

ORDINANCE NO. 1398

**AN ORDINANCE AMENDING CHAPTERS 16.30, 16.32, 16.34, 16.35, AND 16.49 OF
TITLE 16 OF THE CANBY MUNICIPAL CODE**

WHEREAS, the City of Canby initiated amendments to the text of Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*, in order to clarify standards of industrial zones and to add a Type II process for industrial park developments. The amendments to Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*, are attached in Exhibit A.

WHEREAS, the Planning Commission held a public hearing on May 28, 2014, during which the citizens of Canby were given the opportunity to present testimony on these proposed changes; and

WHEREAS, the Planning Commission found that the standards and criteria of the *Canby Comprehensive Plan* and the *Canby Land Development and Planning Ordinance* concerning text amendments were satisfactorily met, and therefore recommended by a vote of 4-1 to forward a recommendation of approval to the City Council, and

WHEREAS, the City Council, after reviewing the text amendment, supporting materials, and testimony at a public hearing on July 16, 2014, found that the proposed amendments comply with the *Canby Comprehensive Plan* and the *Canby Land Development and Planning Ordinance*; the plans and policies of the county, state, and local districts; will preserve the function and local aspects of land conservation and development; that there is a public need for the change; that the amendment will serve the public need better than any other change which might be expected to be made; that the amendment preserves and protects the health, safety, and general welfare of the residents in Canby; and that the amendments comply with statewide planning goals; and therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

- 1) The City Council hereby approves Text Amendment file TA 14-01; and
- 2) The City Council approves the amendments of Title 16, the City of Canby *Land Development and Planning Ordinance*, as detailed in Exhibit A.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on September 3, 2014 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on September 17, 2014, commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.



Kimberly Scheafer MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on September 17, 2014 by the following vote:

YEAS 5

NAYS 0



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafer, MMC
City Recorder

Exhibit A:

Amendments to Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*

Chapter 16.30

C-M HEAVY COMMERCIAL MANUFACTURING ZONE

Sections:

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

16.30.010 Uses permitted outright.

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

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

16.30.020 Conditional uses.

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

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

16.30.030 Development standards.

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

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

- a. In those locations where angle parking is permitted abutting the curb, and
 - b. For property frontage along Highway 99-E.
- 3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord 830 section 9, 10, 1989; Ord. 802 section 7 [part], 1987; Ord. 740 section 10.3.29(C), 1984; Ord. 981 section 50, 1997; Ord. 1237, 2007)
- 4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm and shall be of such material and design as will not detract from adjacent residences.

Chapter 16.32

M-1 LIGHT INDUSTRIAL ZONE

Sections:

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

16.32.010 Uses permitted outright.

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

- A. Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in
 1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards
 2. Danger by reason of fire, explosion or other physical hazard;
 3. Unusual traffic hazards;
- B. Automobile body shop, or heavy repair shop;
- C. Contractor's equipment or storage yard;
- D. Dwelling for watchman or caretaker working on the property;
- E. Food processing plant;
- F. Fuel distribution, wholesale or retail;
- G. Ice or cold storage plant;
- H. Laundry or dry-cleaning plant;
- I. Lumber yard;
- J. Machinery, farm equipment or implement sales, service or rent;
- K. Motor or rail freight terminal;

- L. Railroad trackage and related facilities;
- M. Restaurant, when related and incidental to primary industrial uses of the area;
- N. Service station, when related and incidental to primary industrial uses of the area;
- O. Stone, marble, or granite cutting;
- P. Tire retreading or recapping;
- Q. Transfer and storage company;
- R. Utility storage or service yard;
- S. Veterinarian's office or animal hospital;
- T. Warehouse
- U. Wholesale distribution, including warehousing and storage;
- V. Wireless or cellular communications facility/tower;
- W. Other light industrial uses as determined by the Planning Commission;
- X. Business or professional office, when related and incidental to primary industrial uses of the area;
- Y. Public building or uses such as fire station, or park or playground.
- Z. Attached WTS facilities (see 16.08.120).
- AA.** Detached WTS facilities (monopole or lattice tower), under 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- BB.** Detached WTS facilities (monopole), under 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- CC.** Detached WTS facilities (monopole), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- DD.** Minor public facility. (Ord. 890 section 31, 1993; Ord. 749 section 1(A), 1984, Ord. 740 section 10.3.31(A), 1984; Ord. 995 section 10 & 11, 1996; Ord. 981 section 30 & 31, 1997; Ord. 1019 section 10, 1999; Ord. 1237, 2007)

16.32.020 Conditional uses.

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

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

16.32.030 Development standards.

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

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

E. Maximum lot coverage: no limit.

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.
2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.
3. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics). (Ord. 890 section 33, 1993; Ord. 830 section 11, 12, 1989; Ord. 740 section 10.3.31(C), 1984; Ord. 955 section 12, 1996; Ord. 981 section 51, 1997; Ord. 1237, 2007)
4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm and shall be of such material and design as will not detract from adjacent residences.

Chapter 16.34

M-2 HEAVY INDUSTRIAL ZONE

Sections:

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

16.34.010 Uses permitted outright.

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

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

16.34.020 Conditional uses.

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

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

16.34.030 Development standards.

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

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet.
- C. Minimum yard requirements:
 - 1. Street yard: none, except twenty feet where abutting a residential zone;
 - 2. Interior yard: none, except twenty feet where abutting a residential zone.
- D. Maximum building height:
 - 1. Freestanding signs: thirty feet;

2. All other structures: forty-five feet.

E. Maximum lot coverage: no limit.

F. Other regulations:

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

**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

Chapter 16.35

CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

Sections:

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

16.35.010 Purpose.

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

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

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

16.35.020 Applicability.

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

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

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

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

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

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

16.35.25 Pre-application review and conditions of approval

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

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

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

16.35.030 Uses permitted outright.

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

16.35.040 Conditional uses.

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

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

~~4.~~ 1. Less than 12 employees per developed acre. For the purposes of this section only, "developed" means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;

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

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

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

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

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

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

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

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

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

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

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

16.35.045 Prohibited uses.

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

A. Slaughter house;

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

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

16.35.050 Development standards.

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

- A. Minimum lot area: none.

B. Minimum lot width and frontage: none.

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

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

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

D. Maximum building height: 45 feet.

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

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

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

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

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

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

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

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

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

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

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

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

16.35.060 Design guidelines.

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

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

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

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

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

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

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

G. Use of quality building materials;

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

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

16.35.070 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
<u>Parking</u>	
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

<u>Transportation/Circulation</u>	
Design private, on-site pedestrian pathways: 6' painted ways=0; 6' brick/paver ways=1; 6' brick/paver & raised concrete ways=2	0 1 2
Number of pedestrian connections between the street sidewalk and internal circulation system: One connection = 0 Two or more connections = 1	0 1 2
Minimum Acceptable Score (some provisions may not apply)	2points

<u>Landscaping</u>	
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

<u>Building Appearance and Orientation</u>	
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

Chapter 16.49

SITE AND DESIGN REVIEW

Sections:

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

16.49.010 Findings and objectives.

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

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

1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.

2. Discourage monotonous, unsightly, dreary and inharmonious development.
3. Promote the city's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.
4. Protect and enhance the city's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
5. Stabilize and improve property values and present blighted areas and thus increase tax revenue.
6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.
7. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.
8. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the city's favorable environment and thus promote and protect the peace, health, and welfare of the city.
9. Determine the appropriate yard setbacks, building heights, minimum lot sizes and sign sizes, when authorized to do so by city ordinance.
10. Encourage the use of Low Impact Development (LID) techniques to manage stormwater through the use of natural features, protect native vegetation, preserve and create open space, and minimize impervious surfaces. (Ord.. 848, Part I, section 1, 1991, Ord.. 1338; 2010)

C. Alternatives for how the Design Review Board or a Design Review Committee is organized give the City the flexibility to use several options, including a Design Review Board that consists of Planning Commission members only, or a Board with a broader representation that can be expanded when appropriate. Provisions also allow for creation of a Design Review Committee which would be strictly advisory in nature. (Ord. 1296, 2008)

16.49.020 Establishment of the Site and Design Review Board.

A. The City may establish a Site and Design Review Board whose members, terms of office and manner of transacting business shall be as prescribed in the following subsections:

1. The Board shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development process: those portions of proposed site and design review plans which pertain to architectural features, applications concerning historic structures and sign applications under the following circumstances:

- a. Where the applicant has elected not to go through an administrative (Type II) review process;
- b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;
- c. Where administrative (Type II) design review standards do not exist for the project; or
- d. Where an administrative (Type II) design review decision has been appealed.

If no Site and Design Review Board is established, the Planning Commission is responsible for reviewing all applicable land use applications and is responsible for the above duties of the Site and Design Review Board.

2. Other duties. The City Council may, by Ord.er, direct the Board to review and comment on other matters which the Council determines are or may be within the Board's areas of expertise.

3. Qualifications of members. The Board shall consist of at least four and up to seven members of the Canby City Planning Commission, and one member from the City Council pro-tem (temporary) non-voting; and up to four additional individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process. These provisions allow the Board to consist of Planning Commission members only, if desired.

4. Appointment and term. Members of the Planning Commission shall be appointed as required by section 16.06.030. Non-Planning Commission members shall be appointed by the City Council.

5. Vacancies and removal. Vacancies on the Design Review Board or removal of Design Review Board members shall be governed by section 16.06.030.

6. Chairman. The duly appointed chairman of the Planning Commission shall also serve as chairman for site and design review applications in accordance with Chapter 16.06 if the Planning Commission Chairperson serves on the Design Review Board. If the Planning Commission Chairperson does not serve on the Board, a Design Review Board Chairperson will be selected by a majority of Design Review Board members.

7. Voting. A quorum for the transaction of business shall be a simple majority of Design Review Board members. The chairperson shall be counted to determine a quorum and shall have the same voting powers as other members of the Board. Each member shall have one vote. A majority vote of the members shall be required for all Board actions.

8. Meetings and records. The Board shall hold regular meetings as required. Site and design review applications will be reviewed as a regular agenda item.

9. Rules. The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code. (Ord. 1296, 2008)

16.49.025 Establishment of a site and design review committee.

A. The City Council may appoint a design review committee to provide additional guidance related to design review applications.

1. The committee shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development review process: those portions of proposed site and design review plans which pertain to architectural features, and applications concerning historic structures under the following circumstances:

- a. Where the applicant has elected not to go through an administrative (Type II) review process;
- b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;
- c. Where administrative (Type II) design review standards do not exist for the project; or
- d. Where an administrative (Type II) design review decision has been appealed.

2. Nature of committee's review. The committee's review and recommendations are strictly advisory to Planning Department staff and the City's Design Review Board.

3. Qualifications of members. The Committee shall consist of at least five and up to seven members, including individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process.

4. Appointment and term. Members of the Design Review Committee shall be appointed by the City Council, considering recommendations of the Planning Director.

5. Vacancies and removal. Vacancies on the Design Review Committee and removal of Design Review Committee members shall be approved by the City Council.

6. Meetings and records. The committee shall hold regular meetings, which shall conform with all legal requirements of the Oregon public meetings law. Site and design review applications will be reviewed as a regular agenda item.

7. Rules. The committee may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code and Oregon public meetings law. (Ord. 1296, 2008)

16.49.030 Site and design review plan approval required.

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

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

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

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

1. Signs that are not a part of a reviewable development project. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.
2. Alterations or remodeling that do not change the exterior of the building.

3. Temporary public structures which will be removed within two (2) years of placement.
4. Commercial and industrial accessory structures under 500 square feet.
5. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
6. Temporary Vendor activity permitted pursuant to Section 16.08.140.
7. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from a Type III site and design review. However, parking lot and paving projects in excess of 2,500 square feet of impervious surface require Type I site plan review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.
8. Single family or two-family dwellings and their accessory structures, and any alterations or remodeling thereof.
9. Minor public facilities.
10. Approved Public Art Murals as defined in CMC Chapter 2.80.020.

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

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

16.49.035 Application for Site and Design Review

A. For site and design review projects in the Downtown Canby Overlay Zone (DCO), applicants may choose one of the following two processes:

1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41(Downtown Canby Overlay Zone) and 16.49; the applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040.A; or
2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in

Chapter 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.B. The applicant must still meet all applicable requirements of Chapter 16.49.

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040. (Ord. 1296, 2008)

16.49.040 Criteria and standards.

A. In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards.

B. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

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

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

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

4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.

5. The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:

a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and

b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040. (Ord. 1338, 2010).

D. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this ordinance.

E. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this ordinance. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

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

G. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review. (Ord. 848, Part III, section 2, 1991; Ord. 955 section 24 & 25, 1996; Ord.1237, 2007, Ord.1296, 2008)

Table 16.49.040 Site Design Review Menu

As part of Site and Design Review, the following menu shall be used as part of the review. In Order to “pass” this table 60% of total possible points shall be earned, 10% of the total possible points must be from LID elements

Design Criteria	Possible Points				
	0	1	2	3	4
Parking					
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-
Parking lot lighting provided	No	Yes	-	-	-
Parking location (behind building is best)	Front	Side	Behind	-	-
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	-	-
Screening of Storage Areas and Utility Boxes	0	1	2	3	4
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	-	-
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property	-	-
Utility equipment, including rooftop equipment, is screened from view.	Not screened	Partially screened	Fully screened	-	-
Access	0	1	2	3	4
Distance of access to nearest intersection.	≤70 feet	71 - 100 feet	>100 feet	-	-
Pedestrian walkways from public street/sidewalks to building entrances.	One entrance connected.	-	Walkways connecting all public streets/sidewalks to building entrances.	-	-
Pedestrian walkways from parking lot to building entrance.	No walkways	Walkway next to building only	Walkways connecting all parking areas to building entrances	-	-

Design Criteria	Possible Points				
	0	1	2	3	4
Tree Retention					
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-
Signs	0	1	2	3	4
Dimensional size of sign (% of maximum permitted)	>75%	50-75%	<50%	-	-
Similarity of sign color to building color	Not similar	Somewhat similar	Similar	-	-
Pole sign used	Yes	No	-	-	-
Building Appearance	0	1	2	3	4
Style (similar to surroundings)	Not similar	Somewhat similar (1 or 2 points possible depending on level of similarity)		-	-
Color (subdued and similar to surroundings is better)	Neither	Similar or subdued	Both	-	-
Material (concrete, wood and brick are best)	Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board				
Size of building (smaller is better)	>20,000 square feet	≤20,000 square feet	-	-	-
Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.)	No	-	-	-	Yes
Landscaping	0	1	2	3	4
Number of non-required trees provided	-	At least one tree per 500 square feet of landscaping.	-	-	-
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-
Low Impact Development (LID)	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%
Provision of park or open space area	None	-	Open space (Generally not for public use)	-	Park (public or privately owned for public use)

Design Criteria	Possible Points				
	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-
Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%
Total Possible Points = 71, 60%=42.6 points, 10%=7.1 points					

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

16.49.050 Conditions placed on site and design review approvals.

A. A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:

1. Protect the public from the potentially deleterious effects of the proposal; and/or
2. Fulfill the need for services created, increased or in part attributable to the proposal; and/or
3. Further the implementation of the requirements of the Canby Municipal Code.

B. The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

1. Development Schedule. A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
2. Dedications, Reservation. Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.
3. Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.
4. Plan Modification. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this Ordinance.
5. Off-Site Improvements. Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created 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. (Ord.. 890 section 44, 1993; Ord.. 848, Part III, section 3, 1991; 1340, 2011)
8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter.

16.49.055

(Ord.. 1019 section 4, 1999; del. by Ord.. 1111, 2003)

16.49.060 Time limit on approval.

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

- A. A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or

- B. The Planning Department finds that there have been no changes in any Ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091)

16.49.065 Bicycle and pedestrian facilities.

Developments coming under design review shall meet the following standards:

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

B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

C. For new office parks and commercial development:

1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.

2. Walkways shall be provided to the street for every 300 feet of developed frontage.

3. Walkways shall be direct with minimal driveway crossings.

4. Walkways shall be linked to the internal circulation of the building.

5. Walkways shall be at least five feet wide and shall be raised, or have different paving materials when crossing driveways or other vehicle maneuvering areas. (Ord. 1043 section 3, 2000)

D. Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be

designed, constructed, and maintained in accordance with the Canby Public Works Design Standards. (Ord. 1339, 2010)

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

16.49.070 Landscaping provisions, Authority and intent.

The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environmental and aesthetic quality of the city:

- A. By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;
- B. By using trees and other landscaping materials to temper the effects of the sun, wind, noise and air pollution;
- C. By using trees and other landscaping materials to define spaces and uses of the specific areas;
- D. Through the use of trees and other landscaping materials as a unifying element within the urban environment; and

16.49.080 General provisions for landscaping.

- A. The standards set forth in this section are minimum standards for landscaping.
- B. The purpose of these landscaping standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats; reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

- C. The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows. Parking lot landscaping area is included in calculating the following landscape areas:

1. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).
2. Seven and one-half (7.5) percent for the Downtown-Commercial zone.
3. Thirty (30) percent for all residential zones.

D. LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property. LID facilities in the public right-of-way cannot be counted toward the minimum landscaping requirement. The integration of LID stormwater management facilities within required landscaping must be approved by the city and shall comply with the design and construction standards set forth in the Canby Public Works Design Standards.

E. Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees and vegetation.

F. During the construction process:

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

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

H. When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.

I. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

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

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

L. The following guidelines are suggested to insure the longevity and continued vigor of plant materials:

1. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.
2. Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

M. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:

1. It will not interfere with designated pedestrian or vehicular access; and
2. It will not constitute a traffic hazard because of reduced visibility.
3. It will not hinder solar access considerations.

N. After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

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

P. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways. (Ord.. 890 section 49, 1993; Ord.. 854 section 1,1991; Ord.. 848, Part IV, section 2, 1990; Ord.. 955 section 26, 1996; Ord. 1237, 2007; Ord.. 1338, 2010)

16.49.090 Specifications for tree and plant materials.

A. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.

B. Coniferous Trees. Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Trees shall be well branched and characteristically shaped specimen.

C. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

D. Ground covers. Ground covers shall be fully rooted and shall be well branched or leafed.

E. Lawns. Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free. (Ord.. 890 section 46, 1993; Ord.. 848, Part IV, section 3, 1990)

16.49.100 Landscaping installation and maintenance.

A. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.

B. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not

installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

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

16.49.110 Landscape area credit for preservation of existing trees and tree groves.

A. Policy. It being the policy of the City of Canby to preserve healthy, mature trees wherever possible within its city limits, a system of landscape area credits is hereby established as an incentive for property owners and developers to preserve existing healthy, mature trees and to include them in the landscape plan for a proposed development.

B. Purpose. The primary goal of the landscape credit is to prevent haphazard removal and destruction of trees and tree groves, in order to preserve the ecological health, aesthetic character, and quality of life in Canby. Tree retention provides substantial benefits, including but not limited to erosion prevention, reduction in storm-water runoff, improved water and air quality, energy conservation, carbon sequestration, reductions in the development impacts on the stormwater drainage system, and better transition between adjacent land uses.

C. Landscape Credit.

1. Program for Landscape Credit. One hundred percent (100%) of the area preserved under any mature, healthy tree or grove of trees retained in the landscape (as approved by the Site and Design Review Board) may be counted directly toward the percentage of landscaping required for a development.

2. Limit to Landscape Area Credit.

a. Landscape credit for preserved trees or tree groves shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering, and screening.

b. Landscape credits for individual trees shall not comprise more than 40 percent of the total landscape requirement. For example, in districts requiring 15 percent landscaping, preserved tree area shall not count toward more than 9 percent of the requirement).

c. Landscape credits for preserved tree groves shall not comprise more than 60 percent of the total landscape requirement. A grove is defined as a stand of

three or more healthy, mature trees located close together to provide some overlap in canopy coverage.

3. Trees Near a Property Line:

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

b. Where trees have been preserved near a property line, such that the drip line of the tree spreads onto adjacent property, credit can be obtained by the adjacent property owner for protection of the drip line area that extends onto that adjacent property.

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

16.49.120 Parking lot landscaping standards.

A. General Provisions. In addition to the objectives stated in section 2 of this Ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

B. Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.

C. Landscaping Within a Parking Lot.

1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.

2. Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.

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

D. Computing Minimum Area Required to be Landscaped Within a Parking Lot.

Minimum area required to be landscaped within a parking lot shall be as follows:

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

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

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

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

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

- b. Be insect and disease resistant; and
 - c. Require little pruning.
- 6. Be resistant to drought conditions.
- 7. Be barren of fruit production.
- G. Perimeter of Parking and Loading Areas:
 - 1. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.
 - 2. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.
- H. Irrigation System or Available Water Supply Required. Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150 feet of all plant materials to be maintained. (Ord.. 890 section 49, 1993; Ord.. 848, Part IV, section 6, 1990, Ord. 1296, 2008; Ord.. 1338, 2010)

16.49.130 Revegetation in unlandscaped areas.

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

A. Replanting. Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirement and that are not to be occupied by structures or other improvements, such areas shall be replanted with materials approved by the Site and Design Review Board.

B. Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two (2) growing seasons. (Ord. 848, Part IV, section 7, 1990)

16.49.140 Minor revisions to approved landscaped plans.

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

16.49.150 Parking lots or paving projects.

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paving areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements,

parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable). Applicants for such paving projects must submit an application to the Planning Department. Application procedures shall be as described in Chapter 16.89. (Ord.. 1019 section 3, 1999; Ord.. 1080, 2001)

AFFIDAVIT OF POSTING

STATE OF OREGON)
)
County of Clackamas) ss:
)
CITY OF CANBY)

I, Kimberly Scheafer, being first duly sworn, depose and say that I am the City Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon.

That on the 3rd of September 2014 the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1398 was read for the first time and passed by the vote of said Council and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of five (5) days prior to the second reading and final vote on said Ordinance, as provided in Section 2 of Chapter 8 of the Charter of the City of Canby, and

Thereafter, on the 4th day of September 2014, I personally posted said Ordinance in the following three (3) conspicuous places, all within the said City of Canby, to wit:

- 1. Canby City Hall Bulletin Board - outside
- 2. Canby Public Library Bulletin Board
- 3. Canby Post Office

That since said posting on the date aforesaid, the said Ordinance will remain posted in the said three (3) public and conspicuous places continuously for the period of five (5) days and until the very 17th day of September 2014.

Kimberly Scheafer

Kimberly Scheafer, MMC
City Recorder

Subscribed and sworn to before me this 4th day of September 2014.

Erin E Burckhard

Notary Public For Oregon
My Commission Expires: 10/31/2014

