

## PLANNING COMMISSION

### Meeting Agenda

Monday – April 27, 2015

7:00 PM

City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

Commissioner John Savory (Chair)

Commissioner Shawn Hensley (Vice Chair)

Commissioner John Serlet

Commissioner Larry Boatright

Commissioner Kristene Rocha

Commissioner Tyler Smith

Commissioner (Vacant)

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1. CALL TO ORDER
2. CITIZEN INPUT ON NON-AGENDA ITEMS
3. MINUTES
4. NEW BUSINESS
5. PUBLIC HEARING
  - a. Consider a Conditional Use Permit application from Lee P. Wiegand to allow construction of a detached garage with an accessory dwelling unit above, located in the rear yard of 613 N Holly St. (CUP 15-01)
6. FINAL DECISIONS  
(Note: These are final, written versions of previous oral decisions. No public testimony.)
  - a. Conditional Use Permit, Lee P, Wiegand , 613 N Holly St (CUP 15-01)
7. ITEMS OF INTEREST/REPORT FROM STAFF
  - a. Next Planning Commission Meeting May 11, 2015
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.ci.canby.or.us](http://www.ci.canby.or.us)*

*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.*

## 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 or 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 15-01 (Detached Garage with an Accessory Dwelling Unit Above)

Prepared for the April 27, 2015 Planning Commission Meeting

**LOCATION:** 613 North Holly Street (Bordered area in map below)

**ZONING:** R-1 Low Density Residential

**TAX LOT:** 31E33CB0400



**LOT SIZE:** 17,250 sq. ft.

**OWNER:** Lee P. Wiegand

**APPLICANT:** Lee P. Wiegand

**APPLICATION TYPE:** Conditional Use Permit (Type III)

**CITY FILE NUMBER:** CUP 15-01

**I. APPLICANT'S REQUEST:**

The applicant is requesting permission to construct a detached accessory dwelling unit and garage in the rear yard adjacent to the alley behind the principal home at 613 N Holly St. 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 a 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 to accommodate his daughter and her care taker as his immediate family has grown in size and adding to his existing historic home is not a good option. 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 if not specifically restricted from doing so as a condition of the Use Permit.

**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 N Holly Street on the north side of W 6<sup>th</sup> Avenue on a large lot 17,250 square feet in size. The property is surrounded on all sides and across all adjacent streets and the alley by detached residential single-family homes. There is one property to the north with R-2 zoning containing a duplex.

**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 garage and accessory dwelling unit is not a conflicting or incompatible use to the surrounding neighborhood. The large lot size and availability of alley access makes it particularly suitable for both an additional garage and the 2<sup>nd</sup> story dwelling unit. Any possible concern would be more one of crowding or density and perceived impacts possibly related to the loss of space, air, and light to the immediate adjacent properties. The new structures placement on the large lot ameliorates these concerns quite well. The alley assists in separating the use from nearby homes. This lot is large and clearly has plenty of space to*

*erect an additional small dwelling unit behind and to the side of the existing home well within the standard principal building footprint therefore retaining more than the usual rear yard setback and no interior setback is applicable along an alley unless vehicular access into the structure is planned as is the case. In these instances the City has requested that garages be setback a minimum of 4 feet from the edge of the alley to create a total backing space of 24' which is typical to that required in the aisle of a commercial parking lot. In fact, the new structure is 119.5 from the rear lot line and 65 feet from the front lot line along N. Holly Street. With a 4' setback from the alley a 24' maneuvering area should assure that vehicles will not have to encroach on the property across the alley when backing out of the garage.*

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 on adjacent properties. If not for the 2-story aspect of the new structure, it would fit in with notice. As proposed, it utilizes a low pitched roof to stay within the maximum height allowed for a detached accessory structure.*

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. All utility service providers have indicated that service connections can readily be made to the new structure. Canby Utility has discussed several electrically options serving from Pole 3 within the alley. Canby Fire stresses the need for the accessory dwelling unit to have a separate address from the principal residence and that it is visible from the addressing street. Staff understands that the applicant has options for separate water and sewer services or the option to make extensions from the existing home. He did not share his current plans within the submitted narrative. As an extension of the family home, extension of services from the existing home may be suitable, while separate metering and service lines are often the best for future flexibility in use down the road. 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 Holly Street is classified as an arterial road in this immediate area so the increase of traffic is insignificant for the capacity of the closest public street and should not overburden traffic on the alley.

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 applicant has noted in his submitted narrative that the existing home is consider historic in nature and that an addition to the existing home which could be done by right was considered but thought to be detrimental to maintaining the special historic character of the existing residence. 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 on some of the nearby streets. The orientation toward the alley lessens concern about existing deficiencies that exist along some nearby public streets.*



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: Comments from Canby Fire indicate that separate dwelling units can be more difficult to find if visible separate addressing is not made a priority. As a condition of approval, staff intends to assure that the accessory dwelling unit would have a separate address visible from N Holly Street. Staff is proposing to assign an address of 613 A N. Holly Street 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 or from the alley itself. There was no concern with access to the site.*

#### **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 similar uses and is well-suited and sized to adequately handle the proposed use. The applicant indicates the site is flat and major existing trees are able to be preserved. More than adequate setbacks from Holly and the rear of the property will remain. 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 within the lower floor of the new garage.*

*The applicant's designer worked hard to assure the height of the accessory structure and dwelling unit does not exceed the 22' maximum allowed. However, it does slightly exceed the height of the principal home by less than 3 feet which is considered a violation of the usual standards for accessory dwelling units. Staff is not overly concerned about this non-conformity, due to the large lot size, and lack of existing testimony from neighbors about the height of the proposed structure. It may be possible for the roof to be further lowered but that would likely harm the residential appearance and compatibility more than allowing the slight height exception from the standard.*

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

*Needed services already exist to serve the new structure? The applicant has options with regards to the services. He has not shared which choices he is planning at this time. The additional traffic from one additional dwelling unit is not considered adversely impact 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 utilize the same*

*exterior treatment that the existing historic home on the property has. The new structure is two-story while the existing home is only one-story, but the design of the home has utilized a very low pitched roof design to stay within the accessory unit and dwelling height maximum allowed. An additional parking space as required is available within the new garage. The size of the accessory dwelling is below the maximum 800 square feet allowed. The development standards for an R-1 zone are met – including setbacks, height, and maximum impervious coverage. Three large existing trees on the site will be able to be preserved.*

#### **IV. PUBLIC TESTIMONY**

*Three written citizen comments were received along with three agency comments. The neighbor across the alley wants to make sure the garage setback allows for backing out without backing into her property. She also would prefer that the accessory dwelling not become a rental. The other two citizen comments indicated no concerns or objection as proposed. The City Engineer had no comments pertaining to this request. Canby Fire asked for a separate address made visible from the addressing street. Canby Utility indicated multiple options for electric service was available from the alley.*

*The applicant held a neighborhood meeting and the summary of that meeting and response to concerns about construction within the alley is attached.*

#### **V. CONCLUSION**

1. Staff concludes that the conditional use is in conformance with the City's Comprehensive Plan and Land Development and Planning Ordinance, with the minor height exception in being slightly taller than the existing home.
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 lateral extensions from the existing home or from services in the alley.
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 15-01 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 issuance of building permit.

2. The accessory dwelling shall have a separate address visible from the addressing street.
3. The Planning Commission shall make findings suitable for approving an exception for the accessory dwelling to exceed the height of the existing principal home by just under 3'.

**Attachments:**

1. Application and applicant narrative
2. Neighborhood Meeting Summary
3. Conditional Use Permit Site plan and elevations
4. 3 Citizen Comments and 3 agency comments received.



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: Lee P. Wiegand Phone: 503.939.7001  
 Address: 613 N. Holly St. Email: wiegand@canby.com  
 City/State: Canby Zip: 97013 wiegand@canby.com

Representative Name: \_\_\_\_\_ Phone: 503.939.7001  
 Address: 613 N. Holly St. Email: wiegand@canby.com  
 City/State: Canby Zip: 97013

Property Owner Name: \_\_\_\_\_ Phone: 503.939.7001  
 Signature: \_\_\_\_\_  
 Address: 613 N. Holly St. Email: wiegand@canby.com  
 City/State: Canby Zip: 97013

Property Owner Name: \_\_\_\_\_ Phone: 503.939.7001  
 Signature: \_\_\_\_\_  
 Address: 613 N. Holly St. Email: wiegand@canby.com  
 City/State: Canby 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:**

<u>613 N. Holly St.</u>	<u>17250</u>	<u>31E33CB00400</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers-
<u>House and Garage</u>	<u>R-1</u>	<u>HR</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Build Garage and ADU  
 Describe the Proposed Development or Use of Subject Property

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

Dear City Planning Commissioners:

My name is Lee Wiegand and I would like to build a garage with an ADU above it. I live at 613 N. Holly St. and have lived here since 1958 when my parents bought this house from the people who built it in 1926. I bought it from my mom after my dad died and plan to live here until I pass it on to my daughter.

Several years ago all the homes and buildings in Canby were analyzed. Each of them were give a point value to rank their historical significance for the city. My house was ranked as the 5<sup>th</sup> most historical house in the city according to their survey.

Several years ago my wife of 31 years died suddenly. So this year I remarried. I have a daughter that is 28 and she has Downs Syndrome. She will live with us for the rest of her life. My new wife has 3 kids that still live at home. So we are planning to combine these 2 families this summer.

Since my house is historic and made of terracotta covered in Marble Crete the idea of remodeling it to add room would not be possible. So we have decided to add an unattached garage with living space above. My daughter also has a caregiver that helps with her care who lived with us before my wife died. This would also provide space for her to stay in also in the future as needed. It would be a perfect living space for the 2 of them someday. So that is what we would like to do and why.

As to how it will fit in the neighborhood it would be no different than just adding on some spare bedrooms and another bath as my home now only has one bathroom. The only difference is that will be detached for the reasons given above. We currently have a detached garage already.

We are zoned R-1 on our block. One block to the north we have half a block zoned R-2 that has a duplex on it. Across the street to the northeast we have the Cuthsforth's old house that has a mother-in-law cabin on it. We are 1 block from a c-1 zone to the south. In 10 years that could extend to us.

Several years ago when some zoning changes were made I talked with the planning department. I told them about this idea. They said as long as I had a 12,000 Sq. foot lot and was on a corner and had access to the back of the property, like an alley, that I would be able to build this. I am on a 17,250 Sq. foot lot and on a corner and have an alley along my property.

Also all of the services are available at our site and we will finish it with Marble Crete to match our existing properties. So thank you for considering my request. My wife of 317 days and my daughter Jenni and I hope you will approve this request. Thanks for all your hard work serving our city in this way.

Sincerely,

Lee P. Wiegand

3/29/15

Dear City Planning Commissioners:

As per the cities request we had a neighborhood meeting to ask for input about our conditional use permit application. We mailed the invites on March 14<sup>th</sup> to about 80 of our neighbors that live within 500 feet of our property. We had the meeting on March 30<sup>th</sup>. Three people attended: Lisa Erickson, Kathleen Jordon, Ed Conroy.

We showed them our plans and asked for input. The only concerns voiced about the project was about the construction phase: Where will the workers park? What time of the day will they start building? What time of the day will they stop building? Will they work on Sundays? Will they park and block the alley?

My response was that I did not know what city code stated about that but I would find out and make sure they kept to it. Also we would be very careful to not clog up the alley any more then needed. They were good with that and had no concerns about the project itself. They were all glad to be able to see the project and be able to speak into the process.

Sincerely,

Lee P. Wiegand

3/31/15

This map was prepared for assessment purpose only.

NE 1/4 SW1/4 SEC. 33 T.3S. R. 1E. W.M.  
CLACKAMAS COUNTY

D.L.C. PHILANDER LEE NO. 56

3 IE 33CA CANBY



SEE MAP 3 IE 33CB

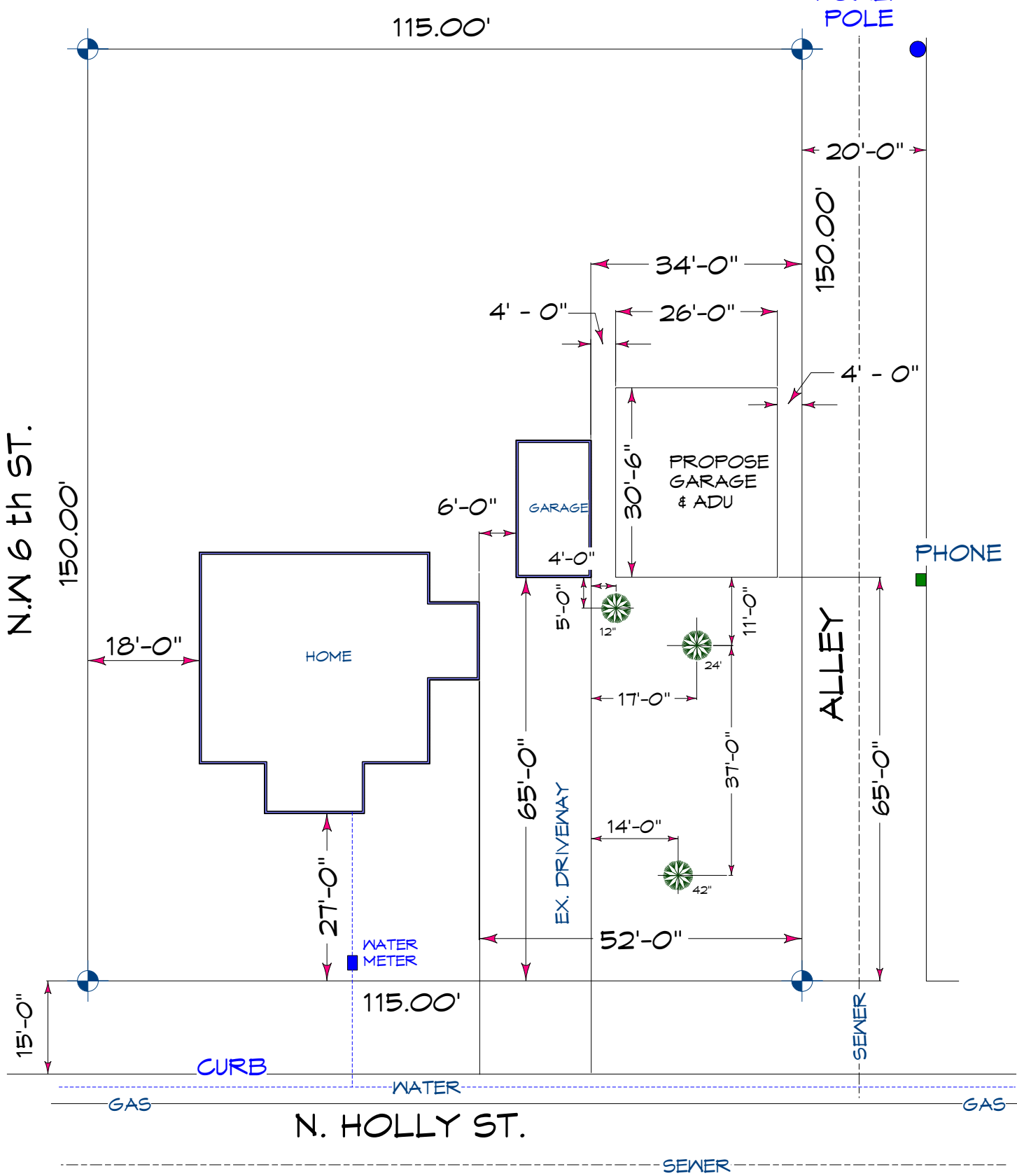
SEE MAPS 3 IE 33CC

SEE MAP 3 IE 33DB

SEE MAP 3 IE 33DB

SEE MAP 3 IE 33DB



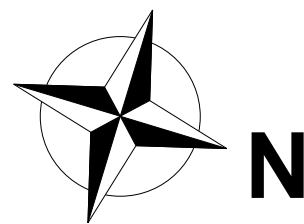


PLOT PLAN

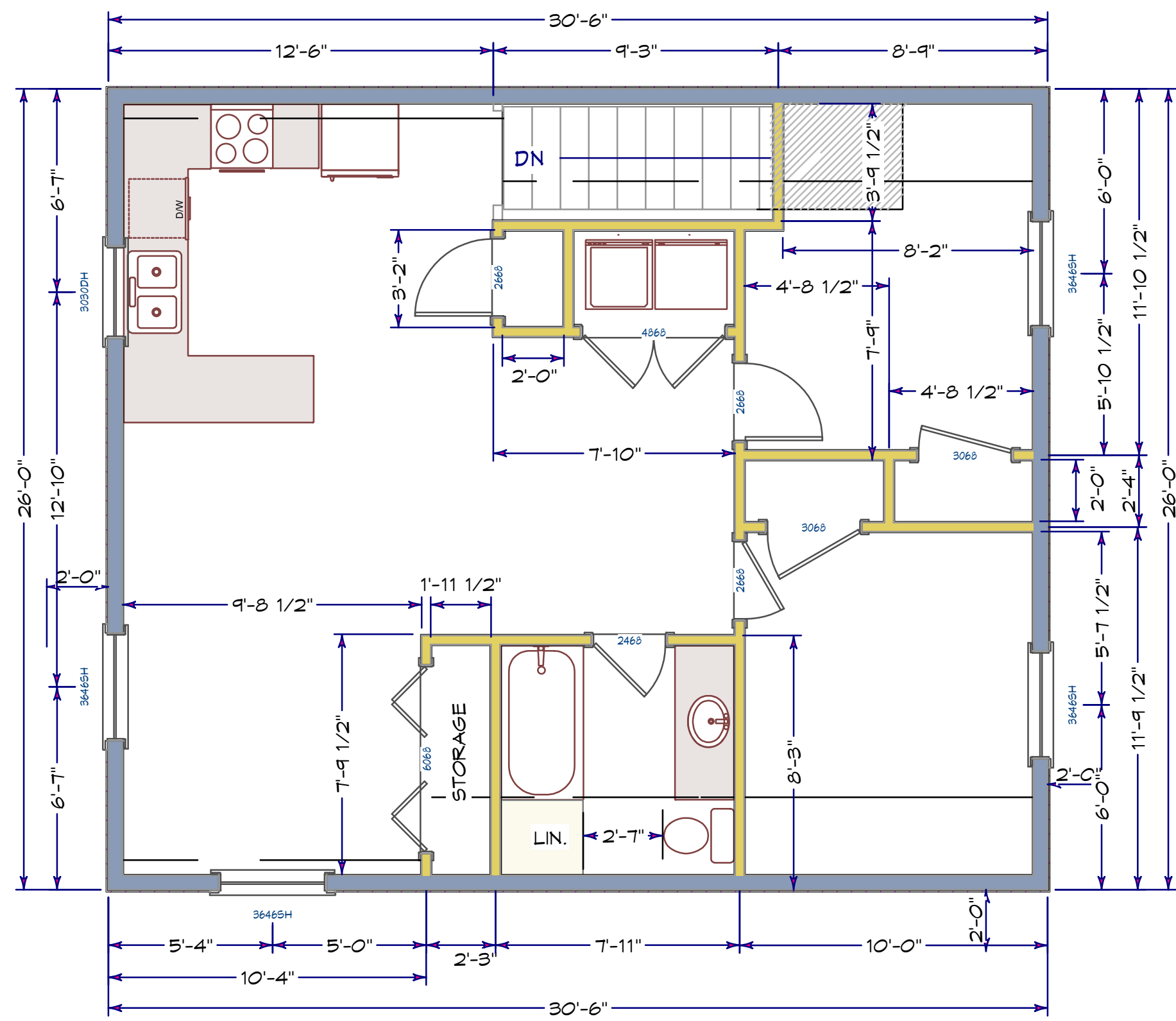
LEE WIEGAND

613 N. HOLLY ST.  
CANBY, OREGON 97013

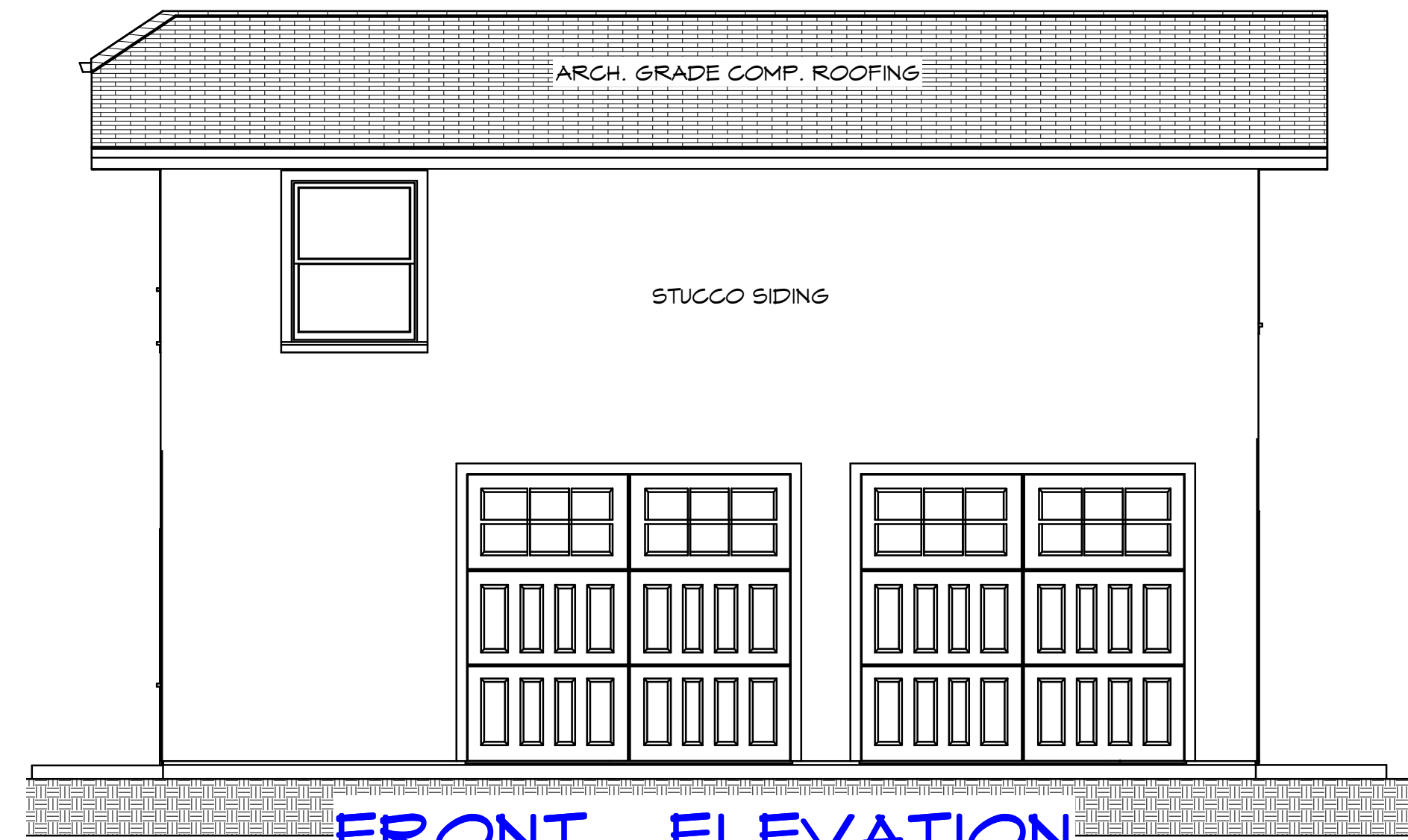
503-439-7001  
4-27-15 Planning Commission



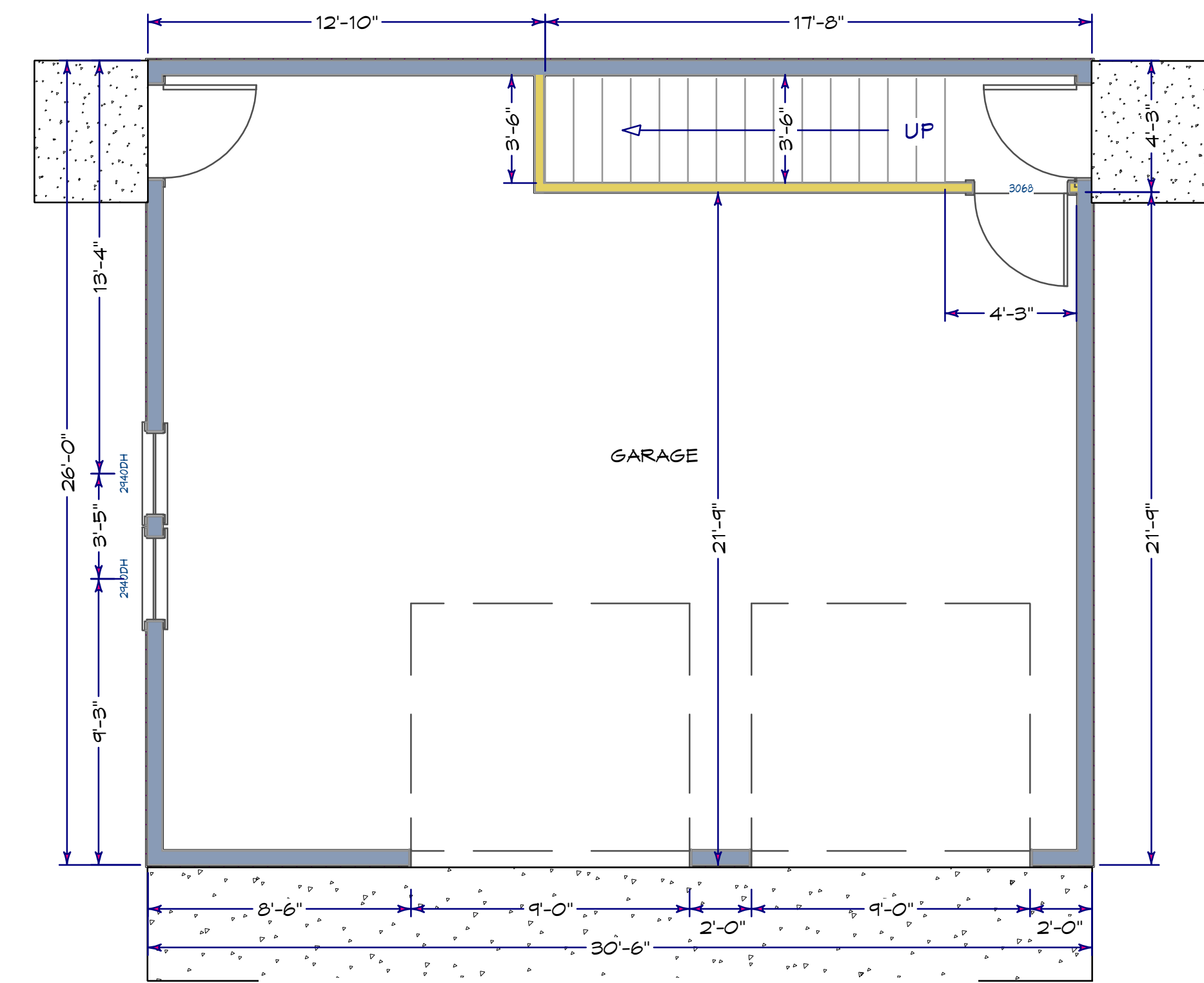
Scale 1" = 25'  
Page 15 of 25



**SECOND FLOOR PLAN**  
 Scale 1/4" = 1' - 0"  
 PROPOSED



**FRONT ELEVATION**  
 Scale 1/4" = 1' - 0"  
 PROPOSED



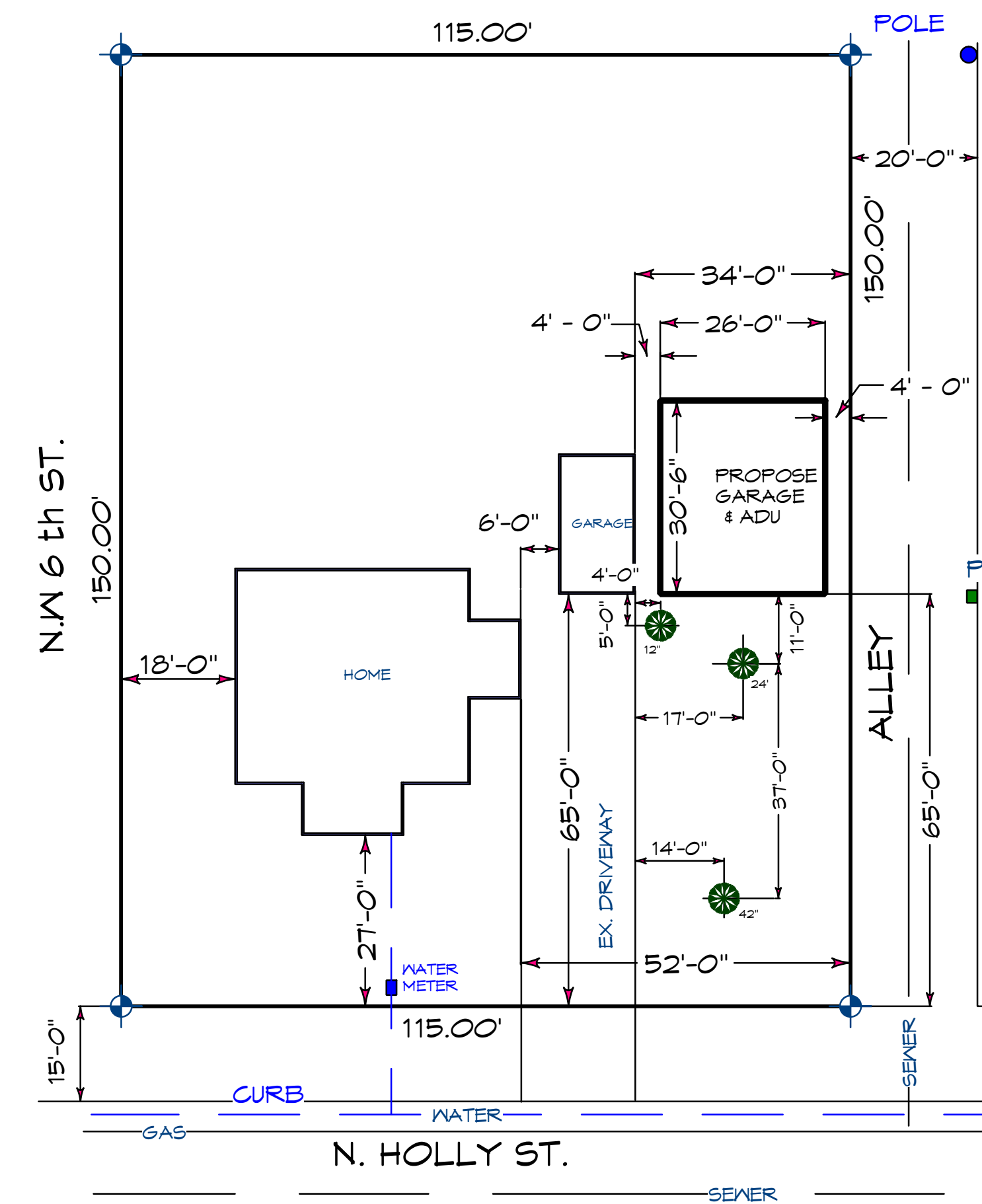
**FIRST FLOOR PLAN**  
 Scale 1/4" = 1' - 0"  
 PROPOSED



**LEFT SIDE ELEVATION**  
 Scale 1/4" = 1' - 0"  
 PROPOSED

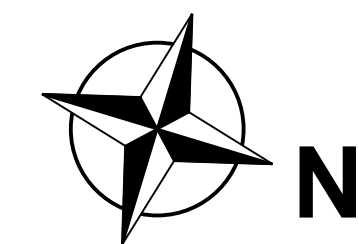
**NOTE:**

EXISTING HOUSE HT IS 18' - 6"  
 EXISTING GARAGE HT IS 11' - 0"



**PLOT PLAN**

LEE WIEGAND  
 613 N. HOLLY ST.  
 CANBY, OREGON 97013  
 503-939-7001  
 17,250 SQ. FT.



Scale 1" = 25'

Revised	Date



by Designs West  
 971-322-7411/designswest@canby.com

GARAGE & BONUS ROOM FOR:

**LEE & KIM WEIGAND**  
 613 N. HOLLY ST.  
 CANBY, OREGON 97013  
 503-266-4110

Date	2/20/15
Scale	Noted
Drawn	RMY
Job	
Sheet	1

## CITY OF CANBY –AGENCY COMMENTS FORM

Application: <u>Conditional Use Permit (CUP 15-01)</u> Applicant: <u>Lee P. Wiegand</u>
--

*Please indicate any conditions of approval you wish the Planning Commission to consider:*

\* Proposed building will need its own address visible from the addressing street.

\* Telephone advanced 911 must reflect this address

These type additions make the address difficult to find in a emergency.

***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:** Todd Gary

**AGENCY:** Canby Fire District

**DATE:** 4-6-2015

**Thank you!**

**CITY OF CANBY – AGENCY COMMENTS FORM**

Application: <u>Conditional Use Permit (CUP 15-01)</u> Applicant: <u>Lee P. Wiegand</u>
--

*Please indicate any conditions of approval you wish the Planning Commission to consider:*

WE HAVE NO CONCERNS WITH THIS APPLICATION AS  
PROPOSED.

***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: HASSAN IBRAHIM  
AGENCY: CURRAN- McLEOD, INC.  
DATE: APRIL 13, 2015

Thank you!

**CITY OF CANBY –AGENCY COMMENTS FORM**

<p>Application: <u>Conditional Use Permit (CUP 15-01)</u>          Applicant: <u>Lee P. Wiegand</u></p>
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*Please indicate any conditions of approval you wish the Planning Commission to consider:*

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Canby Utility has discussed a number of options with the customer on how to serve this project electrically. Pole-3 in the alley adjacent to the project will be the point of contact

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***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:** Gary Stockwell  
**AGENCY:** Canby Utility, Electric Dept.  
**DATE:** 4-6-15

**Thank you!**

**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 111 NW Second Street  
**E-mail:** [brownb@ci.canby.or.us](mailto:brownb@ci.canby.or.us)

Written comments to be included in the Planning Commission’s meeting packet are due by Noon on Wednesday, April 15, 2015. Written comments can also be submitted up to the time of the Public Hearing on Monday, April 27, 2015 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 155 NW 2<sup>nd</sup> Avenue.

**Application: Conditional Use Permit CUP 15-01 Lee P. Wiegand**

**COMMENTS:**

My property is directly across the alley from Mr. Wiegand’s property and a very short distance from where the proposed garage/apartment building will sit. I’m fairly certain my concerns will be addressed through traditional zoning and easement codes but just in case, I would like to insure that the following are considered:

- 1). That there is enough distance between the proposed building to adequately maneuver vehicles, in and out of the garage, so that there is no temptation to back-up on to my property.
- 2). That the living quarters being proposed, will indeed facilitate family members and not become an “apartment/rental” in the traditional sense, misplaced a residential neighborhood.

YOUR NAME: Melisa (Lisa) Bateman Erickson  
 EMAIL: talk2lisa.e@gmail.com  
 ORGANIZATION or BUSINESS (if any): \_\_\_\_\_  
 ADDRESS: 245 NW 7<sup>th</sup> Ave  
 PHONE # (optional): \_\_\_\_\_  
 DATE: 4/9/15

Thank you!

## Bryan Brown

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**From:** Bob <max4850@canby.com>  
**Sent:** Thursday, April 09, 2015 9:31 AM  
**To:** Bryan Brown  
**Subject:** Conditional use permit 15-01 Lee P. Wiegand

Dear Planning Department:

We, Bob and Marie Maxwell, have no problem with the planned construction other than it look nice and fit in with the surrounding structures.

Thank you,  
Bob and Marie Maxwell  
645 NW 9th Ave.

**CITY OF CANBY –COMMENT FORM**

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**Application: Conditional Use Permit CUP 15-01 Lee P. Wiegand**

**COMMENTS:**

*I have no objection to this addition.*

**YOUR NAME:** June E Gester  
**EMAIL:** \_\_\_\_\_  
**ORGANIZATION or BUSINESS (if any):** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_  
**PHONE # (optional):** \_\_\_\_\_  
**DATE:** 4/13/15

Thank you!



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

<b>A REQUEST FOR A CONDITIONAL USE</b>	)	<b>FINDINGS, CONCLUSION &amp; FINAL ORDER</b>
<b>PERMIT FOR A DETACHED GARAGE</b>	)	<b>CUP 15-01</b>
<b>WITH AN ACCESSORY DWELLING UNIT</b>	)	<b>LEE P. WIEGAND</b>
<b>ABOVE GARAGE AT 613 N HOLLY STREET</b>	)	

**NATURE OF APPLICATION**

The applicant is requesting permission to construct a detached accessory dwelling unit and garage in the rear yard adjacent to the alley behind the principal home at 613 N Holly St. 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 a 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 to accommodate his daughter and her care taker as his immediate family has grown in size and adding to his existing historic home is not a good option. 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 if not specifically restricted from doing so as a condition of the Use Permit.

**HEARINGS**

The Planning Commission held a public hearing to consider application CUP 15-01 after the duly noticed hearing on April 27, 2015. 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 deliberated on input presented at the April 27, 2015 meeting. 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 April 27, 2015 staff report and Commission deliberations at the April 27, 2015 public hearing:

**ORDER**

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that CUP 15-01 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 issuance of building permit.
2. The accessory dwelling shall have a separate address visible from the addressing street.
3. The Planning Commission shall make findings suitable for approving an exception for the accessory dwelling to exceed the height of the existing principal home by just under 3'.

I CERTIFY THAT THIS ORDER approving CUP 15-01 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 27<sup>th</sup> day of April, 2015

\_\_\_\_\_  
John Savory  
Planning Commission Chair

\_\_\_\_\_  
Bryan Brown  
Planning Director

\_\_\_\_\_  
Attest

**ORAL DECISION: April 27, 2015**

<b>Name</b>	<b>Aye</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<i>Tyler Smith</i>				
<i>John Savory</i>				
<i>Shawn Hensley</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Kristene Rocha</i>				
<i>Vacant</i>				

**WRITTEN DECISION: April 27, 2015**

<b>Name</b>	<b>Aye</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<i>Tyler Smith</i>				
<i>John Savory</i>				
<i>Shawn Hensley</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Kris Rocha</i>				
<i>Vacant</i>				