

PLANNING COMMISSION

Meeting Agenda

Monday, June 26, 2017

7:00 PM

City Council Chambers – 222 NE 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

1. **CALL TO ORDER**
2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
3. **MINUTES**
 - a. Approval of the May 8, 2017 Planning Commission Minutes
 - b. Approval of the May 8, 2017 Planning Commission Work Session Minutes
4. **NEW BUSINESS**
5. **PUBLIC HEARINGS**
 - a. Consider a request for a Conditional Use Permit to construct a detached accessory dwelling unit in the backyard at 1355 N Oak St. **(CUP 17-03 Fuentes)**
 - b. Consider a Site & Design Review/Conditional Use permit to construct an essential public communication service facility consisting of a 150 ft. self-supporting lattice tower with multi omnidirectional antennas and microwave dishes at 202 N Walnut St. **(DR 17-04/CUP 17-01 Clackamas 800 Radio Group)**
6. **FINAL DECISIONS**

(Note: These are final, written versions of previous oral decisions. No public testimony.)

 - a. Final Findings (CUP 17-03 Fuentes)
 - b. Final Findings (DR 17-04/CUP 17-01 Clackamas 800 Radio Group)
7. **ITEMS OF INTEREST/REPORT FROM STAFF**
 - a. Next Planning Commission Meeting – Monday, July 10, 2017
8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
9. **ADJOURNMENT**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5.

For a schedule of the playback times, please call 503-263-6287.

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, May 8, 2017
Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, John Serlet, Tyler Hall, and Shawn Varwig
ABSENT: Derrick Mottern and Andrey Chernishov
STAFF: Bryan Brown, Planning Director, and Laney Fouse, Planning Staff
OTHERS: Ron Pacholl, Bob Backstrom, Clint Coleman, and Councilor Liaison Tyler Smith

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm.

2. CITIZEN INPUT

Clint Coleman, Canby resident, said the Traffic Safety Commission worked on a number of community issues. With the Northwood development being built out, new homes on Pine Street, the N. Redwood Master Plan, and new apartments on Territorial, one solution to slowing traffic down was digital speed signs. He also suggested consideration of a four way stop on Redwood and Territorial and a pedestrian crossing on Territorial to the future dog park. The Traffic Safety Commission also worked with the neighbors around the Sequoia Street Bridge and the City to add patrols and signs. They wanted to help the Planning Commission's efforts.

Bob Backstrom, Canby resident, discussed how the traffic had increased in Canby and crime had also increased. Canby was changing and they needed to pay attention to it and plan for growth accordingly. They could no longer ignore the City was expanding with more developments and more traffic. The traffic studies the City required did not tell the whole story. There needed to be a livability impact study for new developments. Calming City streets needed to be a major consideration and they needed to advocate for Canby residents. He suggested the City do a survey regarding livability and traffic issues.

3. MINUTES

- Approval of the March 13, 2017 Planning Commission Minutes

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Varwig to approve the March 13, 2017 Planning Commission minutes. Motion passed 5/0.

- Approval of the April 10, 2017 Planning Commission Minutes

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Boatright to approve the April 10, 2017 Planning Commission minutes. Motion passed 5/0.

4. NEW BUSINESS – None.

5. PUBLIC HEARING

- a. Consider a request for a Minor Land Partition to partition 496 NE 3rd Ave to create separate lots for a single family home and a duplex. **(MLP 17-01 Pacholl)**

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had ex part contacts or conflicts of interest to declare.

Commissioner Serlet drove by the site every day.

Bryan Brown, Planning Director, entered his staff report into the record. This was a request for a minor land partition at 496 NE 3rd Avenue. There were two existing structures on the property and the intent was to divide the property in half. The property was zoned R-2 which had a minimum of 14 units per acre. Since it was a fully developed lot, the units per acre were not applicable. The resulting lots were larger than normal in this zone. Staff thought the land partition was appropriate because it would be less non-conforming and closer to the higher density that was expected. There had to be separate utilities to the two structures and there would be a utility easement on the western portion of parcel 1 that would serve parcel 2. The rear yard setback from the new proposed property line was met. They also met the interior side yard setbacks and complied with the front setbacks. The driveway on 3rd Avenue needed a condition of approval to be paved 20 feet into the lot. One written comment was received from the public, from Jason Bristol. He had no problem with this request, but mentioned the driveway issue and said there was a five to six foot tall chain link fence across the property on 3rd Avenue. This fence had been moved onto the property line when the City installed sidewalks on 3rd and 4th Avenues. A chain link fence should not be taller than three and a half feet and it could be a Code Enforcement issue. The chain link fence did not have the same negative impacts that a wood screening fence did, however chain link did affect site views and posed reflection issues in low lighting conditions. He asked for direction on the fence. Also there was an existing pole in the sidewalk. At the time the sidewalk was put in, leaving in the pole conformed to ADA standards for width, however the standards had changed and it no longer had the width required. It was hard for cities to keep up with the changing regulations and it would be a big expense to move the pole. A portable garden shed was on the 4th Avenue frontage which also did not conform. It might be time to move it to conform to current codes. No new development was being requested and no street or utility improvements were required. Staff recommended approval subject to the conditions of approval.

Applicant: Ron Pacholl, Canby resident, owned this property. The garden shed had been removed. The chain link fence was put in several years ago. It was a four foot fence that was set on a one to one and a half foot concrete wall. Paving the driveway was fine.

Proponents: None.

Opponents: None.

Rebuttal: None.

Chair Savory closed the public hearing.

Commissioner Deliberation:

Commissioner Serlet said he thought the code violations should be grandfathered in as acceptable as people should not be penalized when the codes changed periodically. Commissioners Boatright and Varwig agreed that the fence and the pole should be left as is.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Serlet to approve MLP 17-01 Pacholl subject to the conditions of approval and to grandfather in the fence and the pole. Motion passed 5/0.

6. FINAL DECISIONS

a. MLP 17-01 Pacholl Minor Land Partition

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve the final decisions for MLP 17-01 Pacholl. Motion passed 5/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

Mr. Brown said there would be a Joint Council and Planning Commission Work Session on May 17 to discuss the land needs analysis. Currently there were no land use cases for the next meeting's agenda.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None.

9. ADJOURNMENT

Motion: A motion was made by Commissioner Hall and seconded by Commissioner Serlet to adjourn the meeting. Motion passed 5/0. Meeting adjourned at 8:15 pm.

MINUTES
CANBY PLANNING COMMISSION WORK SESSION MINUTES
Council Chambers, 222 NE 2nd Avenue
7:00 PM – Monday, May 8, 2017

PRESENT: Commissioners John Savory, Larry Boatright, John Serlet, Tyler Hall, and Shawn Varwig
ABSENT: Derrick Mottern and Andrey Chernishov
STAFF: Bryan Brown, Planning Director, and Laney Fouse, Planning Staff
OTHERS: Chris Maciejewski, Jordin Kelly, Bob Backstrom, Clint Coleman, and Councilor Liaison Tyler Smith

The Planning Commission met in a Work Session for a discussion about traffic in Canby, level of service standards, and triggers for traffic studies and mitigation with assistance from DKS & Associates the City's transportation planning consulting firm.

Chair Savory called the Work Session to order at 8:20 pm.

Mr. Brown discussed how the quality of life in the community was important. This Work Session was intended to give the Commission a better understanding of what they could and could not do in regard to traffic levels and studies in the City.

Mr. Chris Maciejewski from DKS and Associates reviewed the City's Transportation System Plan goals, how much growth was anticipated in the City, where traffic growth was anticipated in the City, traffic funding constraints, and how traffic growth was managed. He then gave a background and recent traffic studies done for the Territorial Road corridor. Currently 5,000 cars per day drove on the road and he anticipated it would increase not because of more development in Canby, but due to regional growth as the economy improved. He gave a background and recent traffic studies for the Birch Street corridor. There was speeding due to the larger road width of approximately 40 feet. Roads that were 32 to 36 feet wide with on street parking reduced speed. Speed cushions had recently been put in on the road, but if it continued to be a problem, they could disconnect vehicle traffic on Birch from Territorial by using diagonal curbs.

Mr. Backstrom said the speed cushions had helped tremendously with the speeding issue. When Birch was widened in the 1990s, more traffic started coming on Birch. About three out of four vehicles that were on Birch every evening were not Canby residents. They needed to be more proactive and instead of just traffic studies, livability impact studies needed to be done.

Mr. Maciejewski thought that could be included in the next TSP update as well as flagging the streets that were of concern and adding a range of tools that could be used to help relieve the situation.

There was discussion regarding ways to reduce speeding while not shifting the problem from one street to another, ways to reduce traffic on local City streets, and how to balance congestion and safety. There was further discussion regarding adding traffic speeds to the traffic study analysis.

Chair Savory adjourned the Work Session at 9:10 pm.



City of Canby

CONDITIONAL USE STAFF REPORT

FILE #: CUP 17-03 (Detached Accessory Dwelling Unit)

Prepared for the June 26, 2017 Planning Commission Meeting

LOCATION: 1355 N. Oak Street (Bordered area in map below)

ZONING: R-1 Low Density Residential

TAX LOT: 31E33AA02419



LOT SIZE: .24 Acres

OWNERS: David & Darlene Fuentes

APPLICANTS: David & Darlene Fuentes

APPLICATION TYPE: Conditional Use Permit (Type III)

CITY FILE NUMBER: CUP 17-03

I. APPLICANT'S REQUEST:

The applicant is requesting permission to construct a detached accessory dwelling unit in the rear yard behind the principal home at 1355 N Oak Street. Section 16.16.020(O) requires a conditional use permit for an accessory dwelling that is not attached to the primary dwelling in the R1 zone. The accessory dwelling shall be separated from the primary dwelling unit by a minimum of 10 feet and conform to the standards in Section 16.16.010(D)(2). In accordance with Section 16.16.030(E)(2)(a) the proposed detached accessory structure may normally be allowed a height up to 22' as measured to the highest point of the roof when located inside the allowed building footprint for the principal home. One additional on-site parking space is required to accommodate the occupant of an accessory dwelling unit. The accessory dwelling unit may not exceed 800 square feet of floor area. The exterior siding and roofing must be similar in color, material and appearance to that used on the primary dwelling although different siding or roofing may be approved by the Planning Commission if it finds that the proposed design is more compatible with surrounding residences. The applicant has indicated that their immediate purpose for constructing the ADU is to provide a nearby location for a family member. Once approved and built, accessory dwelling units run with the land and can serve as a source of rental income to the current or any future owner of the property.

II. APPLICABLE CRITERIA:

1. 16.50.010 Authorization to Grant or Deny Conditional Uses

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

2. Other Applicable Criteria:

- A. 16.16.020 Conditional uses in the R-1 zone.
- B. 16.16.030 Development Standards

III. FINDINGS:

1. Location and Background

The property is located on the west side of North Oak Street and on a large lot. The lot is 0.24 acres or about 10,454 square feet in size. Surrounding uses include, residential single-family detached homes to the north, east, west, and by Maple St. Park to the south.

2. Comprehensive Plan Consistency Analysis

LAND USE ELEMENT

GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

Applicable Policies:

Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

Analysis: *The proposed accessory dwelling unit is not a conflicting or incompatible use to the surrounding neighborhood. It is the same – a detached single-family dwelling. Any possible issue would be more one of crowding or density and any possible immediate impacts related to the loss of space, air, and light to the immediate adjacent properties which back up to the rear yard of this property. This lot is large and clearly has plenty of space to erect an additional small dwelling unit behind the existing home well within the standard principal building footprint therefore retaining the usual side and rear yard setbacks that are applicable. The impact is also lessened as no new driveway is proposed to the rear of the property, only a sidewalk to improve access from parking which is provided in front of the existing principal home.*

Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Analysis: The addition of accessory dwelling units in low density single-family zone districts is considered to be one of the primary land use efficiency tools to better utilize space within our current urbanized residential areas to accommodate the growing demand for housing without spreading to new greenfield sites on the edge or outside of the City limits which usually means using valuable farm land. The accessory dwelling, if done appropriately, can better utilize land for increased housing without significantly altering the character of a predominantly single family district. Accessory dwellings that are internal to the existing square footage of a home or are attached with a common wall as an addition to an existing home are considered an "outright allowed use" in the low density residential zone. The creator of the city code was more cautious with a detached accessory dwelling unit as it could have more impact due to its placement in the rear yard near adjacent properties.

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Analysis: No burdening of public services is anticipated. For the most part, the proposed use will take advantage of services to the existing home with water and sewer being extended from the existing home. The desire is to continue to utilize a single meter for the two homes on the property. Public facility and service providers were asked to comment on this application and existing services are sufficient to serve the site with no concerns voiced.

A typical home is expected to generate approximately 9 vehicle trips in a typical 24 hour weekday. These are of course spread out over the day. N Oak Street is classified as a local street which carries a typical load of traffic. This increase is insignificant for the specific capacity of this public street and for the neighborhood.

Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

Analysis: No natural hazards have been identified on the subject property.

Policy #5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

Analysis: The parcel is currently zoned Low Density Residential (R-1) and is surrounded by other R-1 zoned properties.

Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

Analysis: The property is not located in an "area of special concern" designated in the Canby Comprehensive Plan.

ENVIRONMENTAL CONCERNS ELEMENT

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

The subject property is considered to be urbanized and no environmental concerns have been identified.

TRANSPORTATION ELEMENT

GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.

Applicable Policies:

Policy #1: Canby shall provide the necessary improvements to City streets, and will encourage the County to make the same commitment to local County roads in an effort to keep pace with growth.

Analysis: No improvement to the street or sidewalk system is necessary to serve the intensification of use associated with this proposal.

Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Analysis: The subject property is accessed by a system of existing adequately paved streets and sidewalks. There is an existing sidewalk along the property frontage along N Oak Street.

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Analysis: Staff did not receive any concerns or comments from emergency providers including the Police Department or Canby Fire District on this construction proposal. The Fire District did want to see a unique new address to be provided to the accessory home. Staff is proposing to assign an address of 1355 N. Oak Street, Unit A for the accessory dwelling unit if this application is approved. The new accessory unit is within the normal hose length for fighting a fire from the adjacent public street. There was no concern with access to the site or requirement for a sprinkler system.

PUBLIC FACILITIES AND SERVICES ELEMENT

GOAL: TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicable Policies:

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Analysis: Utility providers have all indicated that adequate access and services are available.

Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

Analysis: No public schools or recreation facilities are required at this site.

CONCLUSION REGARDING CONSISTENCY WITH THE POLICIES OF THE CANBY COMPREHENSIVE PLAN:

Review of the goals, policies, and implementation measures of the Comprehensive Plan indicates that the proposed conditional use is consistent with Canby's Comprehensive Plan.

3. Evaluation Regarding Conditional Use Approval Criteria

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.

This application meets the requirements of the Comprehensive Plan, this title, and other applicable city policies.

- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

The site is surrounded by urbanization and is well-suited and sized to adequately handle the proposed use. The applicant indicates the site is flat and some existing trees or shrubbery will be removed but other landscaping will be added following construction. More than adequate setbacks will remain to both the rear and side yard. Although a calculation was not provided, it is clear to staff that the overall impervious surface on the property will not exceed the 60% maximum allowed. The one additional parking space is able to be accommodated side by side with the existing on-site parking in front of the principal residence.

- C. All required public facilities and services exist to adequately meet the needs of the proposed development.

Needed services already exist to the property to serve the existing principal home. The applicant desires to keep as many utilities as possible under a single account. This means she plans to extend the existing private water and sewer service laterals to also serve the new home without separate metering and independent service lines. Canby utility and public works have indicated to the applicant that extension of services is doable from the existing principal home to also serve the accessory dwelling. Oak Street can easily handle the additional vehicular trips that a typical accessory dwelling unit would add to the street system.

- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

The impact on surrounding properties will be negligible as it represents the same single-family detached housing that is in the surrounding area on a large lot which can easily accommodate the increased intensity of use without a significant loss of open space, air, and light which are typical components regulated by zoning. The accessory dwelling is planned to be painted the same color as the principal residence, both structures are one-story in height with the accessory unit being a smaller structure and lower in height than the existing home. An additional parking space fits in nicely adjacent to the existing parking spaces in front of the existing home. The usual development standards for an R-1 zone are met – including setbacks, height, and maximum impervious coverage. Although one magnolia tree and some existing shrubs are to be removed from the site the homeowner plans to add additional landscaping following construction. Vehicular traffic will not be introduced into the back yard to serve the accessory dwelling, but rather a sidewalk to provide convenient access from the new associated parking space would be useful. The site plan does not indicate if a sidewalk is planned to the back door of the home or around to the front parking space. As long as the accessory dwelling is utilized by a family member, it makes sense just to build a sidewalk to a rear door of the home.

IV. PUBLIC TESTIMONY

One citizen comment was received along with 3 agency comments. The nearby neighbor favors the approval of the conditional use permit indicating the addition would not impact their residence. The City Engineer had no comments pertaining to this request. Canby Fire simply wanted to know what new address would be given. DirectLink currently serves the residence. They suggest that a new conduit with CAT5 cable line to be owned and maintained by the property owner from the existing service point to the new residence would allow extending existing phone number to the new building.

V. CONCLUSION

1. Staff concludes that the conditional use is in conformance with the City's Comprehensive Plan and Land Development and Planning Ordinance.
2. Staff concludes that the site can easily accommodate the proposed use.
3. Staff concludes that public service and utility provision to the site is available or can be made available through agreed upon future improvements.
4. Staff concludes that the conditional use will not alter the character of the surrounding area in a manner which substantially limits or precludes the use of surrounding

properties as they exist today or for uses permitted in the zone.

VI. RECOMMENDATION

Based on the application submitted and the facts, findings and conclusions of this report, but without benefit of a public hearing, staff recommends that the Planning Commission **approve** CUP 17-03 with the following conditions:

1. Necessary utility lateral or service extensions shall be installed at the applicant's expense. The location of the sewer and water lateral extensions shall be approved by Public Works and Canby Utility prior to excavation.
2. The additional 3rd on-site required parking space shall have a paved surface (not gravel).
3. The Planning Department shall assign a new separate address to the accessory dwelling.

Attachments:

1. Application and narrative
2. Conditional Use Permit Site plan
3. Comments



City of Canby
 Planning Department
 222 NE 2nd Avenue
 P.O. Box 930
 Canby, OR 97013
 Ph: 503-266-7001
 Fax: 503-266-1574

LAND USE APPLICATION

Conditional Use Process Type III

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

Applicant Name: David & Darlene Fuentes Phone: 503-969-3535
 Address: 1355 N. Oak St. Email: fufamilia@canby.com
 City/State: Canby, OR Zip: 97013

Representative Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: same Phone: _____
 Signature: Darlene Fuentes
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: _____ Phone: _____
 Signature: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- 3 All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

1355 N. Oak St. 70' X 150' 31E33 AA 02419
 Street Address or Location of Subject Property Total Size of Assessor Tax Lot Numbers
 Property

Single family home R1 _____
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Additional small home on property for my mother.
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

2. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are also routed to various City/State/County departments, as applicable, for their comments. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
5. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. Staff will post this material at least ten (10) days before the public hearing.
6. The staff report will be available to all interested parties at least seven (7) days prior to the hearing.
7. The Planning Commission holds a public hearing. The staff report is presented to the Commission. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
8. The Commission then issues findings of fact which support approval, approval with conditions, or denial of the application. A decision may be appealed to the City Council.
9. If the Planning Commission decision is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). Unless the City Council decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise, or reverse the decision of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

CONDITIONAL USE PERMIT – TYPE III: STANDARDS AND CRITERIA

Under Section 16.50.010 of the Canby Municipal Code, an application for CONDITIONAL USE PERMIT approval shall be evaluated based on the following standards and criteria:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city; and
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features; and
- C. All required public facilities and services exist to adequately meet the needs of the proposed development; and
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

June 1, 2017

To Whom It May Concern:

We are submitting this request to build a small house, 25' x 25', on our property for my mother.

As her caregivers, we feel this option is the best way for her to maintain her independence while being as close as possible to us for her care as she ages.

We fully intend to meet all requirements of the City of Canby to meet their standards and criteria to build this addition to our property.

Since our property at 1355 No. Oak Street in Canby is an extra deep lot, 70' x 150', we feel it will allow the room for this addition, keeping it at a size to make it comfortable for my mom, yet attractive and fitting to the property.

We will need to remove one large magnolia tree and some shrubs in our yard, change our sprinkler system to accommodate the changes and do whatever else is necessary to prepare our landscape. It is our intent to add additional landscaping as needed after the construction to our yard.

It is our plan to install the same siding and paint the addition to match our existing home, as well as following the roof line with this addition.

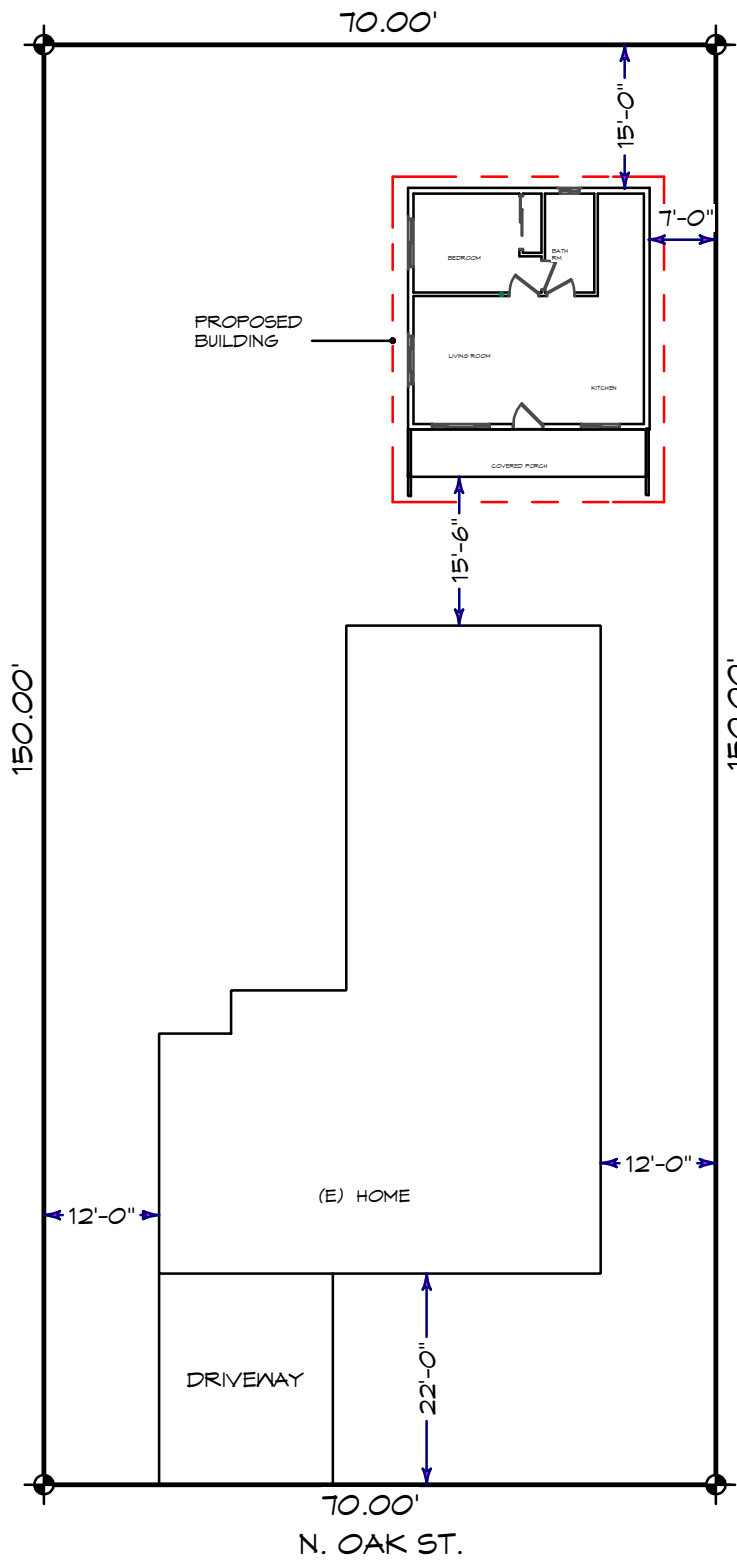
We intend to accommodate and make access for the construction crew as easy as possible through our property, provide parking and areas for their equipment.

Our property is currently connected to the City of Canby's sewer and water systems and Canby utility system.

We have maintained our pride of ownership in our home and property in Canby since 1986 and will continue to do so.

Thank you,

Darlene and David Fuentes
1355 N. Oak St.
Canby, OR 97013



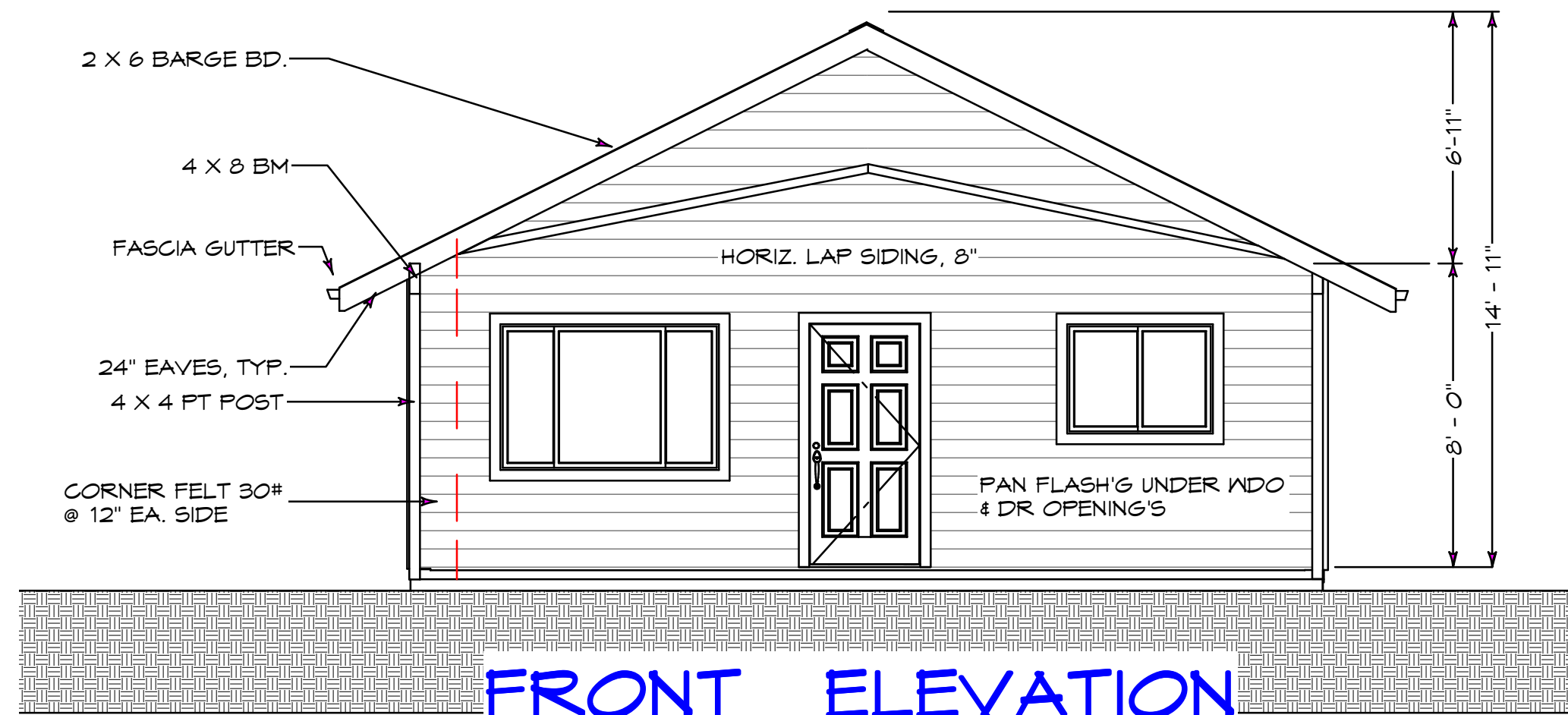
PLOT PLAN

DAVID & DARLENE FLUENTEZ
 1355 N. OAK ST.
 CANBY, OREGON 97013
 CLACKAMAS COUNTY, OREGON



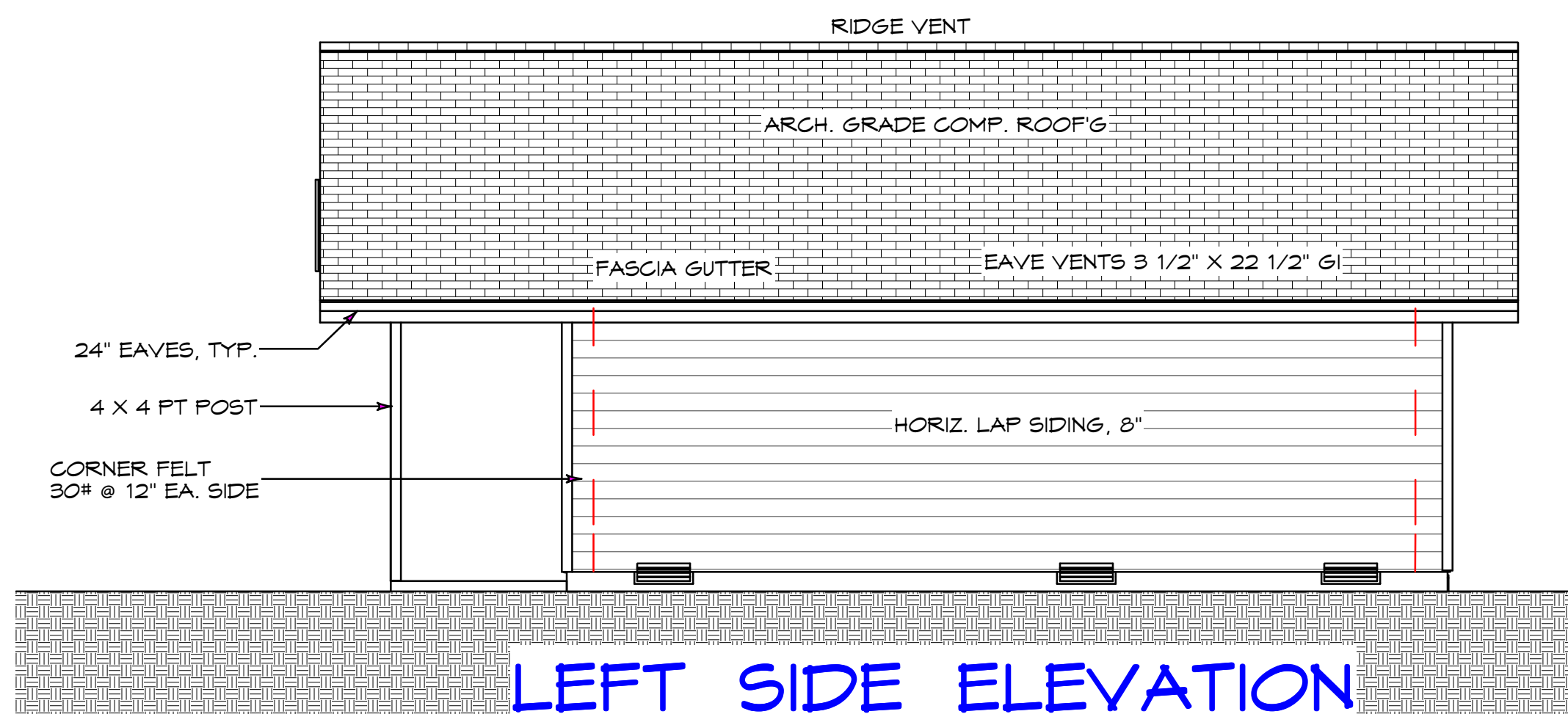
Scale 1" = 20'

MAP # 31E33AA
 TAXLOT # 31E33AA02419
 PARCEL # 00784770
 DOC. # 1986-021823



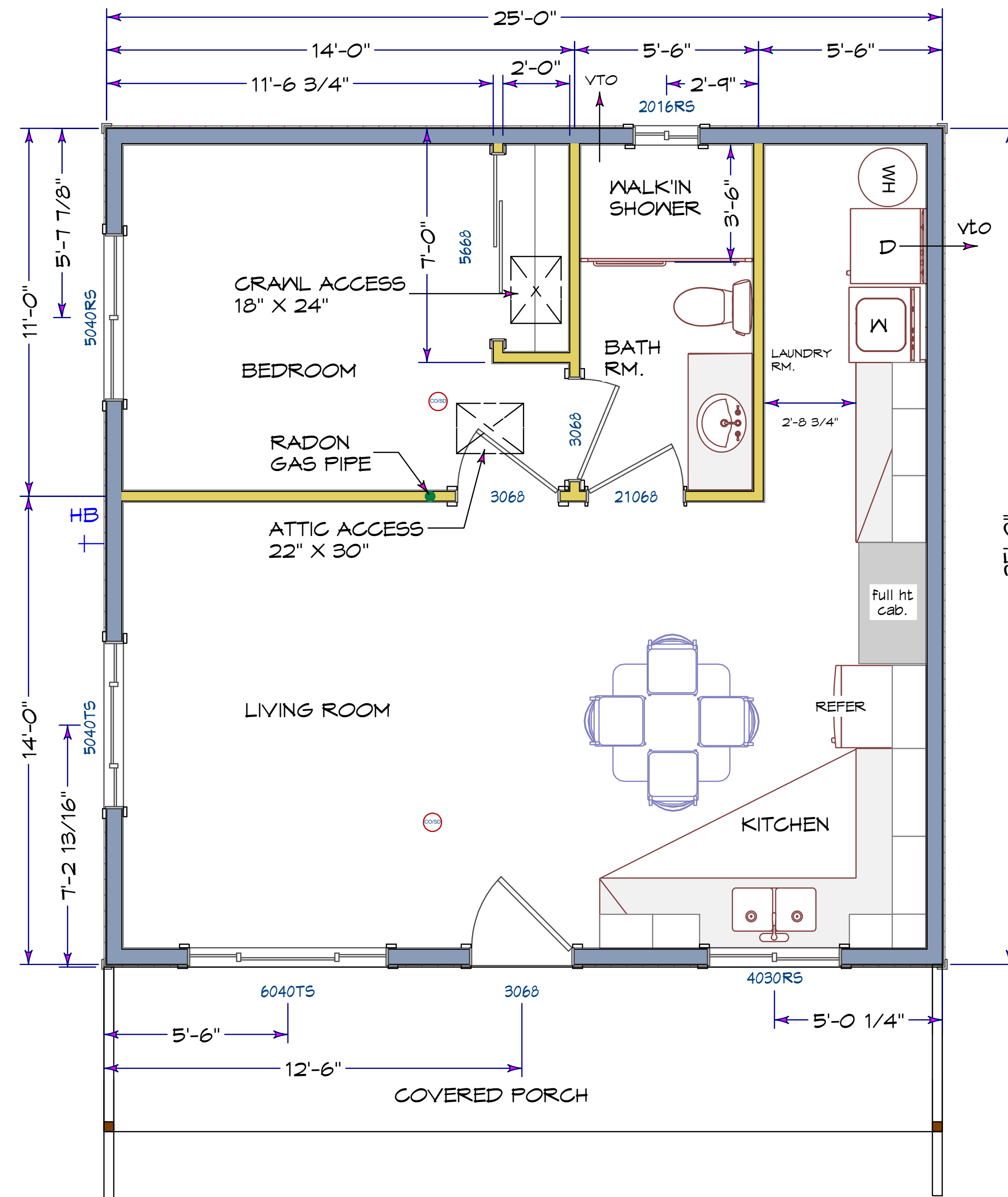
FRONT ELEVATION

Scale 1/4" = 1' - 0"



LEFT SIDE ELEVATION

Scale 1/4" = 1' - 0"



FLOOR PLAN

625 SQ. FT.

Scale 1/2" = 1' - 0"

DRAWING INDEX	
1	FLOOR PLAN, ELEVATIONS & PERSPECTIVE
2	FOUNDATION PLAN & DETAILS
3	ROOF & ELECTRICAL PLANS
4	BRACING PLAN & CROSS SECTION
5	GENERAL NOTES
6	
7	
8	

NOTICE: ALL CONSTRUCTION SHALL COMPLY WITH THE LATEST EDITION OF THE INTERNATIONAL RESIDENTIAL BUILDING CODE AND WITH ALL OREGON AMENDMENTS, INCLUDING THE OREGON RESIDENTIAL ENERGY CODE.

ALL ENGINEERING NOTES, DETAILS, DRAWINGS AND REMARKS ARE TO TAKE PRECEDENCE OVER ANY NOTES, DETAILS, DRAWINGS AND REMARKS PROVIDED BY THE DESIGNER OF THIS PROJECT.

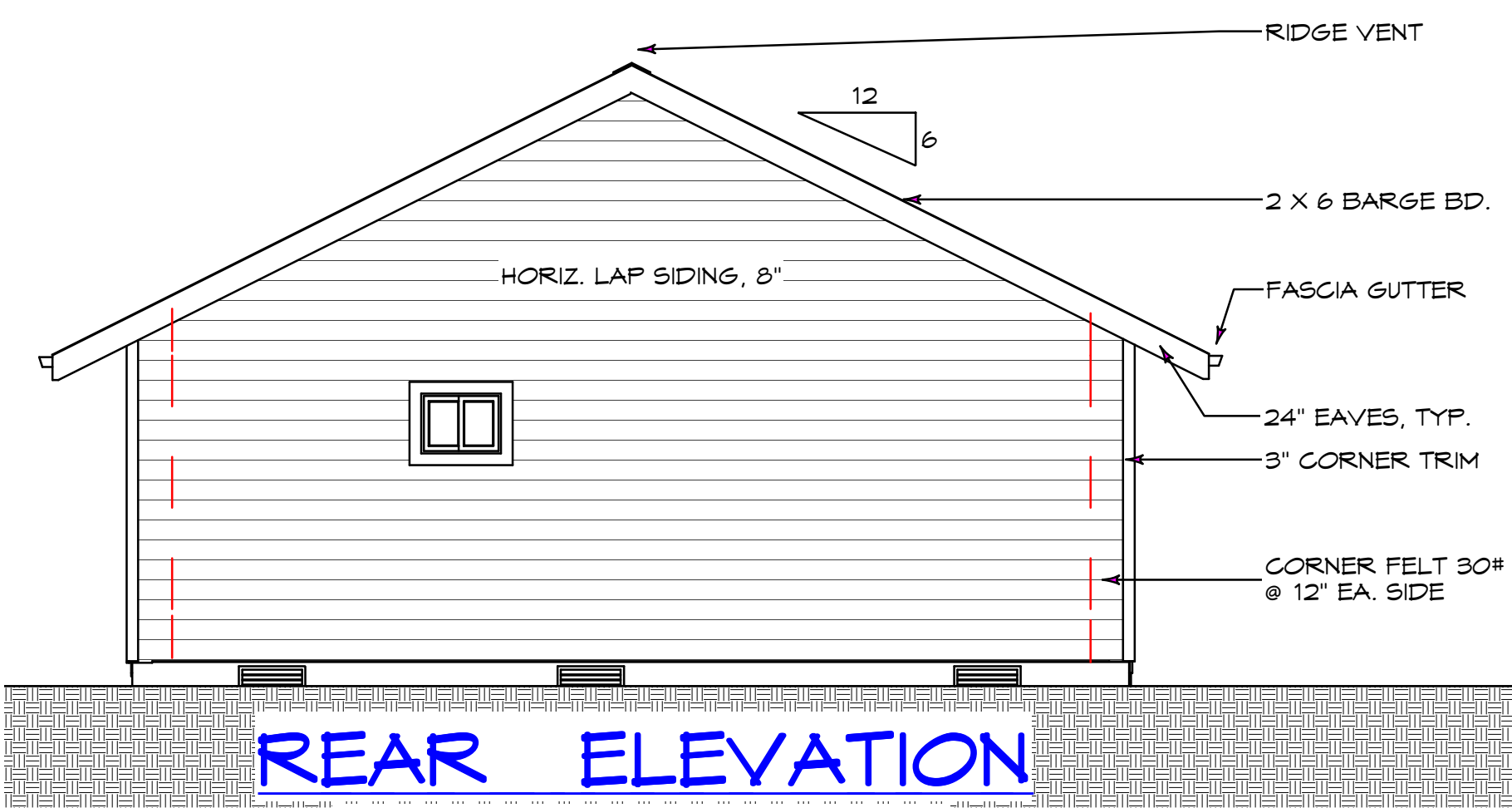
WEATHERPROOFING AND EXTERIOR FINISHES ARE THE RESPONSIBILITY OF THE CONTRACTOR FOR CORRECT INSTALLATION PER MANUFACTURE REQUIREMENTS. DESIGNER ASSUMES NO RESPONSIBILITY FOR THE SELECTION AND INSTALLATION OF EXTERIOR FINISHES, AS WELL AS THEIR STRUCTURAL STABILITY.

CONTRACTOR SHALL VERIFY ALL EXISTING ELEVATION & DIMENSIONS SHOWN ON DRAWINGS, AND THAT THE ROOF & FLOOR TRUSS ENGINEERING COMPLY WITH THE PLAN AND HOMEOWNERS DESIRED OUTCOME. ANY DEVIATIONS SHALL BE IMMEDIATELY REPORTED TO THE OWNER AND/OR THIS OFFICE.

THE WRITTEN DIMENSIONS ON THESE PLANS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND THE CONTRACTOR WILL BE RESPONSIBLE FOR AND SHALL VERIFY ALL DIMENSIONS, PLAN INCONSISTENCE, SITE CONDITIONS AND/OR ANY OTHER DEVIATIONS ON THE PLANS PERTAINING TO THE CONSTRUCTION OF THIS PROJECT.

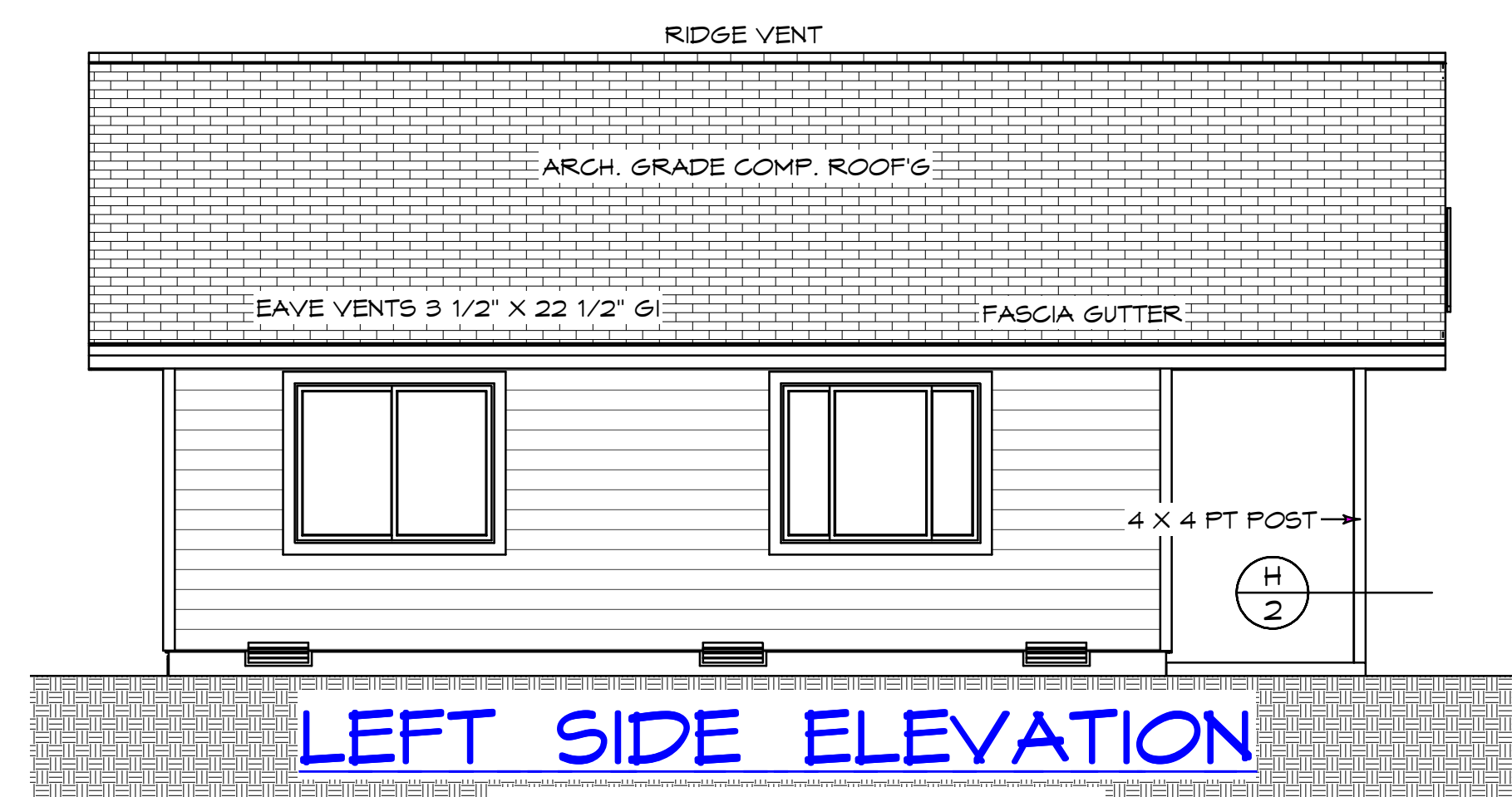
ANY CONSTRUCTION ISSUES THAT ARISE DURING CONSTRUCTION SHALL BE IMMEDIATELY REPORTED TO THE OWNER, ENGINEER AND/OR DESIGNS WEST BEFORE PRECEDING WITH CONSTRUCTION.

WALL LEGEND	
	6" Exterior Wall w/ Stucco
	6" Exterior Wall w/ Brick or Stone
	6" Exterior Wall w/ Siding
	4" Exterior Wall w/ Siding
	4" Interior Wall
	2" Interior Wall
	6" Interior Wall
	Window w/ Window Size Designation
	Door with Door Size Designation
	Foundation Wall
	Existing Wall to be Removed
	Railing
	CMU Stem Wall
	Ext. Wall Remodel/Addition
	Int. Wall Remodel/Addition
	DEMO WALL 4" INT.
	EXISTING WALLS
	EXISTING WALLS
	2" INT. WALL WALLS
	6" FIRE WALL 1 HR.
	4 1/2" FIRE SEPARATION WALL



REAR ELEVATION

Scale 1/4" = 1' - 0"



LEFT SIDE ELEVATION

Scale 1/4" = 1' - 0"



Revised Date



PLAN FOR: **DAVE & DARLENE FUENTEZ**
 1355 N. OAK ST.
 CANBY, OREGON 97013
 503-969-3535

Date	5-15-17
Scale	NOTED
Drawn	RMV
Job	
Sheet	1
Of	5

Fuentez

Laney Fouse

From: Gary Stockwell <gstockwell@CANBYUTILITY.ORG>
Sent: Wednesday, June 07, 2017 10:30 AM
To: Laney Fouse
Cc: Jim Stuart
Subject: RE: Conditional Use Permit - Detached ADU

Laney,

I did not see the comment sheet so I will make my comments in this e-mail. The plat outlines Utility easements on all sides of the property that could affect placement of the building, Canby Utility has electric lines on the rear and possibly on the north side of the property.

Best Regards,

Gary Stockwell
Line Foreman



PO Box1070
Canby, OR. 97013
Direct: 503 263 4307
Cell: 971 563 6307
Email:gstockwell@canbyutility.org

From: Laney Fouse [mailto:FouseL@canbyoregon.gov]
Sent: Monday, June 05, 2017 1:31 PM
To: Bret Smith (PD); Bryan Brown; Canby Disposal (customerservice@canbydisposal.com); Curt McLeod (cjm@curran-mcleod.com); Dan Murphy; Daryll Hughes; Dave Conner; David Epling; Dinh Vu; Douglas R. Quan; Gary Stockwell; Greg Parker; Hassan Ibrahim (hai@curran-mcleod.com); Jeff Snyder; Jerry Nelzen; Joseph Lindsay; Julie Wehling; kenken@co.clackamas.or.us; Kevin Batridge (burlbatman@canby.com); Kizer, Daniel; Matilda Deas; Michael Hemelstrand; mindymonte@gmail.com; ODOT Development Review (region1devrevapplications@odot.state.or.us); Paul Belz-Templeman; Renate Mengelberg; Rick Robinson; Robert Hixson; Scott Caufield (scottc@co.clackamas.or.us); Sharon Trimble; Tim Gettel; Todd Gary; Amanda Zeiber
Subject: Conditional Use Permit - Detached ADU

Hello,
Please find attached a Request for Comments and Public Hearing Notice for a detached accessory dwelling unit at 1355 N Oak St.
Thanks, Laney

*Laney Fouse
Development Services Department
City of Canby
222 NE 2nd Ave, 2nd Floor
Direct Line: 503-266-0685
Main Line: 503-266-7001
Fax 503-266-1574
fousel@canbyoregon.gov*

Send Applications to: PlanningApps@canbyoregon.gov

CITY OF CANBY –COMMENT FORM

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter addressing the Planning Commission. Please send comments to the City of Canby Planning Department:

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE 2nd Street
E-mail: eplingd@ci.canby.or.us

Written comments to be included in the Planning Commission's meeting packet are due by Noon on Wednesday, June 14, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, June 26, 2017 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2nd Avenue.

Application: Conditional Use Permit CUP 17-01 1355 N Oak St.

COMMENTS:

The proposed Fuentesz project carries with it expert, tasteful planning and architecture. The motivation and implementation are based on strong family values and we couldn't be MORE supportive of this project.

Please approve the Fuentesz project with our unconditional support.

Greg Marshall
Greg Marshall

YOUR NAME: Greg Marshall
EMAIL: marshall@canby.com
ADDRESS: 1235 N. Oak St
PHONE # (optional): 503-266-8861
DATE: 6/16/2017

AGENCY ONLY: Please check one box and fill in your Name/Agency/Date below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

NAME: _____ AGENCY: _____ DATE: _____

Thank you!

Laney Fouse

From: Dinh Vu <Dinh.Vu@directlink.coop>
Sent: Monday, June 12, 2017 1:44 PM
To: Laney Fouse
Subject: RE: Conditional Use Permit - Detached ADU

Comment form DirectLink for 1355 N Oak St second structure,

DirectLink is required to provide address lists to emergency 911 responders.

DirectLink provides and maintains one D-marc broadband / communications service line per tax lot / address. The address 1355 N Oak St already has existing DirectLink facilities. For additional buildings at the same address we suggest a minimum 1" conduit with CAT5 pulled in the conduit which placed, owned and maintained by property owner from existing telephone service point (D-marc) to proposed new building for communication needs. (Extending existing phone number to new building).

Thank you for inviting our comment.

From: Laney Fouse [mailto:FouseL@canbyoregon.gov]
Sent: Monday, June 05, 2017 1:31 PM
To: Bret Smith (PD) <SmithB@canbypolice.com>; Bryan Brown <BrownB@canbyoregon.gov>; Canby Disposal (customerservice@canbydisposal.com) <customerservice@canbydisposal.com>; Curt McLeod (cjm@curran-mcleod.com) <cjm@curran-mcleod.com>; Dan Murphy (DMurphy@canbyutility.org) <DMurphy@canbyutility.org>; Daryll Hughes <HughesD@canbyoregon.gov>; Dave Conner <ConnerD@canbyoregon.gov>; David Epling <EplingD@canbyoregon.gov>; Dinh Vu <dinhvu@canbytel.com>; Douglas Quan <dquan@canbyutility.org>; Gary Stockwell <gstockwell@canbyutility.org>; Greg Parker <ParkerG@canbyoregon.gov>; Hassan Ibrahim (hai@curran-mcleod.com) <hai@curran-mcleod.com>; Jeff Snyder <SnyderJ@canbyoregon.gov>; Jerry Nelzen <nelzenj@canbyoregon.gov>; Joseph Lindsay <LindsayJ@canbyoregon.gov>; Julie Wehling <Wehlingj@canbyoregon.gov>; kenken@co.clackamas.or.us; Kevin Batridge (burlbatman@canby.com) <burlbatman@canby.com>; Kizer, Daniel <Daniel.Kizer@nwnatural.com>; Matilda Deas <DeasM@canbyoregon.gov>; Michael Hemelstrand <mike.hemelstrand@gmail.com>; mindymonte@gmail.com; ODOT Development Review (region1devrevapplications@odot.state.or.us) <region1devrevapplications@odot.state.or.us>; Paul Belz-Templeman <belz_templeman@yahoo.com>; Renate Mengelberg <mengelbergr@canbyoregon.gov>; Rick Robinson <RobinsonR@canbyoregon.gov>; Robert Hixson <roberth@co.clackamas.or.us>; Scott Caufield (scottc@co.clackamas.or.us) <scottc@co.clackamas.or.us>; Sharon Trimble <strimble@canby.com>; Tim Gettel <tgettel@wavebroadband.com>; Todd Gary <tgary@canbyfire.org>; Amanda Zeiber <ZeiberA@canbyoregon.gov>
Subject: Conditional Use Permit - Detached ADU

Hello,
Please find attached a Request for Comments and Public Hearing Notice for a detached accessory dwelling unit at 1355 N Oak St.
Thanks, Laney

*Laney Fouse
Development Services Department
City of Canby
222 NE 2nd Ave, 2nd Floor*

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY**

A REQUEST FOR A CONDITIONAL USE)	FINDINGS, CONCLUSION & FINAL ORDER
PERMIT FOR A DETACHED ACCESSORY)	CUP 17-03
DWELLING UNIT AT)	DAVID & DARLENE FUENTEZ
1355 N BIRCH STREET)	

NATURE OF APPLICATION

The applicant is requesting permission to construct a detached accessory dwelling unit in the rear yard behind the principal home at 1355 N Birch Street. Section 16.16.020(O) requires a conditional use permit for an accessory dwelling that is not attached to the primary dwelling in the R1 zone. The accessory dwelling shall be separated from the primary dwelling unit by a minimum of 10 feet and conform to the standards in Section 16.16.010(D)(2). In accordance with Section 16.16.030(E)(2)(a) the proposed detached accessory structure may normally be allowed a height up to 22' as measured to the highest point of the roof when located inside the allowed building footprint for the principal home.

One additional on-site parking space is required to accommodate the occupant of an accessory dwelling unit. The accessory dwelling unit may not exceed 800 square feet of floor area. The exterior siding and roofing must be similar in color, material and appearance to that used on the primary dwelling although different siding or roofing may be approved by the Planning Commission if it finds that the proposed design is more compatible with surrounding residences. The applicant has indicated that there immediate purpose for constructing the ADU is to provide a nearby location for a family member. Once approved and built, accessory dwelling units run with the land and can serve as a source of rental income to the current or any future owner of the property.

HEARINGS

The Planning Commission held a public hearing to consider application CUP 17-03 after the duly noticed hearing on June 26, 2017. These findings are entered to document the specifics of the approval.

CRITERIA AND STANDARDS

In judging whether or not a conditional use permit shall be approved, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the proposed location and, to approve such use, shall find that the following criteria are either met, can be met by the application of conditions, or are not applicable.

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as

permitted in the zone.

Other Applicable Criteria:

- A. 16.16.020 Conditional uses in the R-1 zone.
- B. 16.16.030 Development Standards

FINDINGS AND REASONS

The Planning Commission utilized the findings and conditions listed in the staff report along with the presentation record at the public hearing as support for their decision and recommended conditions of approval and the exact wording thereof.

CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the June 26, 2017 staff report and Commission deliberations at the June 26, 2017 public hearing:

1. That the conditional use is in conformance with the City’s Comprehensive Plan and Land Development and Planning Ordinance.
2. That the site can easily accommodate the proposed use.
3. That public service and utility provision to the site is available or can be made available through agreed upon future improvements.
4. That the conditional use will not alter the character of the surrounding area in a manner which substantially limits or precludes the use of surrounding properties as they exist today or for uses permitted in the zone.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that CUP 17-07 is APPROVED with the following conditions:

1. Necessary utility lateral or service extensions shall be installed at the applicant’s expense. The location of the sewer and water lateral extensions shall be approved by Public Works and Canby Utility prior to excavation.
2. The Planning Department shall assign a new separate address to the accessory dwelling.

I CERTIFY THAT THIS ORDER approving CUP 17-03 FUENTEZ DETACHED ACCESSORY DWELLING UNIT was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 26th day of June, 2017

John Savory
Planning Commission Chair

Bryan Brown
Planning Director

Laney Fouse, Attest
Recording Secretary

ORAL DECISION: June 26, 2017

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Shawn Varwig</i>				
<i>Andrey Chernishov</i>				

WRITTEN DECISION: June 26, 2017

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Shawn Varwig</i>				
<i>Andrey Chernishov</i>				