

PLANNING COMMISSION
Meeting Agenda
Monday – December 12, 2016
7:00 PM

City Council Chambers – 222 NE 2nd Ave, 1st Floor

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Kristene Rocha

Commissioner Tyler Hall

Commissioner Shawn Varwig

1. CALL TO ORDER

- Invocation and Pledge of Allegiance
- Introduction of new Planning Commissioner – Shawn Varwig

2. CITIZEN INPUT ON NON-AGENDA ITEMS

3. MINUTES

- November 28, 2016 Planning Commission Minutes –(Not Yet Available)

4. PUBLIC HEARING

- Consider a request for a Conditional Use Permit and Major Variance at 1440 S Ivy St to establish a home occupation to manufacture candy and baked goods (**CUP/VAR 16-02 – Scott & Teresa Sasse, Puddin River Chocolates**)

5. NEW BUSINESS – None

6. FINAL DECISIONS (Note: These are final, written findings of previous oral decisions. No public testimony.)

- None

6. ITEMS OF INTEREST/REPORT FROM STAFF

- Regular Planning Commission meeting for December 26, 2016 CANCELLED for holiday
- Next Regular Planning Commission meeting January 9, 2017, 7:00 pm, City Council Chambers, 222 NE 2nd Ave, 1st Floor – Bristol Rezoning from R-1 to R-2 at 548 N Locust St.

7. ITEMS OF INTEREST/DISCUSSION 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. Planning Commission & City Council Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503-263-6287.

PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

- **STAFF REPORT**
- **QUESTIONS** (If any, by the Planning Commission or staff)
- **OPEN PUBLIC HEARING FOR TESTIMONY:**
 - APPLICANT** (Not more than 15 minutes)
 - PROPONENTS** (Persons in favor of application) (Not more than 5 minutes per person)
 - OPPONENTS** (Persons opposed to application) (Not more than 5 minutes per person)
 - NEUTRAL** (Persons with no opinion) (Not more than 5 minutes per person)
 - REBUTTAL** (By applicant, not more than 10 minutes)
- **CLOSE PUBLIC HEARING** (No further public testimony allowed)
- **QUESTIONS** (If any by the Planning Commission)
- **DISCUSSION** (By the Planning Commission)
- **DECISION** (By the Planning Commission)

All interested persons in attendance shall be heard on the matter. If you wish to testify on this matter, please step forward when the Chair calls for Proponents if you favor the application; or Opponents if you are opposed to the application; to the microphone, state your name address, and interest in the matter. You will also need to sign the Testimony sheet and while at the microphone, please say your name and address prior to testifying. You may be limited by time for your statement, depending upon how many people wish to testify.

EVERYONE PRESENT IS ENCOURAGED TO TESTIFY, EVEN IF IT IS ONLY TO CONCUR WITH PREVIOUS TESTIMONY. All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access.

Testimony and evidence must be directed toward the applicable review criteria contained in the staff report, the Comprehensive Plan, or other land use regulations which the person believes to apply to the decision.

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and interested parties an opportunity to respond to the issue, may preclude appeal to the City Council and the Land Use Board of Appeals based on that issue.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue may preclude an action for damages in circuit court.

Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance of extension shall be subject to the limitations of the 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.

If additional documents or evidence are provided by any party, the Planning Commission may, if requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time period.



City of Canby

CONDITIONAL USE STAFF REPORT

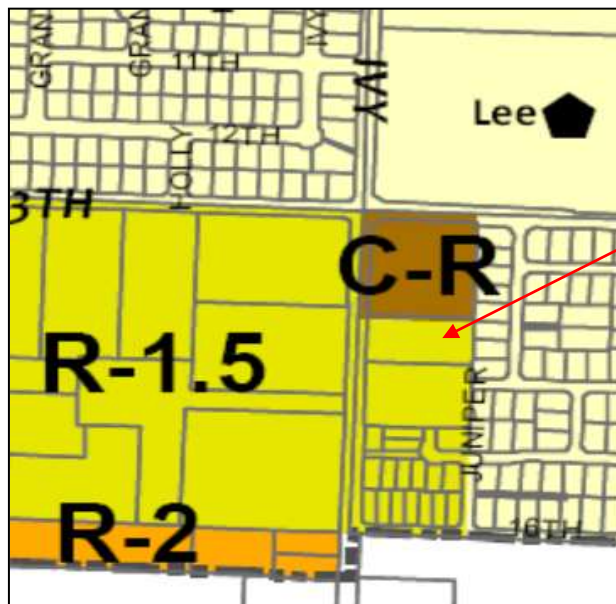
FILE #: CUP/VAR 16-02

Prepared for the November 28, 2016 Planning Commission Meeting

LOCATION: 1440 S. Ivy Street

ZONING: R-1.5 Medium Density Residential

TAX LOT: 41E04DA04900



1440 S Ivy St

LOT SIZE: 1.3 Acres

OWNER: Teresa and Scott Sasse

APPLICANT: Teresa and Scott Sasse

APPLICATION TYPE: Conditional Use Permit (Type III)/Major Variance (Type III)

CITY FILE NUMBER: CUP/VAR 16-02

APPLICANT'S REQUEST:

To receive approval for this type of application, the applicant has the burden of proof and must provide enough information to determine that the request meets criteria to allow the use. The applicants are requesting conditional use approval to establish a candy and baked goods manufacturing business as a home occupation in a newly constructed 1800 square foot accessory building and are requesting a major variance to vary criteria for a home occupation in order to use an 1800 square foot building where a 600 square foot building is allowed under Section 16.04.240, CMC. The subject property is located at 1440 S. Ivy Street and situated on the east side of S. Ivy Street approximately 400 feet south of SE 13th Avenue and approximately 580 feet north of SE 16th

Avenue and is surrounded by developed residential neighborhoods of single-family homes to the west and east and single-family dwellings on large lots to the north and south. A lot bordering on the north is zoned C-R (Residential Commercial) and in residential use, and land to the south and west is within the R 1.5 (Medium Density Residential) zone, and properties to the east are zoned R-1 (Single-Family Residential).

I. APPLICABLE CRITERIA:

1. 16.08.070. Illegally created lots

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 section 10.3.05(G), 1984)

Findings: Based on available information, the subject property can be considered legally created for land use purposes.

2. 16.10 Off-Street Parking and Loading

Findings: Requirements listed in Table 16.10.050 for manufacturing state that 2 spaces are required per 1000 gross square feet of office space and 1 space per 1000 square feet of manufacturing space. However, parking information was not provided on the submitted site plan. At the Planning Commission hearing, the applicant should provide delineated parking showing correct measurements on each of the two spaces required for the proposal.

3. 16.18. R-1.5 Medium Density Residential Zone

Findings: In the R-1.5 zone, Section 16.18.020(A) refers to conditional uses listed in the R-1 zone, and under Section 16.16.020(I) of the R-1 zone, a conditional use Home Occupation is listed as follows:

“Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic”

Because the applicants are proposing the manufacturing of baked goods and confectionary products, conditional use approval is required by the Planning Commission under the Section noted above. The definition of a Home Occupation as listed Section 16.04.240 is stated as follows:

“Home occupation means a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with not more than one non-resident employee being engaged, provided that:

- A. The residential character of the building is maintained;**
- B. The activity occupies less than one-quarter of the ground floor area of the building;**
- C. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe**

upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Business visitors to the premises shall not exceed eight (8) per day and delivery trucks shall not exceed one (1) per day;

D. The occupation shall not be carried on in an accessory building of the residence where the building is larger than six hundred (600) square feet;

E. No signs are permitted, except for a single unilluminated nameplate not to exceed two (2) square feet in area;

F. All home occupations require a city business license. (Ord. 890 section 7, 1993; Ord. 830 section 1, 1989; Ord. 740 section 10.1.20(B) [part], 1984)”

Findings: The applicants did not respond to the criteria listed above. However, a Variance Application was filed to accompany this Conditional Use Application as a result of the proposal not meeting the maximum building size of 600 square feet stated in “D” above. In a previous meeting with City staff, the applicant mentioned that they will have more than one (1) non-resident employee, as limited by the definition, especially occurring during certain times of the year. The applicant should also address the floor area used for the business in (B) and the traffic limitations as to the number of trips and deliveries listed in (C) as part of the variance. Additionally, we do not know if there will be retail sales at the site. The applicants should provide additional information to the Planning Commission addressing each of the statements listed in the above definition and prove that the home occupation meets the definition criteria.

4. 16.46. Access Standards

Findings: Comments from Clackamas County indicated that the proposed property had existing access issues, such as two driveways, which need to be resolved prior to County approval for access onto S. Ivy Street.

5. 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.

FINDINGS: The exterior siding and roofing of the proposed building 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 they find that the proposed design is more compatible with surrounding residences. The site is surrounded by residential uses, and the applicant indicates the site is level and existing trees are able to be preserved. In this particular case, the proposed building will be located 30 feet from the from property line in the northwest corner of the parcel somewhat closer to the street than the residence. 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. It appears that the applicant can provide additional parking spaces to accommodate the new use on the property.

Sewer, water, and electricity must be extended to the new accessory building and meet all Public Works and utility standards during the building permit process. Additionally, the applicant must meet required Building Code regulations for a bakery/candy manufacturing business in the proposed 1800 square foot building. The City Engineer stated that the City may want to consider charging SDS's if the water meter is upsized, and Canby Utility noted that any required electrical upgrade would be at the applicants' expense.

Based on the size of the subject property, the proposed accessory building itself should not alter the character of the surrounding area or impact uses permitted in the zone. However, it is the impact of the proposed manufacturing business that the Planning Commission should review. Once approved and built, the home occupation business will run with the land for a future owner of the property if not specifically restricted from doing so as a condition of the Conditional Use Permit. The number of employees, trips to the site, and deliveries, currently and with growth of the business, must be considered by the Commission. The large lot 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. It appears that the development standards for an R-1.5 zone are met – including setbacks, height, and maximum impervious coverage. However, any changes in the plans submitted, such as appearance of the new pole building, must be submitted to the Planning Commission. Existing trees on the site will be preserved because of the location of the construction site.

COMPREHENSIVE PLAN CONSISTENCY ANALYSIS FOR ITEM “A” ABOVE:

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: It does not appear that the proposed home occupation is a conflicting or incompatible use to the surrounding neighborhood. The large lot size and availability of access makes it suitable for a small business operation that can be

limited in growth with conditions of approval. The concern should be that if the business grows beyond the intended small residential oriented intent of a home occupation it would become increasingly incompatible in a residential neighborhood. A small home occupation could co-exist at the location without more crowding or density and possible impacts related to the loss of space, air, light, or traffic and noise to the surrounding properties. The subject property clearly has plenty of space for the building used for the home occupation.

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

Analysis: A small home occupation cannot be considered an increase in density.

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

Analysis: The impact of a home occupation should be insignificant to public services. Based on available information, utility service connections can readily be made to the new structure. The applicant should discuss hookups for water and electricity with Canby Utility and the connections appear feasible. Extension of services from the existing home may be suitable, while separate metering and service lines are often better for billing or service flexibility in the future. Public facility and service providers were asked to comment on this application.

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. The definition of a home occupation in Section 16.04.240(C) limits business visitors to the site at eight trips per day and delivery trucks to one trip per day. It should be noted that S. Ivy Street is classified as an arterial. However, there is no evidence that the traffic increase resulting from the home occupation would significantly impact the capacity of the street or overburden traffic in the area.

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 Medium Density Residential (R-1.5) and is surrounded by other residential 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.

Analysis: 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 are in place.

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: The proposal shall meet Canby Fire standards.

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: Based on available information, utility services and adequate access are available.

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

facilities.

Analysis: This policy is not applicable to this request.

CONCLUSION:

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.

IV. AGENCY AND PUBLIC COMMENTS:

Comments were solicited from the public, City departments, and applicable reviewing agencies. Summary of comments are included in the staff report, and complete agency and public comments are part of the file. All comments from citizens and agencies received to date are attached to the file and will be presented to the Planning Commission.

The City Engineer commented that the City may want to consider SDC's based on the size of the proposed business. SDC's should be based on the size of the meter if upsized.

Canby Utility stated that if the upgrade of the electrical service is required, it will be at the applicants expense.

Clackamas County commented that the property does not meet access standards onto S. Ivy Street.

A neighbor submitted comments that indicated concerns for a commercial use being established in a residential zoned area.

Other agencies either had no comment or failed to respond at the time this report was completed. No public comments were received.

MAJOR VARIANCE

16.53.020

A. Authorization. The commission may authorize variances from the requirements of this title, other than Division VII, where it can be shown that, owing to **special and unusual circumstances** related to a specific piece of property, the literal interpretation of the regulations would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located. In granting a variance, the commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this title.

B. Standards and Criteria. A variance may be granted only upon determination that all of the following conditions are present:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the city and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute other

exceptional or extraordinary circumstances; and

Findings: The applicants stated in their submitted narrative that no exceptional or extraordinary circumstances exist on this property. Subsequently, it is not clear how this criteria has been met.

2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and

Findings: The applicant stated that the structure will enhance the commercial nature of the area, due to the highway with a 40 mph speed limit. However, the proposal is not located in a commercial zone, but a residential zone, and the zone code is intended to protect the land use designation of each zone classification. The property rights in this particular area is to allow a home occupation in a residential community that remains within the parameters of the home occupation definition. Seeking a conditional use permit may allow a manufacturing business in a home subject to meeting conditions of approval.

3. Granting of this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance; and

Findings: As discussed above the proposal does not appear to be in conflict with the Comprehensive Plan. But, the Planning Commission should consider the possibility that the use as proposed could set a precedent for the zone and compromise the Planning Ordinance if the use is large enough to be inconsistent with the intent of a home occupation. Limitations to the number of employees allowed or restrictions to time periods and size may be needed for the use.

4. Granting of this variance will not be materially detrimental to other property within the same vicinity; and

Findings: The property is a level rectangular shaped 1.3 acre parcel. The shape provides a long buffer from properties to the east of the business location in the northwest corner of the parcel. The property is bordered on the east by Dinsmore Estates Subdivision and on the west by the Hope Village development. Parcels immediately to the north and south remain in large lot configurations with residences in place. The Planning Commission should consider if the variance could be detrimental in relation to the size and activity of the business in a developed residential area.

5. The variance requested is the minimum variance which will alleviate the hardship; and

Findings: It appears that the applicants' hardship is that they need more than 600 square feet to operate their business, to use more than ¼ of the floor space, and more than one employee who does not reside on the premises, at least for certain times of the year. The minimum variance is relative to the applicants' business aspirations. The Planning Commission will have to decide if the proposal meets this criterion.

6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.

Findings: The applicants stated that the proposal does not meet this criterion. They mentioned

that there is a lack of affordable property elsewhere. Their argument is that their large parcel is more suitable for their business, and its location adjacent to a C-R (Residential Commercial) zone to the north is an extenuating circumstance that is unique to this residential zoned property.

V. CONCLUSION

1. Staff concludes that the conditional use is in conformance with the City's Comprehensive Plan and the Planning Commission should decide if the proposal meets the Land Development and Planning Ordinance subject to meeting Public Works and Building Code standards.
2. Staff concludes that the site is large enough to suitably 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 lateral extensions from the existing home or from services at the street.

VI. RECOMMENDATION

Based on the application submitted and the facts, findings and conclusions of this report, but without benefit of a public hearing, staff has determined that the criteria has not been adequately addressed and therefore has not made a recommendation to the Planning Commission for CUP/VAR 16-02. Additionally, Variance 16-02 must also be approved in order to approve CUP 16-02. The Planning Commission should consider the issues discussed in the staff report in particular the variance criteria and the home occupation definition parameters in Section 16.04.240 in relation to the nature of the business operation and whether suitable conditions are necessary prior to making a decision.

If the Planning Commission approves CUP/VAR 16-02, staff recommends 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 issuance of building permits.
2. The applicant shall pave the designated parking spaces for the business.
3. No signs are permitted, except for a single unilluminated nameplate not to exceed two (2) square feet in area
4. The business shall employ no more than one (1) non-resident employee except as specifically specified by the Planning Commission.
5. Business visitors to the premises, other than employee trips, shall not exceed eight (8) per day and delivery trucks shall not exceed one (1) per day.
6. This Conditional Use Permit and associated variance to the definition for number of trips, number of employees allowed, and size of the business is applicable to this business operation and current property owners only and is not to be passed to other property owners or business operators.
7. No retail sales are permitted at the site unless otherwise specified by the Planning Commission.
8. The City may want to consider charging SDS's if the water meter is upsized, and any required electrical upgrade would be at the applicants' expense.

Attachments:

1. Application and applicant narrative
2. Site Plan
3. Agency and citizen comments.



City of Canby
 Planning Department
 111 NW 2nd Avenue
 PO Box 930
 Canby, OR 97013
 (503) 266-7001

LAND USE APPLICATION

Conditional Use Process Type III

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

Applicant Name: Scott & Teresa Sasse Phone: 503-314-4238
 Address: 1440 S. Ivy St Email: teresa@puddingriverchocolatos.com
 City/State: Canby Or Zip: 97013

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

Property Owner Name: Scott Sasse Phone: 503-314-4665
 Signature: Scott Sasse
 Address: 1440 S. Ivy St Email: _____
 City/State: Canby Or Zip: 97013

Property Owner Name: Teresa Sasse Phone: 503-314-4238
 Signature: Teresa Sasse
 Address: 1440 S. Ivy St Email: Same as above
 City/State: Canby Or Zip: 97013

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:

1440 S. Ivy St 1.33 AC 41E04 DA 04900
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

10 x 10 Shop/Shed R1.5 UGB
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

30 x 60 Shop/Building Storage
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE
	<u>10.31.16</u>	<u>RM/BB</u>		

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;**
 - This proposal shall be consistent with the policies of the comprehensive plan and the requirements of this title and other applicable policies of the city. We plan to develop a revised commercial kitchen to provide baked goods, confections and chocolates.

- 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 a 1.32 acre flat lot with a residence and only one shed for storage of lawn equipment. The structure proposed will enhance the commercial nature of the area, due to the highway with a 40 mph speed limit.

- C. All required public facilities and services exist to adequately meet the needs of the proposed development;**
 - Public facilities currently existing or will be provided during this process, to provide adequate service to the proposed structure.

- 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 adjacent properties are zoned R/C, and this structure will retain the current zoning of this property and will not alter the character of the surrounding properties. The plans are to replace the current structure which will only improve the property.

CONDITIONAL USE PERMIT APPLICATION – TYPE III-INSTRUCTIONS

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:

Applicant City
Check Check

- One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- Payment of appropriate fees – cash or check only. Refer to the city's Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
- Mailing labels (1" x 2-5/8") for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant."** A list of property owners may be obtained from a title insurance company or from the County Assessor.
- One (1) copy of a written statement describing the Conditional Use Permit request, and detailing how your request meets the approval criteria (*see page 5 of this packet*).

- One copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor's office. If the property is a legal lot of record created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.
- If the development is located in a Hazard ("H") Overlay Zone, submit one (1) copy of an affidavit signed by a licensed professional engineer that the proposed development will not result in significant impacts to fish, wildlife and open space resources of the community. If major site grading is proposed, or removal of any trees having trunks greater than six inches in diameter is proposed, then submit one (1) copy of a grading plan and/or tree-cutting plan.
- Ten (10) paper copies of the proposed plans, printed to scale no smaller than 1"=50'. The plans shall include the following information:
 - Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the project site to the existing street or road pattern.
 - Site Plan-the following general information shall be included on the site plan:
 - Date, north arrow, and scale of drawing;
 - Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
 - Property lines (legal lot of record boundaries);
 - Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
 - Location of all jurisdictional wetlands or watercourses on or abutting the property;

- Finished grading contour lines of site and abutting public ways;
- Location of all existing structures, and whether or not they are to be retained with the proposed development;
- Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment;
- Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;
- Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
- Location of vision clearance areas at all proposed driveways and streets.

Landscape Plan

The following general information shall be included on the landscape plan:

- Layout and dimensions of all proposed areas of landscaping;
- Proposed irrigation system;
- Types, sizes, and location of all plants to be used in the landscaping (can be a "palette" of possible plants to be used in specific areas for landscaping);
- Identification of any non-vegetative ground cover proposed, and dimensions of non-vegetative landscaped areas;
- Location and description of all existing trees on-site, and identification of each tree proposed for preservation and each tree proposed for removal;
- Location and description of all existing street trees in the street right-of-way abutting the property, and identification of each street tree proposed for preservation and each tree proposed for removal.

Elevations Plan

The following general information shall be included on the elevations plan:

- Profile elevations of all buildings and other proposed structures;
- Profile of proposed screening for garbage containers and exterior storage areas;
- Profile of proposed fencing.

Sign Plan.

- Location and profile drawings of all proposed exterior signage.

Color and Materials Plan.

- Colors and materials proposed for all buildings and other significant structures.

CONDITIONAL USE – TYPE III: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.
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. This material must be posted **by the applicant** at least ten (10) days before the public hearing.
6. The staff report will be available to all interested parties 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.



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

LAND USE APPLIACTION

MAJOR VARIANCE Process Type III

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

Applicant Name: Teresa & Scott Sasse Phone: 503-314-4238
 Address: 1440 S Ivy St Email: teresa@puddinriverschocolates.com
 City/State: Canby OR Zip: 97013

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

Property Owner Name: Teresa Sasse Phone: 503-314-4238
 Signature: Teresa Sasse
 Address: 1440 S. Ivy St Email: SAME AS ABOVE
 City/State: Canby OR Zip: 97013

Property Owner Name: Scott Sasse Phone: 503-314-4665
 Signature: Scott Sasse
 Address: 1440 S. Ivy St Email: N/A
 City/State: Canby OR Zip: 97013

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

- ❶ 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.
- ❷ 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.
- ❸ 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:

<u>1440 S. Ivy St</u>	<u>1.33 Ac</u>	<u>41E09DA04900</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>10x10 Shop/shed</u>	<u>R1.5</u>	<u>UGB</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation
<u>30 x 60 Shop/Building Storage</u>		
Describe the Proposed Development or Use of Subject Property		

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

MAJOR VARIANCE APPLICATION – TYPE III

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:

Applicant City
Check Check

One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.

Payment of appropriate fees – cash or check only. Refer to the city's Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.

Mailing labels (1" x 2-5/8") for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant."** A list of property owners may be obtained from a title insurance company or from the County Assessor.

One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria, including the applicable Design Review Matrix, and availability and adequacy of public facilities and services. **Ask staff for applicable Municipal Code chapters and approval criteria.**
Applicable Code Criteria for this application includes:

Three (3) copies of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study.)
N/A
Ask staff to determine if a TIS is required.

One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.

One copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the

Applicant City
Check Check

Clackamas County Surveyor's office. If the property is a legal lot of record created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.

- Ten (10) copies of the proposed plot plan, printed on paper no smaller than 8.5"x11", and drawn to an engineer's scale no smaller than 1"=50'. The plot plan shall include the following information:
 - A. All legal lot lines, north arrow, lot size and dimensions, location of public and private easements, and location and names of all adjacent streets.
 - B. Any major topographic or landscape features, driveways, wells, septic tanks, drain fields, and jurisdictional watercourses or wetlands on or abutting the property. As a reminder, the property owner is responsible for meeting all state/federal wetland and waterway regulations.
 - C. Location and description of all existing and proposed structures. Call out the distance between the structures and lot lines, and clearly illustrate the variance that is being requested.

MAJOR VARIANCE – TYPE III: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.
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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.

Dear Chairman and Commission,

After nine years in our current location, Scott and I have been faced with the fact that our building may be sold very soon. This has sparked the urgency of finding/building a new facility to continue our confection, bakery and specialty chocolate business in the City of Canby. The next couple of months are huge for our industry. As you can imagine, the loss of income at this time of year would be devastating to our business.

Since we moved into the space we have been investing our working capital on maintenance and minor improvements that should have been the responsibility of the landlord, including most recently, a \$3000 a/c unit.

We have worked around a leaky roof, barely functioning restrooms, and an outside wall that is crumbling. The roof needs to be replaced and the estimated cost is \$25,000. I offered to help fix the exterior walls and even started the façade improvement program for him, only to have him not finish the application. As you can imagine, it's very frustrating to work with a landlord that is vacant in fixing up his own building. It is painful to walk away after the time and money that we have invested in to this facility, which I have treated as my own.

Our landlord has always hoped we would purchase this building from him, however the price of the building and the many maintenance issues that have not been addressed by the landlord over the years, has made it out of our price range to do so.

Over the last couple of years our wholesale business has continued to grow. We have searched the city of Canby for a facility/property that would accommodate our needs at a price we could afford, but have been unsuccessful. After much consideration, we have decided to build a facility on our personal property that would accommodate our increased wholesale business.

This facility would replace an existing structure, giving us the opportunity to redesign to fit our current production and storage needs. This proposed building doesn't infringe upon any neighbors or businesses in the area. Neighbors have been notified and no concerns have been brought to our attention, only positive feedback.

We have also delivered our proposed interior plans to the Department of Ag and they have given us their approval. The Department of Ag contact information is available upon request.

We **do not** want to move out of Canby to do business.

Thank you so much for your time and your consideration to making our dreams come true!

MAJOR VARIANCE – TYPE III: STANDARDS AND CRITERIA

Under Section 16.53.020 of the Canby Municipal Code, an application for MAJOR VARIANCE approval shall be evaluated based on the following standards and criteria:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute other exceptional or extraordinary circumstances;**
- No exceptional circumstances exist, this property is large enough and the zoning allows the building to be built and for a home occupation.
- B. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone;**
- The site is a 1.32 acre flat lot with a residence and only one shed for storage of lawn equipment. The structure proposed will enhance the commercial nature of the area, due to the highway with a 40 mph speed limit.
- C. Granting this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance;**
- This proposal shall be consistent with the policies of the comprehensive plan and the requirements of this title and other applicable policies of the city. The plan is to develop a revised Commercial kitchen to provide baked goods, confections and chocolates.
- D. Granting this variance will not be materially detrimental to other property within the same vicinity;**
- The adjacent properties are zoned R/C, and this structure will retain the current zoning of this property and will not alter the character of the surrounding properties.
- E. The variance requested is the minimum variance which will alleviate the hardship;**
- Yes, the building where the existing business is located, will no longer be available for lease due to it being sold, at a price the owner can't afford. The owner is having to downsize and relocate to home because no building exist in the city of Canby to fulfil the business requirements that is affordable.
- F. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.**
- No, The lack of affordable and adequate space in the city of Canby.

5. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material must be posted **by the applicant** at least ten (10) days before the public hearing.
6. The staff report will be available to all interested parties 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.

MAJOR VARIANCE – TYPE III: STANDARDS AND CRITERIA

X Under Section 16.53.020 of the Canby Municipal Code, an application for MAJOR VARIANCE approval shall be evaluated based on the following standards and criteria:

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- B. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and
- C. Granting this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance; and
- D. Granting this variance will not be materially detrimental to other property within the same vicinity; and
- E. The variance requested is the minimum variance which will alleviate the hardship; and
- F. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.

Dear Chairman and Commission,

After nine years in our current location, Scott and I have been faced with the fact that our building may be sold very soon. This has sparked the urgency of finding/building a new facility to continue our confection, bakery and specialty chocolate business in the City of Canby. The next couple of months are huge for our industry. As you can imagine, the loss of income at this time of year would be devastating to our business.

Since we moved into the space we have been investing our working capital on maintenance and minor improvements that should have been the responsibility of the landlord, including most recently, a \$3000 a/c unit.

We have worked around a leaky roof, barely functioning restrooms, and an outside wall that is crumbling. The roof needs to be replaced and the estimated cost is \$25,000. I offered to help fix the exterior walls and even started the façade improvement program for him, only to have him not finish the application. As you can imagine, it's very frustrating to work with a landlord that is vacant in fixing up his own building. It is painful to walk away after the time and money that we have invested in to this facility, which I have treated as my own.

Our landlord has always hoped we would purchase this building from him, however the price of the building and the many maintenance issues that have not been addressed by the landlord over the years, has made it out of our price range to do so.

Over the last couple of years our wholesale business has continued to grow. We have searched the city of Canby for a facility/property that would accommodate our needs at a price we could afford, but have been unsuccessful. After much consideration, we have decided to build a facility on our personal property that would accommodate our increased wholesale business.

This facility would replace an existing structure, giving us the opportunity to redesign to fit our current production and storage needs. This proposed building doesn't infringe upon any neighbors or businesses in the area. Neighbors have been notified and no concerns have been brought to our attention, only positive feedback.

We have also delivered our proposed interior plans to the Department of Ag and they have given us their approval. The Department of Ag contact information is available upon request.

We **do not** want to move out of Canby to do business.

Thank you so much for your time and your consideration to making our dreams come true!

CONDITIONAL USE PERMIT – TYPE III: STANDARDS AND CRITERIA

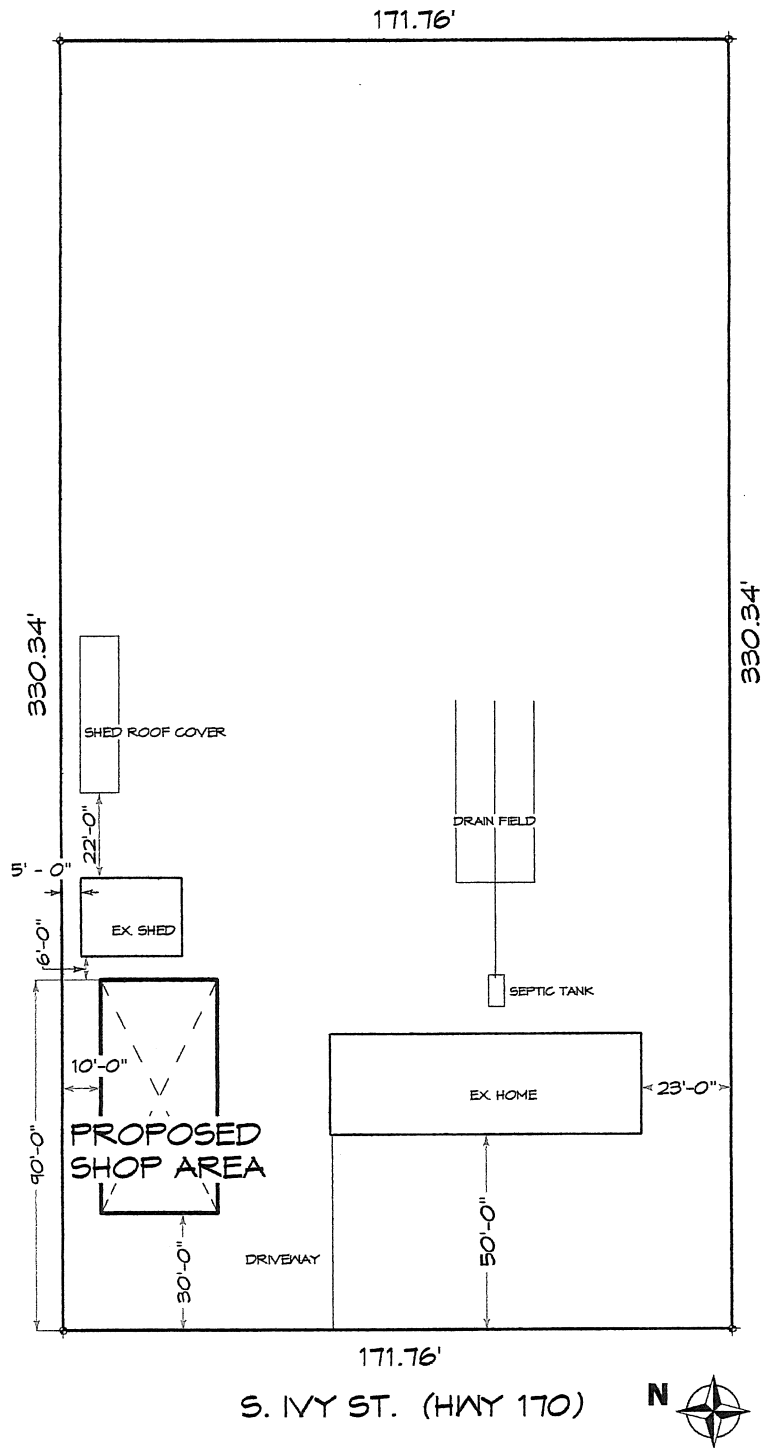
Under Section 16.50.010 of the Canby Municipal Code, an application for CONDITIONAL USE PERMIT approval shall be evaluated based on the following standards and criteria:

- 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;**
- This proposal shall be consistent with the policies of the comprehensive plan and the requirements of this title and other applicable policies of the city. We plan to develop a revised commercial kitchen to provide baked goods, confections and chocolates.
- 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 a 1.32 acre flat lot with a residence and only one shed for storage of lawn equipment. The structure proposed will enhance the commercial nature of the area, due to the highway with a 40 mph speed limit.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development;**
- Public facilities currently existing or will be provided during this process, to provide adequate service to the proposed structure.
- 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 adjacent properties are zoned R/C, and this structure will retain the current zoning of this property and will not alter the character of the surrounding properties. The plans are to replace the current structure which will only improve the property.

MAJOR VARIANCE – TYPE III: STANDARDS AND CRITERIA

Under Section 16.53.020 of the Canby Municipal Code, an application for MAJOR VARIANCE approval shall be evaluated based on the following standards and criteria:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute other exceptional or extraordinary circumstances;**
- No exceptional circumstances exist, this property is large enough and the zoning allows the building to be built and for a home occupation.
- B. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone;**
- The site is a 1.32 acre flat lot with a residence and only one shed for storage of lawn equipment. The structure proposed will enhance the commercial nature of the area, due to the highway with a 40 mph speed limit.
- C. Granting this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance;**
- This proposal shall be consistent with the policies of the comprehensive plan and the requirements of this title and other applicable policies of the city. The plan is to develop a revised Commercial kitchen to provide baked goods, confections and chocolates.
- D. Granting this variance will not be materially detrimental to other property within the same vicinity;**
- The adjacent properties are zoned R/C, and this structure will retain the current zoning of this property and will not alter the character of the surrounding properties.
- E. The variance requested is the minimum variance which will alleviate the hardship;**
- Yes, the building where the existing business is located, will no longer be available for lease due to it being sold, at a price the owner can't afford. The owner is having to downsize and relocate to home because no building exist in the city of Canby to fulfil the business requirements that is affordable.
- F. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.**
- No, The lack of affordable and adequate space in the city of Canby.



PLOT PLAN

SCOTT & TERESA SASSE
 1440 S. IVY ST.
 CANBY, OREGON 97013



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

TO: City of Canby
David Epling and Bryan Brown

FROM: Rick Nys, Development Engineering Supervisor

DATE: December 5, 2016

RE: CUP 16-02 & VAR 16-02, Sasse
T4S., R1E., Section 4DA, Tax Lot 4900

Development Engineering staff have visited the site and reviewed the submitted materials included with the application. We have the following comments:

Facts and Findings:

1. The applicant has proposed the operation of a candy and baked goods manufacturing business as a home occupation. The business is proposed to be operated from a new 1,800 square foot accessory building adjacent to the existing residence.
2. Access for the subject property is currently provided via two driveway approaches which intersect Ivy Street, a major arterial under the jurisdiction of Clackamas County. The southerly driveway approach provides access to the attached garage for the home at 1440 S. Ivy Street, the applicant's home. The northerly driveway approach provides access to the existing accessory structures and back and side yards, including access to a well.
3. Since Ivy Street is a major arterial, two driveway approaches for a single family residence are not in compliance with the County Roadway Standards. The applicant shall submit a design modification to Rick Nys, Development Engineering Supervisor, in accordance with the submittal requirements found in Roadway Standards section 170, requesting approval of two driveway approaches to Ivy Street. County Management staff will approve a design modification request for two approaches if they both meet minimum sight distance requirements in accordance with Roadway Standards section 240.
4. The existing construction of the southerly approach, with an onsite turnaround, is found by staff to be adequate regarding construction and no improvements are required to the southerly driveway approach.
5. The northerly driveway approach shall be improved in accordance with Roadway Standards Drawing D500. The minimum width of the driveway throat shall be 24 feet and the driveway shall provide a minimum 20 foot long paved tangent, measured from the existing edge of pavement

6. The applicant shall provide and maintain adequate intersection sight distances for both driveways. Based on the 40 mile per hour speed posting on Ivy Street, minimum intersection sight distances to be provided and maintained both northerly and southerly are 500 feet.
7. The applicant shall provide an onsite turnaround for vehicles using the northerly driveway approach so that vehicles are not required to either back from Ivy Street into the driveway or back from the driveway onto Ivy Street. The turnaround shall be designed and constructed to accommodate the anticipated vehicles using the northerly driveway for access. Based on the currently available information the vehicles that would use the driveway approach include, but are not necessarily limited to, a Suburban sized sport utility vehicle and a pickup/trailer combination.
8. The applicant shall obtain a Development Permit from Clackamas County Engineering for review and approval of required improvements and construction and inspection of required improvements. Minimum fee for the Development Permit is \$1,274.00.
9. The use of public rights-of-way for construction vehicle and materials staging is not authorized by the Roadway Standards and poses a potentially deleterious effect of the proposed use, because it contributes to congestion, reduces sight distance, and occupies shoulders intended for emergencies and other purposes. To protect the public from such effects, the applicant shall be required to submit a construction vehicle management plan for review and approval by the County DTD, Construction and Development Section, before the County issues a Development Permit. This may be accomplished with adequate notes on the plans indicating that no material or vehicle staging will occur within the right-of-way.

Development Engineering recommended conditions of approval:

- 1) The applicant shall submit a design modification request, in accordance with Roadway Standards section 170, for two driveway approaches to Ivy Street. The design modification request shall be submitted to Rick Nys, Clackamas County Development Engineering Supervisor.
- 2) All frontage improvements in, or adjacent to Clackamas County right-of-way shall be in compliance with *Clackamas County Roadway Standards*.
- 3) The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
- 4) The applicant shall design and construct one minimum 24-foot wide (throat width) driveway approach in conformance with *Roadway Standards* Drawing D500 at the existing northerly driveway approach location. Minimum paved tangent length shall be 20 feet. Storm water runoff shall not be permitted to flow over the driveway approach onto Ivy Street.

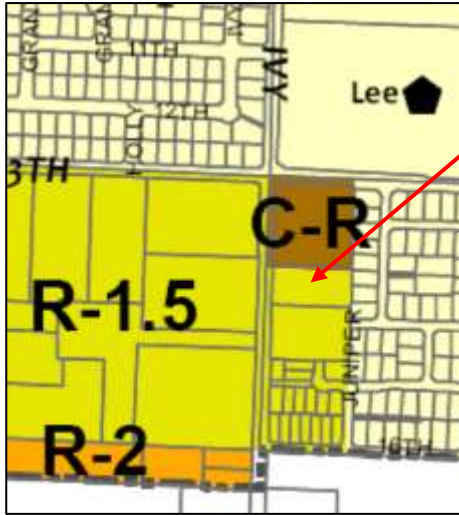
- 5) The applicant shall design and construct one onsite turnaround for the use of the anticipated vehicles accessing the site via the northerly driveway approach.
- 6) The applicant shall provide and maintain adequate intersection sight distances at the driveway approach intersections with Ivy Street. In addition, no plantings at maturity, retaining walls, embankments, fences or any other objects shall be allowed to obstruct minimum sight distance requirements. Minimum intersection sight distances, at the driveway approach intersections with Ivy Street, shall be 500 feet, both northerly and southerly along Ivy Street, measured 14.5 feet back from the edge of the travel lane. Measurements shall be made from a driver's eye height of 3.5 feet to objects located in the centers of the oncoming travel lanes which shall also be 3.5 feet in height.
- 7) Prior to the issuance of a building permit, the applicant shall submit to Clackamas County Engineering Office:
 - a) Written approval from the local Fire District for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
 - b) A set of street and site improvement construction plans, for review, in conformance with *Clackamas County Roadway Standards* Section 140, to Deana Mulder in Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.
 - i) The permit will be for driveway and onsite turnaround improvements.
 - ii) The minimum fee for the Development Permit is \$1,274.00.
 - iii) The applicant shall have an Engineer, registered in the state of Oregon, design and stamp construction plans for all required improvements, or provide alternative plans acceptable to the Engineering Division.
- 8) Prior to certificate of occupancy, the applicant shall provide an Engineer's cost estimate to Clackamas County Engineering for any unfinished improvements required by conditions of approval. The estimate shall be submitted for review and approval of quantities of asphalt concrete, aggregates and any other required improvements and associated construction costs.



City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

This Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, November 28, 2016 at 7 pm in the new City Council Chambers, 222 NE 2nd Ave, 1st Floor, to review a Conditional Use Permit (Type III) and Major Variance (Type III) application and an opportunity to provide comments. The applicants are requesting a to establish a candy and baked goods manufacturing business as a home occupation in a newly constructed 1,800 sq. ft. accessory building next to their home.



Comments due– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, Nov. 16, 2016

Location: [1440 S Ivy Street](#) (Property indicated by red arrow at left.)

Tax Lot: 41E04DA04900

Lot Size and Zoning: 1.32 acres, zoned R-1.5 Medium Density Residential

Owners: Scott & Teresa Sasse (Puddin’ River Chocolates)

Applicants: Scott & Teresa Sasse (Puddin’ River Chocolates)

Application Type: Conditional Use Permit, Type III & Major Variance (Type III)

City File Number: CUP 16-02 & VAR 16-02

Contact: David Epling, Associate Planner, 503-266-0686

What is the Decision Process? The Planning Commission will make a decision after the Public Hearing. The Planning Commission’s decision may be appealed to the City Council.

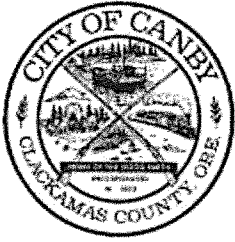
Where can I send my comments? Written comments can be submitted up to the time of the Public Hearing on Nov. 28, 2016, and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; dropped off at 222 NE 2nd Ave, or emailed to eplingd@canbyoregon.gov.

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, Nov. 18, 2016 and can be viewed on the City’s website: <http://www.canbyoregon.gov>. Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Criteria: Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.18 R-1.5 Medium Density Residential
- 16.46 Access Standards
- 16.50 Conditional Uses
- 16.53 Variance
- 16.89 Application & Review Procedures

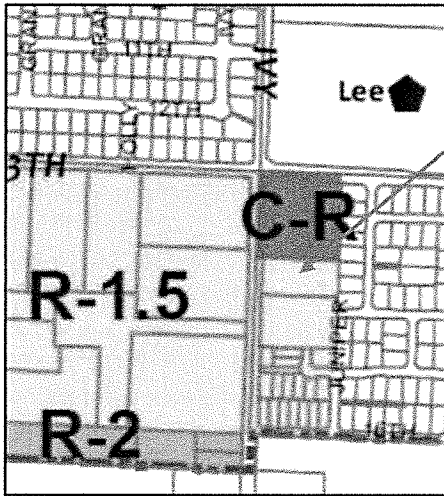
Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.



City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

This Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, November 28, 2016 at 7 pm in the new City Council Chambers, 222 NE 2nd Ave, 1st Floor, to review a Conditional Use Permit (Type III) and Major Variance (Type III) application and an opportunity to provide comments. The applicants are requesting a to establish a candy and baked goods manufacturing business as a home occupation in a newly constructed 1,800 sq. ft. accessory building next to their home.



Comments due– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, Nov. 16, 2016

Location: 1440 S Ivy Street (Property indicated by red arrow at left.)

Tax Lot: 41E04DA04900

Lot Size and Zoning: 1.32 acres, zoned R-1.5 Medium Density Residential

Owners: Scott & Teresa Sasse (Puddin’ River Chocolates)

Applicants: Scott & Teresa Sasse (Puddin’ River Chocolates)

Application Type: Conditional Use Permit, Type III & Major Variance (Type III)

City File Number: CUP 16-02 & VAR 16-02

Contact: David Epling, Associate Planner, 503-266-0686

What is the Decision Process? The Planning Commission will make a decision after the Public Hearing. The Planning Commission’s decision may be appealed to the City Council.

Where can I send my comments? Written comments can be submitted up to the time of the Public Hearing on Nov. 28, 2016, and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; dropped off at 222 NE 2nd Ave, or emailed to epdingd@canbyoregon.gov.

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, Nov. 18, 2016 and can be viewed on the City’s website: <http://www.canbyoregon.gov>. Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Criteria: Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.18 R-1.5 Medium Density Residential
- 16.46 Access Standards
- 16.50 Conditional Uses
- 16.53 Variance
- 16.89 Application & Review Procedures

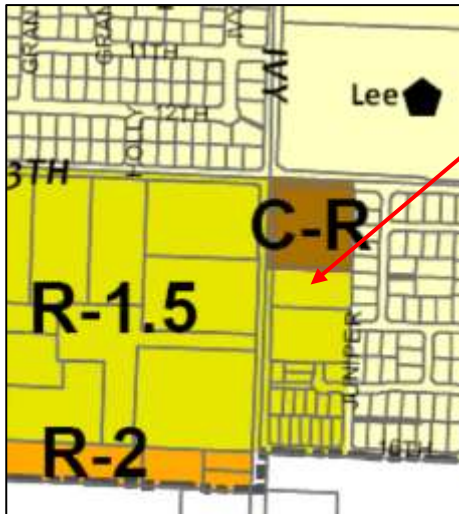
Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.



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