
 - 3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
 - 4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- C. Shared parking areas may be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- D. Pursuant to this section, property owners shall:
 - 1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
 - 2. Record an easement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

- E. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
 - 1. Joint access driveways and cross access easements are provided in accordance with this section.
 - 2. The site plan incorporates a unified access and circulation system in accordance with this section.
 - 3. The property owner enters into a written agreement with the city, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
- F. The Planning Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical. (Ord. 1043 section 3, 2000)

16.46.070 EXCEPTION STANDARDS.

- A. An exception may be allowed from the access spacing standards if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
 - 1. Indirect or restricted access cannot be obtained;
 - 2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and
 - 3. No alternative access is available from a street with a lower functional classification than the primary roadway.
- B. Access Management Plan Required. An applicant requesting an access exception may be required to submit an access management plan. The access management plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:
 - 1. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, measured from each property line or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 660 foot access spacing standard) shall have a minimum study area which is 1,820 feet in length.
 - 2. The potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.
 - 3. A comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the City standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.

4. A list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.
 5. References to standards or publications used to prepare the access management plan.
- C. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- D. No exception shall be granted where such hardship is self-created.
- E. Reasons for denying access spacing exception applications include, but are not limited to, traffic safety concerns, expected or planned traffic increases due to development or road construction, and emergency service provision issues. (Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1340, 2011)

Findings: *These exceptions do not apply to this development. The proposed accesses meet the requirements outlined in section 16.35.050.*

16.46.080 STATE HIGHWAY STANDARDS.

- A. Refer to the Motor Vehicle Chapter of the Transportation System Plan. ODOT regulates access to OR 99E. ODOT shall review and process applications for approaches to OR 99E consistent with Oregon Highway Plan standards and OAR 734.51 procedures. An ODOT permit to operate and maintain a State Highway Approach must be approved prior to site occupancy.

Findings: *This criterion does not apply to this development. The Proposed development does not propose any approaches onto OR 99E.*

16.46.090 SHARED ACCESS ONTO STATE HIGHWAY.

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

Findings: *This criterion does not apply to this development. The Proposed development does not propose any approaches onto any State highway.*

- 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 does not propose any residential approaches.*

16.49 Site and Design Review

16.49.030 SITE AND DESIGN REVIEW PLAN APPROVAL REQUIRED.

A. The following projects require site and design review approval, except as exempted in B below:

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

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

Findings: *The proposed development will meet these Requirements, and this application serves as the application for site and design review type III for the construction of a three new buildings and associated sitework.*

B. The following are exempt from site and design review (but still may require a site plan review and/or building permit):

1. Signs that are not a part of a reviewable development project. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.
2. Alterations or remodeling that do not change the exterior of the building.
3. Temporary public structures which will be removed within two (2) years of placement.
4. Commercial and industrial accessory structures under 500 square feet.
5. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
6. Temporary Vendor activity permitted pursuant to Section 16.08.140.
7. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from a Type III site and design review. However, parking lot and paving projects in excess of 2,500 square feet of

impervious surface require Type I site plan review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.

8. Single family or two-family dwellings and their accessory structures, and any alterations or remodeling thereof.
 9. Minor public facilities.
 10. Approved Public Art Murals as defined in CMC Chapter 2.80.020.
- C. Construction, site development and landscaping shall be carried out in substantial accord with the approved site and design review plan. Review of the proposed site and design review plan and any changes thereto shall be conducted in accordance with site and design review procedures.

Findings: *The proposed development will meet these Requirements. Design construction shall be completed in accordance with site and design review procedures.*

- D. No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord.. 1315, 2009; Ord.. 1237, 2007; Ord.. 1080, 2001; Ord.. 1019 section 2, 1999; Ord.. 981 sections 52&53, 1997; Ord.. 955 section 23, 1996; Ord.. 890 section 43, 1993; Ord.. 848, Part III, section 1, 1991; Ord.. 1341, 2011

Findings: *The proposed development will meet these Requirements. A security fence is included in the design, to be standard chain link with privacy slats to match neighboring developments.*

16.49.040 CRITERIA AND 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

Findings: *The proposed development will meet these Requirements. The site plan, building architecture and landscaping are in substantial conformance with the development standards.*

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

Findings: *The proposed development will meet these Requirements. The site plan, building architecture and landscaping is compatible with the designs for other similar developments in the same vicinity.*

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.

Findings: *The proposed development will meet 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.*

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.

Findings: *The proposed development will meet these Requirements. The site has minimized impervious surfaces and has included the LID stormwater management practice of using retention facilities and dry wells to allow onsite stormwater to infiltrate on the site and negate impacts to public facilities.*

5. The Board shall, in making its determination of compliance with this Ordinances, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:
 - a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and
 - b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040.

Findings: *This criterion does not apply to this development. The proposed developments lies within the I-O Industrial Area Overlay. The Design matrix in section 16.35.070 has been used to determine compatibility with the criteria and standards.*

6. Street lights installation may be required on any public street or roadway as part of the Design Review Application.

Findings: *The proposed development will meet these Requirements. Street lighting is existing and does not require modification with this development.*

16.49.050 CONDITIONS PLACED ON SITE AND DESIGN REVIEW APPROVALS.

- A. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:
 1. Protect the public from the potentially deleterious effects of the proposal; and/or

2. Fulfill the need for services created, increased or in part attributable to the proposal; and/or
3. Further the implementation of the requirements of the Canby Municipal Code.

Findings: *The applicant understands that conditions of approval may be included with the approval of this application.*

- B. The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.
1. Development Schedule. A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
 2. Dedications, Reservation. Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.
 3. Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.
 4. Plan Modification. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this Ordinance.
 5. Off-Site Improvements. Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created or increased by the project. If determined appropriate by the city based on specific site conditions, off-site roadway improvements may be required to accommodate bicycle and pedestrian travel consistent with the TSP and applicable sections of this code.
 6. Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.
 7. Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.
 8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter. (Ord.. 890 section 44, 1993; Ord.. 848, Part III, section 3, 1991; 1340, 2011)

Findings: *The applicant understands that conditions of approval may be included with the approval of this application.*

16.49.060 TIME LIMIT ON APPROVAL.

Site and Design Review Board approvals shall be void after twelve (12) months unless:

- A. A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or
- B. The Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091)

***Findings:** The applicant understands the time frame of the site and design review approval and will apply for extensions to the approval as required.*

16.49.065 BICYCLE AND PEDESTRIAN FACILITIES.

Developments coming under design review shall meet the following standards:

- A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

***Findings:** This criterion does not apply to this development. There are no adjoining properties to be developed that would necessitate a connected pathway.*

- 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.

***Findings:** This criterion does not apply to this development. The proposed development does not include any subdivisions, multi-family developments, planned development, shopping centers, commercial districts, adjacent residential areas or neighborhood activity centers.*

- 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.

Findings: *The walkways proposed will be raised concrete sidewalks with striped paths at crosswalks and loading bays. See site plan included in the Combined Drawing Set.*

The flexible, multi-tenant uses expected within the multi-building site are best served by keeping the walking path close to the building to provide a direct pedestrian connection to the right-of-way. This layout provides the safest route of travel vs the design alternate of several crossings of the main drive aisle. The loading bays are all grade accessed overhead doors and there will be no impact to function as the area will be kept clear at all times.

The walkway at the southern end of the site aligns with the existing striped pedestrian walkway along the curblin at Parcel C serving both Parcel A and Parcel C. This alignment offers a future opportunity for full pedestrian access from SE 4th ave and S. Township Rd with the development of Parcel C in the future.

- 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.

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 new and existing dry wells installed at the depth of the dense gravel which occurs well below grade.*

- E. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development. (Ord. 1043 section 3, 2000; Ord. 1339, 2010; Ord. 1340, 2011; Ord. 1514, 2019)

Findings: *This criterion does not apply to this development. The proposed development is not adjacent to the Molalla Forest Road path.*

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.

Findings: *The proposed development exceeds these Requirements. The proposed industrial development includes more than 15% of landscaping.*

- 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.

Findings: *The proposed development exceeds these Requirements. Minimum landscape requirements will be met without the use of LID facility calculations.*

- 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.

Findings: *The proposed development exceeds these Requirements. The landscape plan identifies existing and new trees, and the tree removal plan shows the trees to be removed. The existing sequoia trees along SE 4th avenue are to be removed due to the tighter spacing than what is recommended and susceptibility of overgrowth.*

- F. During the construction process:
1. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.

2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.
3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.
4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.
5. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.
6. Tree root ends shall not remain exposed.

Findings: *Trees adjacent to the property line will be protected in accordance with the requirement of this section.*

- G. Landscaping under preserved trees shall be compatible with the retention and health of said trees.

Findings: *The proposed landscaping under preserved Trees will be selected to ensure compatibility with the noted 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.

Findings: *This criterion does not apply. No trees have been identified as a preserved tree to be moved.*

- 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.

Findings: *The proposed landscape plan will specify landscape areas, trees and plants meeting the requirements of this sections.*

- J. All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.

Findings: *The proposed landscape plan will specify healthy vegetation. At time of substantial completion, the architect and engineer will walk the site and notify the contractor of trees and plants that do not meet the requirements of this section to have them replaced.*

- K. Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication.

Findings: *The proposed landscape plan will specify landscape areas, trees and plants meeting the requirements of this section.*

- 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.

Findings: *The proposed landscape plan will specify landscape areas, trees and plants meeting the requirements of this section.*

- 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.

Findings: *The owner will be responsible for maintaining the landscaping as outlined above and further detailed in the operations and maintenance manual.*

- 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.

Findings: *The proposed meets these requirements. Design specifications will include topsoil at the planters that meet these requirements.*

- O. All planting areas shall be graded to provide positive drainage.

Findings: *The proposed meets these requirements. The grading plan will show proper drainage at all landscape areas.*

- 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 finished grades in the landscape areas will be designed to limit the potential for soil, water and plant materials to be washed across roadways or walkways. The owner will be responsible for maintaining the landscaping to ensure this.*

16.49.090 SPECIFICATIONS FOR TREE AND PLANT MATERIALS.

- A. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.
- B. Coniferous Trees. Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Trees shall be well branched and characteristically shaped specimen.
- C. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.
- D. Ground covers. Ground covers shall be fully rooted and shall be well branched or leafed.
- E. Lawns. Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free. (Ord.. 890 section 46, 1993; Ord.. 848, Part IV, section 3, 1990)

Findings: *The proposed meets these requirements. The landscape plan will specify landscape areas, trees and plants meeting the requirement of these sections.*

16.49.100 LANDSCAPING INSTALLATION AND MAINTENANCE.

- A. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.
- B. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a

savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

- C. All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval. (Ord.. 890 section 47, 1993; Ord.. 848, Part IV, section 4, 1990)

16.49.110 LANDSCAPE AREA CREDIT FOR PRESERVATION OF EXISTING TREES AND TREE GROVES.

- A. Policy. It being the policy of the City of Canby to preserve healthy, mature trees wherever possible within its city limits, a system of landscape area credits is hereby established as an incentive for property owners and developers to preserve existing healthy, mature trees and to include them in the landscape plan for a proposed development.
- B. Purpose. The primary goal of the landscape credit is to prevent haphazard removal and destruction of trees and tree groves, in order to preserve the ecological health, aesthetic character, and quality of life in Canby. Tree retention provides substantial benefits, including but not limited to erosion prevention, reduction in storm-water runoff, improved water and air quality, energy conservation, carbon sequestration, reductions in the development impacts on the stormwater drainage system, and better transition between adjacent land uses.
- C. Landscape Credit.
 - 1. Program for Landscape Credit. One hundred percent (100%) of the area preserved under any mature, healthy tree or grove of trees retained in the landscape (as approved by the Site and Design Review Board) may be counted directly toward the percentage of landscaping required for a development.

Findings: *The area beneath the trees to be preserved has been included within the landscape area calculations.*

- 2. Limit to Landscape Area Credit.
 - a. Landscape credit for preserved trees or tree groves shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering, and screening.
 - b. Landscape credits for individual trees shall not comprise more than 40 percent of the total landscape requirement. For example, in districts requiring 15 percent landscaping, preserved tree area shall not count toward more than 9 percent of the requirement).

- c. Landscape credits for preserved tree groves shall not comprise more than 60 percent of the total landscape requirement. A grove is defined as a stand of three or more healthy, mature trees located close together to provide some overlap in canopy coverage.

Findings: *The extents of the landscape area beneath the trees which will be preserved is negligible in comparison to the overall landscape area proposed.*

3. Trees Near a Property Line:

- a. When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75 percent of the total drip line area. Trees so close to the property line that their drip line area is less than 75 percent of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.
- b. Where trees have been preserved near a property line, such that the drip line of the tree spreads onto adjacent property, credit can be obtained by the adjacent property owner for protection of the drip line area that extends onto that adjacent property.

Findings: *This criterion does not apply to this development. No credits are requested.*

- D. Trees and tree groves to be preserved and counted toward the landscape credit shall be identified on the landscape plan. (Ord. 890 section 48, 1993; Ord. 848, Part IV, section 5, 1990; Ord. 1338, 2010)

Findings: *The landscape area and potential credits to the preserved trees are negligible in comparison to the overall landscape area for the site and the associated credits are not being pursued.*

16.49.120 PARKING LOT LANDSCAPING STANDARDS.

- A. General Provisions. In addition to the objectives stated in section 2 of this Ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.
- B. Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.
- C. Landscaping Within a Parking Lot.

1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.
2. Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.

Findings: *The proposed development will meet these requirements. Interior parking islands and landscape strips containing trees are larger than 6ft.*

3. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

Findings: *The proposed development will meet these requirements. The use of LID stormwater facilities will be used and all stormwater will be kept on site and infiltrated into the dense gravel layer beneath the top soils.*

- D. Computing Minimum Area Required to be Landscaped Within a Parking Lot. Minimum area required to be landscaped within a parking lot shall be as follows:

1. Fifteen (15) percent for all residential, industrial, and commercial zones
2. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.
3. Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby Overlay Zone for any off-street parking spaces provided.

Findings: *The proposed development will meet these requirements. The proposed industrial development has more than the required minimum parking lot landscape area.*

- E. All parking areas with more than 16 spaces shall include landscape islands to break up the parking area into rows of not more than 8 contiguous parking spaces.

1. Landscape islands shall have a minimum area of 48 square feet and a minimum width of six (6) feet.
2. Landscape islands shall contain at least one tree that meets the standards in section (F) below.
3. Landscape islands may be counted toward the minimum parking lot landscaping requirements.

Findings: *The proposed development meets these requirements. Parking lot islands have been included in the proposed design.*

F. Criteria for Trees in Parking Lots. Deciduous, evergreen and/or shade trees shall meet the following criteria:

1. Reach a mature height of approximately forty (40) feet. Trees must be approximately two-inch (2") caliper at the time of planting.
2. Cast moderate to dense shade in summer.
3. Be long lived, i.e., live to be over approximately sixty (60) years.
4. Do well in an urban environment:
 - a. Be pollution tolerant; and
 - b. Be tolerant of direct and reflected heat.
5. Require little maintenance:
 - a. Be mechanically strong;
 - b. Be insect and disease resistant; and
 - c. Require little pruning.
6. Be resistant to drought conditions.
7. Be barren of fruit production.

Findings: *The proposed development meets these requirements. The landscaping plan specifies trees that meet the requirements of this section.*

G. Perimeter of Parking and Loading Areas:

1. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.

Findings: *The proposed development meets these requirements. The landscaping plan specifies plantings that meet the requirements of this section. The owner will be responsible for maintaining the vegetation to the requirements of this section.*

2. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.

Findings: *The proposed development meets these Requirements. The landscaping plan specifies the trees that meet the requirements of this section.*

- H. Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150 feet of all plant materials to be maintained. (Ord.. 890 section 49, 1993; Ord.. 848, Part IV, section 6, 1990, Ord. 1296, 2008; Ord.. 1338, 2010)

***Findings:** The proposed development meets these requirements. The landscaping plan specifies the irrigation system that meets the requirements of this section.*

16.49.130 REVEGETATION IN UNLANDSCAPED AREAS.

The purpose of this section is to ensure erosion protection for those areas which are not included within the landscape percentage requirements so that eventually native plants will re-establish themselves, and so that trees will not be lost due to uncontrolled erosion.

- A. Replanting. Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirement and that are not to be occupied by structures or other improvements, such areas shall be replanted with materials approved by the Site and Design Review Board.
- B. Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two (2) growing seasons. (Ord. 848, Part IV, section 7, 1990)

***Findings:** Undeveloped areas are to be maintained and returned as close as possible the existing native condition.*

16.49.140 MINOR REVISIONS TO APPROVED LANDSCAPED PLANS.

Minor revisions (less than 10 percent of the landscaped area) to the approved landscaped plans shall be reviewed and approved by the City Planner. The City Planner shall report any minor revisions to the Site and Design Review Board at the next available Board meeting. (Ord.. 890 section 50, 1993)

16.49.150 PARKING LOTS OR PAVING PROJECTS.

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paving areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements, parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable).

Applicants for such paving projects must submit an application to the Planning Department. Application procedures shall be as described in Chapter 16.89. (Ord.. 1019 section 3, 1999; Ord.. 1080, 2001)

***Findings:** The proposed development will meet these requirements. All surface water will be collected and filtered through an approved storm water quality system prior to being retained on-site. Storm water retention consists of dry wells installed at the depth of the dense gravel per the geotechnical report.*

Chapter 16.60 PARTITIONS

16.60.010 FILING PROCEDURES.

Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.4.30(A), 1984; Ord. 981 section 9, 1997; Ord. 1019 section 17, 1999; Ord. 1080, 2001)

16.60.020 STANDARDS AND CRITERIA.

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. If the improvements are not constructed or installed prior to the filing of the signed partition plat with the county, they shall be guaranteed in a manner approved by the City Attorney. However, if the Planning Director finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Director shall accept those improvements. In lieu of accepting an improvement, the Planning Director may recommend to the Commission that the improvement be installed in the area under special assessment financing or other facility extension policies of the city. (Ord. 890 section 51, 1993; Ord. 740 section 10.4.30(B) [part], 1984; Ord. 1514, 2019)

16.60.030 PARTITIONS.

Partition means to divide an area or tract of land into two or three parcels within the calendar year. An Application for a partition shall be evaluated based upon the following standards and criteria:

- A. Conformance with the text and applicable maps of the Comprehensive Plan;

***Findings:** The proposed development will meet these requirements. The proposed partition creates parcels in compliance with the text and applicable maps of the Comprehensive Plan.*

- B. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;

***Findings:** The proposed development will meet these requirements. The proposed partition creates parcels in conformance with all other applicable requirements of the Land Development and Planning Ordinance*

- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;

***Findings:** The proposed development will meet these requirements. The proposed partition has been designed to divide an existing manufacturing business and existing residence and the proposed development site preserving the existing uses and providing potential development in the future. All utility infrastructure is currently in place to serve all three parcels. Existing utilities are to be reviewed and coordinated to ensure they are captured within an easement as required. It has been noted that the utility easement dissecting the site may need to be widened along with additional easements in place for stormwater utilities and shared access.*

- D. No partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;

Findings: *The proposed development will meet these requirements. The proposed partition creates three parcels with shared access aligning with the existing 30ft PUE. A shared access easement will be created with provisions requiring adjacent parcels to contribute to the maintenance and upkeep of the roadways, common area landscape and existing infrastructure with the specific requirement that emergency access shall not be encumbered. Public Street access is directly supplied via the existing driveways to all parcels.*

- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division. (Ord. 890 section 52, 1993; Ord. 740 section 10.4.30(B)(2), 1984; Ord. 1514, 2019)

Findings: *The proposed development will meet these requirements. The parcels created by the proposed partition are served by all services, found at SE 4th Ave, S. Township Rd. and connected between the two via a public utility easement dissecting the overall site and straddling the partition line.*

16.60.050 PLANNING DIRECTOR ACTION

- A. Tentative maps shall be submitted to the Planning Director for review and determination that the proposal will be compatible with the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance. The Planning Director may require such dedication of land easements and may specify such conditions or modifications to the tentative map as are deemed necessary to carry out the Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than would be required if the parcel were subdivided. For residentially zoned land, the Planning Director shall require, for newly created lots adjacent to existing residential development, that homes built on such lots be designated on the plat or included in the deed restrictions as "Infill Homes" as defined by 16.04.255 and therefore subject to any or all of the requirements of 16.21.050 Infill Homes. The Planning Director may modify the minimum lot coverage and/or maximum height standard if the applicant can demonstrate that 50% or more of adjacent lots exceed these standards.

Findings: *The PLA Exhibit is included in the Combined Drawing Set.*

- B. Upon action by the Planning Director the applicant shall be notified in writing of the decision reached and the steps which must be taken before the parcels can be transferred or utilized for separate development.
- C. One copy of the tentative map, clearly marked approved, denied or modified shall be retained in an appropriate file and one copy of same returned to the applicant. (Ord. 740 section 10.4.30(C), 1984; Ord. 1107, 2002; Ord. 1514, 2019)

16.60.060 FINAL PROCEDURES AND RECORDATION

- A. Following the action of the city in approving or conditionally approving a tentative map for a partition, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city engineer prior to the transfer of title of any of the parcels involved.

- B. Recordation of an accurate survey map, prepared by a registered engineer or licensed surveyor, must be completed within two years of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.
- C. The applicant shall bear full responsibility for compliance with applicable state and city regulations regarding the recordation of documents and subsequent transfer of ownership.
- D. The Planning Director may approve a single one-year extension to the original two year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application. (Ord. 740 section 10.4.30(D), 1984; Ord. 1080, 2001; Ord. 1514, 2019)

16.60. 070 PUBLIC HEARING REQUIRED FOR APPEAL PROCESS

Each properly that filed application for an appeal of a Planning Director's partition application decision shall be considered by the Planning Commission following a public hearing advertised and conducted in the manner prescribed in Division VIII. (Ord. 740 section 10.3.75 (C), 1984; Ord. 1514, 2019)

16.89 Application and Review Procedures

16.89.50 TYPE III DECISION.

- A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type III applications.
- B. Neighborhood meetings. As directed in Table 16.89.020, the applicant may be required to present their development proposal at a neighborhood meeting before the City accepts the application as complete. See Section 16.89.070.
- C. Application requirements. Type III applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.
- D. Public notice.
 - 1. At least 20 days prior to a public hearing on a Type III decision or a Type II appeal decision, the Planning Director shall mail notice meeting the requirements of state law to:
 - a. All owners of real property and, if the owner's address is different from the site address, all residents of property, within the distance prescribed in Table 16.89.020;
 - b. The appointed chair of any neighborhood association whose boundaries include the subject property;
 - c. Any person who submits a written request to receive notice; and
 - d. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
 - e. For appeals, the appellant and all persons who provided testimony.
 - 2. Notice of any proposal that includes a new transportation facility or improvement, and where these facilities or improvements included or may impact a collector or arterial street, will be sent to the ODOT and Clackamas County or any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and

- pedestrian interest groups, and interest groups for people with disabilities. Information that should be conveyed with the notice includes the following:
- a. Project location
 - b. Proposed land use action
 - c. Location of project access point(s)
3. The City shall prepare an affidavit of mailing for the public notice and make the affidavit part of the application file. Failure of any individual to receive notice as prescribed in this section does not invalidate the proceedings.
 4. Written notice shall be published in a newspaper of general circulation in Canby once in either of the two consecutive weeks prior to the hearing.
 5. At least ten (10) days before the hearing, written notice shall be posted at City Hall and such other conspicuous locations as the Council may determine to be appropriate.
 6. At least ten (10) days before the hearing, the applicant shall post notice of the hearing on the property as directed by the Planning Director.
 7. The Planning Director may expand the notice area or take other steps to assure that affected property owners or residents are made aware of the pending public hearing.
 8. Any application that involves access to the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management standards and requirements.
- E. Conduct of public hearing.
1. In all evidentiary hearings required by this title the following procedures shall be followed:
 - a. All interested persons in attendance shall be heard on the matter of hearing, and this fact shall be communicated to those in attendance;
 - b. A summary of the application or other matter for hearing shall be given by the presiding officer or their designee;
 - c. The staff report shall be made followed by questions, if any, of the staff by the hearings body;
 - d. The public hearing shall be opened and testimony shall be received in the following order:
 - (i) Applicant;
 - (ii) Proponents;
 - (iii) Opponents; and
 - (iv) Rebuttal by proponents or applicant;
 - e. Close public hearing;
 - f. Questions and discussion by hearing body;
 - g. Decision by the hearing body except that further discussions, decision, or reopening of the public hearing may be postponed to another meeting, the time, date, and place of which shall be announced before adjournment.
 2. All persons who speak at the hearing shall identify themselves by name, address, and interest in the matter. Attorneys or other agents shall be allowed to speak on behalf of all participants.
 3. Physical evidence in the form of written documents, photographs, or other exhibits may be accepted by the hearing body if deemed to be pertinent.
 4. A record made at any prior evidentiary hearing may be accepted, considered, and used by the hearing body at any subsequent hearing, and said body, by majority vote of a quorum present, may deny to accept or hear any repetitious matter.
 5. The hearing body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested. Upon

recessing for these purposes, the hearing body shall announce the time and date when the hearing will be resumed.

6. Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing as follows:
 - a. If the hearings body grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence; or
 - b. If the hearings body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record as follows:
 - (i) When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony.
 - (ii) An extension of the hearing or record granted pursuant to this subsection is subject to the limitations of ORS 227.178 (120-day rule), unless the continuance or extension is requested or agreed to by the applicant.
 - (iii) If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

F. Decision process.

1. Approval or denial of a Type III decision or appeal of a Type II decision shall be based on standards and criteria located in the code.
2. The hearings body shall issue a final written order containing findings and conclusions that approve, approve with conditions, or deny the application.
3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

G. Notice of Decision.

1. The written findings shall be sent to:
 - a. Any person who submits a written request to receive notice, provides written comments during the application review period, or provides written or oral testimony in the public hearing;
 - b. The applicant and owner of the subject property;
 - c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.
2. The written findings shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

- H. Effective Date. A Type III decision is final for purposes of appeal when it is mailed by the City.
- I. Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:
 - 1. The following have legal standing to appeal:
 - a. The applicant;
 - b. Any person who was mailed notice of the decision;
 - c. Any other person who participated in the proceeding by testifying or submitting written comments; and
 - d. The City Council, on its own motion.
 - 2. Procedure.
 - a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.
 - b. The Notice of Appeal shall be accompanied by all required information and fees.
 - c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.
 - 3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:
 - a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
 - b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
 - c. That the Commission did not adequately consider all of the information which was pertinent to the case.
 - 4. The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application.
- J. Any decision of the Planning Commission may be appealed to the City Council unless otherwise specified in this Title. Such appeals will be processed using the Type III procedures unless otherwise specified in this Title.
- K. The decision of the City Council regarding a Type IV decision, appeal of a Planning Commission decision, or any other process contained within this title, is the final decision of the City. (Ord. 1080, 2001; Ord. 1111 section 5, 2003; Ord 1237, 2007)

16.89.90 MODIFICATIONS.

Any proposed modification to previously approved land use applications, including site plans, elevations, or conditions of approval, shall be reviewed by the Planning Director to determine if they are minor, intermediate, or major. Factors to be considered in this determination include the date of the original application, the impact on neighboring properties, and the impact on public service provision. Modifications shall be processed as indicated in subsections A through D below. Modification applications shall be made on forms provided for the purpose by the Planning Director.

- A. **Minor Modification.** Minor modifications have a negligible impact on an approved site plan, land use decision, or condition of approval. The Planning Director will review all minor modifications under the Type I process.
- B. **Intermediate Modification.** Intermediate modifications are those that do not fit the definitions in 16.89.090(A) or (C). The Planning Director will review intermediate modifications under the Type II process. If the Planning Director approves an intermediate modification, notice of the decision will be made in accordance with the Type II process. The individuals noticed may obtain a public hearing on the issue by filing a request in writing within ten days of the notice mailing date. Any additional costs of such hearings shall be paid by the modification applicant. Hearing notice shall follow the requirements of the procedure type of the original application.
- C. **Major Modification.** Any modification that would result in a substantial impact to an approved site plan, land use decision, or condition of approval is a major modification. Major modifications shall be processed using the procedure type of the original application.
- D. **Modification criteria.** Modification applications shall be evaluated based on the criteria pertaining to the original application being modified. (Ord. 1111, 2003; Ord 1237, 2007)