

## PLANNING COMMISSION

### Meeting Agenda

Monday, October 28, 2019

7:00 PM

City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

**Commissioner John Savory (Chair)**

**Commissioner Larry Boatright (Vice Chair)**

**Commissioner Derrick Mottern**

**Commissioner Derrick Mottern**

**Commissioner Ryan Adams**

**Commissioner Andrey Chernishov**

**Commissioner Jennifer Trundy**

- 
1. **CALL TO ORDER**
    - a. Invocation and Pledge of Allegiance
  
  2. **CITIZEN INPUT ON NON-AGENDA ITEMS**

*(This is an opportunity for audience members to address the Planning Commission on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the Recording Secretary. These forms are available by the sign-in podium. Staff and the Planning Commission will make every effort to respond to questions raised during citizen input before tonight's meeting ends or as quickly as possible thereafter.)*
  
  3. **MINUTES**
    - a. Approval of Planning Commission Minutes for September 9, 2019.
  
  4. **NEW BUSINESS –**
  
  5. **PUBLIC HEARING**

*(To testify, please fill out a testimony/comment card and give to the Recording Secretary.)*

    - a. To consider a Conditional Use Permit requesting consideration to operate a home occupation in a residential zone located at 1841 S Ivy St in an existing home and accessory structures in which nonresidential storage of roof materials will occur. **(CUP 19-02 Roof Masters, Inc.)**
  
  6. **FINAL DECISIONS -**

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

    - a. **CUP 19-01 Roof Masters, Inc.**
  
  7. **ITEMS OF INTEREST/REPORT FROM PLANNING STAFF**
    - a. Next regularly scheduled Planning Commission meeting – Monday, November 11, 2019 will be cancelled because it is a holiday in honor of Veterans Day.
  
  8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
  
  9. **ADJOURNMENT**

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov). City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503-263-6287.*

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – Monday, September 9 2019  
City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners John Savory, Larry Boatright, Derrick Mottern, Andrey Chernishov, Jeff Mills, Jennifer Trundy, and J Ryan Adams  
**ABSENT:** None  
**STAFF:** Bryan Brown, Planning Director, Ryan Potter, Associate Planner  
**OTHERS:** None

**CALL TO ORDER**

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

**CITIZEN INPUT ON NON-AGENDA ITEMS** – None

**MINUTES**

- a. Approval of Planning Commission Minutes for August 26, 2019

**Motion:** A motion was made by Commissioner Adams and seconded by Commissioner Boatright to approve the August 26, 2019 Planning Commission minutes. Motion passed 7/0.

**NEW BUSINESS** -- None

**PUBLIC HEARING** - None

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

- a. DR 19-01/CUP 19-01/VAR 19-02 Monopole Cell Tower Final Findings denying application.

**Motion:** A motion was made by Commissioner Trundy to approve the Final Findings with a correction to the last page changing wording from Verizon to AT&T, motion was seconded by Commissioner Boatright to approve DR 19-01/CUP 19-01/VAR 19-02 Monopole Cell Tower Final Findings denying application. Motion passed 6/1.

**ITEMS OF INTEREST/REPORT FROM PLANNING STAFF**

- a. Next regularly scheduled Planning Commission meeting – Monday, September 23, 2019 will be cancelled.

**ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION** -- None

**ADJOURNMENT**

A motion was made by Commissioner Adams and seconded by Commissioner Mottern to adjourn the meeting. Motion passed 7/0. The meeting adjourned at 7:04 pm.

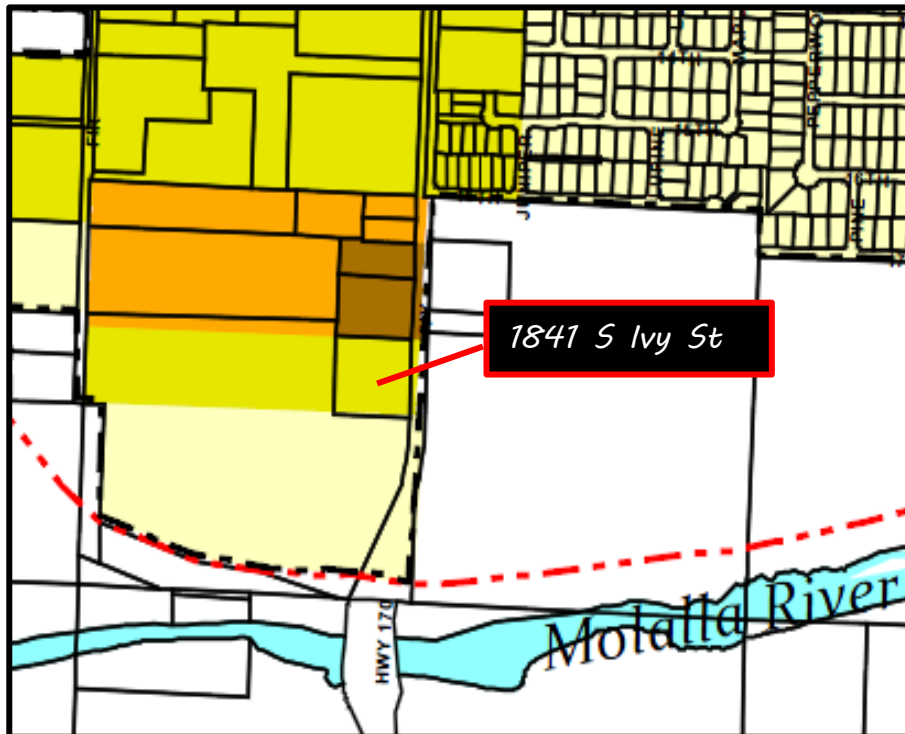


# City of Canby

## STAFF REPORT

File #: CUP 19-02 – Home Occupation

**HEARING DATE:** October 28, 2019  
**STAFF REPORT DATE:** October 17, 2019  
**TO:** Planning Commission  
**STAFF:** Bryan C. Brown, Planning Director



### Property/Owner Information

**Location:** 1841 S Ivy Street  
**Tax Lots:** 41E04D01600  
**Property Size:** 1.93 acres  
**Comprehensive Plan:** MDR – Medium Density Residential  
**Current Zoning:** R 1.5 – Medium Residential  
**Owner:** Brian Christensen  
**Applicant:** Brian Christensen  
**Application Type:** Conditional Use Permit (Type III)  
**City File Number:** CUP 19-02

### **Applicant Request**

The applicant is seeking approval of a Conditional Use Permit to allow for a home occupation for his business, Roof Masters, Inc., specifically for mail service and office business needs. He has indicated in his application that vendor materials for the roofing jobs are delivered to the roofing project locations—not the office—but that leftover materials are to be brought and stored at the home-based office location. These materials consist of shingles, plywood, and assorted metal flashings. It appears that occasional business vehicles may also be parked on the property in consideration of the gravel that has been placed on the north end of the site. There is a large shop and a few small outbuildings capable of storing the left-over materials that could keep them out of site.

The Conditional Use Permit was advised to be sought by staff when the applicant was seeking to obtain a business license for his business to operate at 1841 S Ivy Street having R-1.5 Medium Residential zoning where the provisions of the zone indicate that “home occupations which otherwise meet the strict definition of section 16.04.240, but which involve nonresidential storage of goods, or any activity which is likely to increase traffic” seek such a Permit.

No new construction has been indicated or proposed to the site other than the recent placement of gravel on the north end of the property and some proposed landscape screening along the east and north boundaries of this rather large residential lot that was annexed into the City by Ordinance No. 1470 on February, 2018 and assigned the R 1.5 Medium Density Residential zone at that time. The applicant purchased the property in August, 2019 according to County records. The same business operation was previously located at a residential site two homes to the north. That property was annexed into the City by the same ordinance as the subject property of this request. The previous property was purchased by Hope Village for their proposed South Expansion project.

### **Staff Recommendation**

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **Approve** CUP 19-02 pursuant to the Conditions of Approval presented in Section VI of this report. \*Approval is predicated on the applicant, family member or the one allowed non-family employee associated with this business to reside at least part time at this residence. (The proposed Roof Masters, Inc. business office and mailing service address is not allowed in the R 1.5 zone other than as a Home Occupation meeting the strict definition of Section 16.04.240, *Home Occupation*).

### **Attachments**

- A. Land Use Application
- B. Applicant Project Narrative: Home Occupation and Conditional Use Permit Compliance
- C. Property Location Maps: Assessors Tax Lot; Aerial Photo; Proximity to Approved Riverside Park Subdivision
- D. CUP Site Plan
- E. Updated City Business License with Signed Acknowledgement of Home Occupation provisions
- F. Public Comments

## **Findings**

### **I. Existing Conditions**

The subject property is located at 1841 S Ivy Street and is occupied by an existing home, a very large shop building with an open bay, and a few small outbuildings. An existing driveway about mid-way along the S Ivy Street frontage serves the property.

The property to the west and south have been approved for the Riverside Park residential subdivision for which Phase 1 construction in the far southwest portion has begun. A sanitary sewer pump station is to be constructed within the right-of-way of S Ivy Street near the southeast corner of the planned subdivision. Property to the north of the subject application will eventually accommodate the future SW 18<sup>th</sup> Avenue connection to S Ivy Street and the planned future roundabout. The property further north is to be part of the future South Hope Village Expansion project.

### **II. Project Overview**

The applicant seeks approval of a Conditional Use Permit to assure that all aspects of the Roof Masters, Inc. business operation proposed at this site has necessary discretionary approval for the nonresidential storage which will occur onsite. Staff believes business vehicles may also occupy the gravel parking area shown in yellow on the Site Plan submitted. The only other changes indicated to the site is the installation of an English Laurel Hedge along the north and west sides of the property to reportedly provide some screening of the business aspects of the property.

### **III. Applicable Criteria & Findings**

In addition to components of the City of Canby Comprehensive Plan, applicable criteria used in evaluating this application are listed in the following sections of the *City of Canby's Land Development and Planning Ordinance*:

- 16.04.240 Home Occupation
- 16.18 R-1.5 Medium Density Residential Zone (see 16.16.020.I for Conditional Use Permit requirement)
- 16.50 Conditional Uses (As indicated to be needed by 16.16.020.I)
- 16.89 Application and Review Procedures

### **IV. Summary of Findings**

#### *Home Occupation Definition/Regulations (16.04.240 & 16.16.020.I)*

"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)”

**Finding:** 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 applicant is proposing the nonresidential storage of building materials on-site that are left over from roofing jobs, staff indicated a Conditional Use Permit would be necessary for approval of this particular home occupation.

**Finding:** The regulations applicable for a home occupation are identified in Section 16.04.240 (Definition). The requirement by Section 16.16.020(I) indicate that all conditional use home occupations must still meet the strict definition of home occupations which outlines the applicable standards. The first and most important requirement for a Home Occupation is that the business activity be carried on within a dwelling or accessory structure by members of the family occupying the dwelling. This standard limits a home occupation in a residential zone to families that also live at that dwelling with an allowance of one full-time employee that is not related to the owner’s family nor lives in the home. Staff is concerned that the applicant’s home address on the conditional use application is not the business use address while the business license application lists a home address on S Macksburg Road. To comply with the home occupation standards, the owner of a family member or possibly a nonrelated employee would need to reside at least part of the time in this home to comply with this standard. To assure the standard is met, staff recommends a condition of approval requiring residential occupancy of the dwelling by the home occupation business owner or family occurs in some capacity. Generally, it is their primary residence, but part-time occupancy may be an option if the Planning Commission would consider this appropriate for this home business use at this location. The Planning Commission may want to further define the nature of the “residential occupancy” in order to assure the general intent of the code is met.

**Finding:** The residential character of the building is to be maintained for a home occupation. The activity shall occupy less than one-quarter of the ground floor area of the building. The applicant indicates that no changes are proposed to the dwelling that would change the residential character. However, about a third of the northern portion of the nearly 2-acre property has been covered with gravel. The applicant indicates in the conditional use narrative that the gravel was intended to lessen yard maintenance. This gravel area is identified on the submitted Site Plan which is a part of a Conditional Use Permit and shown in yellow. It is not labeled as such but appears to conform to the gravel location as observed from a site visit.

Staff has been informed that this same business operation was previously located at a home at 1701 S Ivy Street, just two homes to the north. It was established prior to that property being annexed, as well as the existing proposed property being annexed into the City in 2018. That property was recently sold and purchased by Hope Village to accommodate their planned expansion southward. It was reported that a gravel area on that property did have business vehicles parking on it. It would be a logical conclusion that the gravel area on the subject property will also serve as occasional business vehicle parking. It might also be used for outdoor storage of leftover roofing materials but the applicant has indicated in his narrative that those materials can and would be stored within the accessory structures on the property.

The home occupation standard indicates “the business activity be 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.” Staff would agree with the applicant’s proposal as indicated on the Site Plan to install an English Laurel Hedge to assist in screening the gravel area that may have vehicle use or outdoor materials storage from the view of S Ivy Street, the northern property line which will be SW 18<sup>th</sup> Avenue in the future, and along the west property line as indicated which will have future homes as a part of the approved Riverside Park subdivision. With a condition of approval to assure the installation of this planned screening, this standard can be met if traffic to and from the home occupation does not exceed eight visits per day. The applicant is bound by the 8 trip per day traffic limit associated with a home occupation or a possible zoning citation could ensue. The applicant indicates that most business work is conducted at the customer’s property and that they will never have a sign that is illuminated or larger than 2 square feet exposed to view.

**Finding:** The home occupation shall not be carried on in an accessory building of the residence where the building is larger than six hundred square feet. There is a very large shop building on the property which is approximately 3,471 square feet in size and a few other small outbuildings. The applicant states that these buildings are capable of storing any leftover materials to keep them out of sight. This would be preferable to better assure that the business activity will not give an outward appearance of a business being run from the property. However, it would be very easy to exceed the 600 square foot limit standard with this much accessory building area possibly available. Monitoring this home occupation criterion is not a good use of staff time but we would prefer to see the leftover roofing materials stored out-of-sight versus outdoors. There are no current neighbors and the property is large at nearly 2 acres in size. It is the long-term operation of this business use at this location that could result in future complaints or reports of home occupation violations. The applicant has alluded that this property may be desired by the Riverside Park subdivision developers for completion of the final stage of their subdivision in the future which may mean moving the business to another location before any future neighbors exist. It is possible that a condition of approval to require the this home based business to cease operation at this location prior to the occupancy of planned future homes adjacent to the west side of the property would satisfactorily assure that the business activity would not “infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Staff would recommend such a condition be required.

Conditional Use Permit Review Criterion (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.
1. *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.*

**Finding:** The adopted City of Canby Comprehensive Plan designates the subject property for Medium Density Residential (MDR) uses. The request to run a home based business from an existing dwelling with associated outbuildings is consistent with applicable policies of the Comprehensive Plan and the property is not located within one of the designated "areas of concern." The strict requirements of the home occupation standards are to apply when approving a home occupation requiring a Conditional Use Permit to operate (see previous review of home occupation regulations). Traffic is not expected to exceed the standards and the home fronts on a busy arterial street. The property to the south and west is currently undeveloped. A condition to cease operation when new homes are occupied adjacent to the west property line would assure that both the home occupation standards continue to be met and the intent of the Comprehensive Plan to preserve and separate commercial uses when necessary from residential uses. The proposed vegetated screening Hedge is consistent with the compatibility policies between land uses indicated with the Plan.

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

**Finding:** The subject property is very suitable for the proposed business use, but the strict conformance with the home occupation standards are required or suitable conditions of approval in the case of a Conditional Use Permit approval. The lack of any existing surrounding residential uses lessens any immediate concerns related to the business activity altering the character of the surrounding area. This criterion can be met.



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

**Finding:** No new development is proposed to accommodate the proposed home occupation. The gravel area is new, but the proposed screening hedge is intended to help conceal the impact that it presents as an atypical use on a residential property. No change in access is proposed, and the office use within the home and roofing leftover material storage are indicated as the business uses. This criterion is met.

*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.*

**Finding:** The character of the area is in transition. The Riverside Park subdivision is intended to include redevelopment of this property in a later phase of development. The applicant mentions the future residential development planned for the property in his narrative. Staff concerns are for protecting the value of the proposed new residential homes adjacent to the west and south boundaries of this property. It is not certain how long it will be before houses are built adjacent to this property but consideration should be given to a condition of approval to have this business use cease when new homes are reaching occupancy adjacent to this property in order to assure that the business use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone. This would assure that this criterion is met as well.

#### Other Findings

- **Connectivity/Access.** The proposed project would not require the construction of a new driveway access or internal private drives. Access to the property is adequate.
- **Public Right-of-Way Improvements.** No improvements to the property are proposed or required. The applicant however has provided a large gravel area on the site for which vegetative screening has been proposed.
- **Off-Street Parking.** There is adequate on-site parking to accommodate the residential use and the proposed home occupation business
- **Storm Water Runoff.** The additional gravel area placed on the property prior to this application covers a large enough area as to require a drainage analysis due to the change in impervious coefficient between the mature yard and a gravel surface. Such a storm water drainage analysis would indicate if any on-site detention or swale may be needed to assure increased runoff has not resulted off-site or in a manner that would impact an adjacent property.
- **Utilities.** No new utility services are needed to accommodate the proposed home occupation, as no new building permits or construction is planned.

Staff has reviewed the applicant's narrative and submitted material and finds that with the recommended conditions noted in Section VI of the staff report applicable review criteria and standards will be satisfactorily met.

## V. Public/Agency Comments

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 500 feet of the subject property, to all resident addresses within Hope Village, and to all applicable public agencies and City departments. All citizen and agency comments/written testimony received to date are attached and any additional comments received will be presented at the Planning Commission hearing.

A pre-application meeting was not required by the Planning Director as no new construction or building permit is necessary for review with this application.

The standard neighborhood meeting was waived, recognizing that the formal notice would provide neighbors the opportunity to comment on the proposed home occupation business use of this property. Again, no new construction is proposed with this application request.

## VI. Conclusion/Recommendation and Conditions of Approval

The Planning Commission should consider the evidence available, including information obtained from the applicant at the public hearing, in relation to conformance with the strict standards applicable to operation of a home based business and assuring that the business activity will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** CUP 19-02 pursuant to the Conditions of Approval presented in this section.

### General Conditions:

1. The home occupation business owner is required to reside at least part time in the home to comply with the home occupation standards. Failure to comply with residential occupancy requirements voids the home occupation business license when located in the R-1.5 zone.
2. The applicant shall install the proposed English Laurel Hedge as a screening measure of the gravel area and its potential business use for vehicle and/or outdoor roofing materials storage to conform to standards for a business use to not give an outward appearance of operating a business use.
3. Storage of leftover roofing materials shall be stored inside the accessory buildings to eliminate outside the appearance of a business operation. With this Conditional Use Permit it is considered preferable to allow exceeding the maximum 600 sf of business use of an accessory building over outdoor materials storage in a residential zone.
4. The Roof Master home occupation shall cease to operate at this location prior to the occupancy of planned future homes to be constructed adjacent to the west or south side of the property.
5. This Conditional Use home occupation is subject to continued compliance with all aspects of the Home Occupation regulations of Section 16.04.240.
6. The applicant shall perform a drainage analysis to determine pre- and post-run-off volume and any concentration as a result of the gravel area and show that all increased runoff is handled on-site in accordance with City ordinance standards and indicated in the Chapter 4 of the Public Works design standards.

7. The applicant is bound by the approved Conditional Use Site Plan submitted with the application, with any changes requiring modification of approval in accordance with Section 16.89.100 of a minor, moderate, or major modification.



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

**LAND USE APPLICATION**

**Conditional Use Process Type III**

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

Applicant Name: Brian Christensen Phone: 503-266-5848  
 Address: 1841 S Ivy St Email: BCTfishen@live.com  
 City/State: Canby, OR Zip: 97013

Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

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

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

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

**PROPERTY & PROJECT INFORMATION:**

1841 S Ivy St Canby, OR 97013 2. Acres 41E04D01600  
 Street Address or Location of Subject Property Total Size of Assessor Tax Lot Numbers  
 Property

Vacant Res.  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Provide Address for Business mail Service  
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>CUP19-02</u>	<u>9/25/19</u>	<u>JA</u>		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

To whom it may concern,

Roof Masters Inc requires no typical business needs or conditions pertaining to operating its day to day business activities.

The work is performed at the customers residence and all materials are delivered from vendors locations. Occasionally there are left over materials that are brought to the Roof Masters location. These materials consist of shingles, plywood, and assorted metal flashings.

There are two acres of land and a very large shop with a large open bay, and a few small outbuildings that are presently on the property. They are capable of storing any left-over materials to keep out of sight.


The large shop is located on the back property line. To create a privacy hedge along with the current and proposed hedging, it should conceal any items or activity on the property.

I will only improve the current lack of maintenance on this parcel of land and continue to prepare it for future residential development. I will continue its residential appearance and only improve on its residential character.

At this time there is a street that borders the east side, a commercial property that borders the north, and the west and south side are undeveloped, and I do not know when or what will be put there. With the proposed hedging, I cannot see how it could inconvenience anyones right to live in a residential environment. There will be no traffic, no noise, and no sign of a business. Let us not forget that this is a 2-acre parcel. Too much yard for anyone to keep up with, that's the reason for all the gravel.

Thank you,

Brian Christensen

A handwritten signature in black ink, appearing to read 'Brian Christensen', written in a cursive style.

10/3/19

To Whom it may concern,

In regard to the conditional use permit for Roof Masters Inc.

There will be no changes to the residential character of the existing house or land. The activity will occupy less than ¼ of the house.

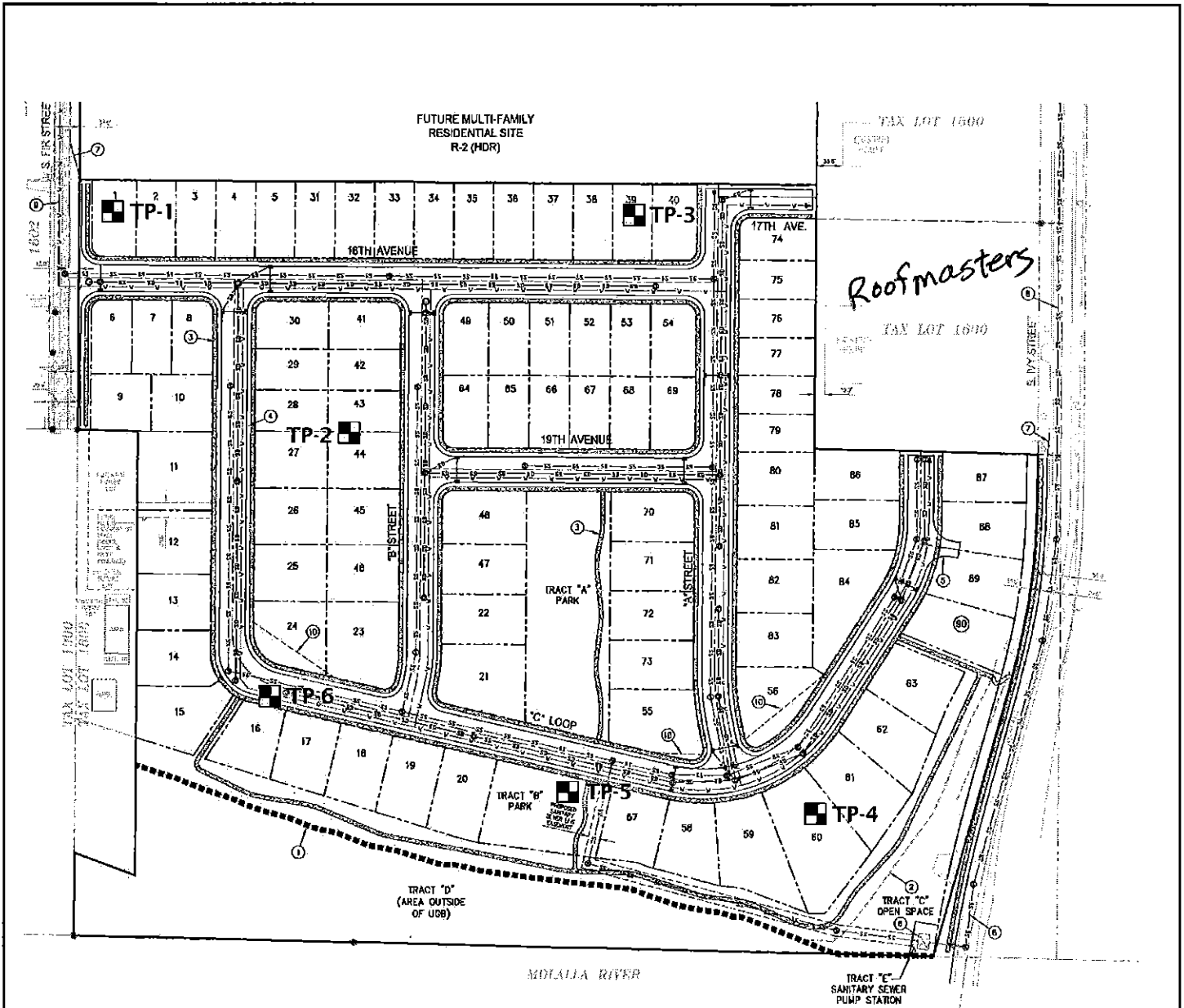
The activity will not give an outward appearance nor manifest a business character. Most business work is conducted at the customers property. Business will not exceed business visitors numbering more than eight visits per day. Activity will not infringe on neighbors right to enjoy peaceful residential setting.


Business will not occupy in or on accessory building larger than 600 sqft.

We will never have a sign that is illuminated or larger than 2 sqft exposed to view.

Thank you,

Brian Christensen



**TP-1**  TEST PITS EXCAVATED JULY 3, 2018 - LOCATIONS APPROXIMATE  
 BASE DRAWING "RIVERSIDE PARK SUBDIVISION, PRELIMINARY UTILITY PLAN"  
 PREPARED BY NORTHWEST ENGINEERS, DATED JUNE 8, 2018

<b>GEO</b> CONSULTANTS NORTHWEST	PROJECT 1357	<b>MAYBERRY          RIVERSIDE PARK DEVELOPMENT</b>	
2839 SE Milwaukie Avenue Portland, OR 97202	JUL 2019  Drawn By: TAC	<b>SITE LAYOUT          &amp; EXPLORATIONS</b>	<b>FIGURE 2</b>



Roofmasters

S Ivy St

S Jun

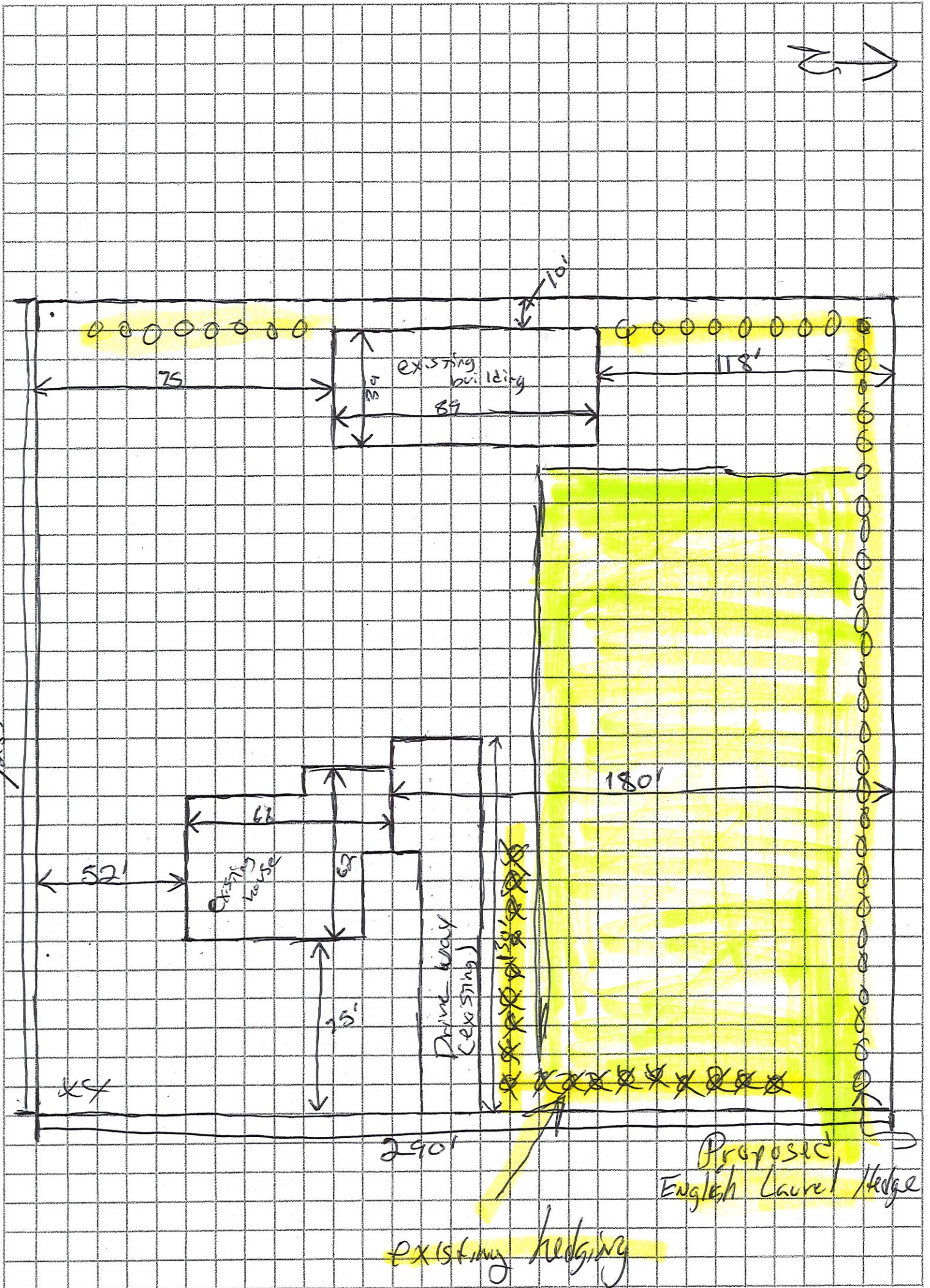
SE 16th A



PLOT PLAN

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot \_\_\_\_\_

Address: 1841 S. Ivy.



Building Permit or Building Permit Application Number: \_\_\_\_\_

**CITY OF CANBY  
HOME OCCUPATION REGULATION  
CANBY MUNICIPAL CODE 16.04.240 HOME OCCUPATION**

"Home Occupation" means a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no employees or other persons 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 un-illuminated nameplate not to exceed two (2) square feet in area (on the exterior of the building or window).
- F. All home occupations require a City Business License if the home is located within City limits.

**CANBY MUNICIPAL CODE 16.16.240 CONDITIONAL USES**

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, may be allowed with a Conditional Use Permit.

- 1. A Conditional Use Permit Application fee is \$2,080.00
- 2. All Conditional Use Applications must go before the City of Canby Planning Commission

**HOME OCCUPATION BUSINESS LICENSE AFFIDAVIT**

I, Brian Christensen, being an applicant for a business license in the City of Canby, OR, do hereby state and formally declare that I have read and do understand the regulations governing home occupation businesses. Further, I hereby swear to conduct my business at all times within the rules and regulations as set forth in Ordinance 16.04.240 of the Canby Municipal Code. I understand that the City may revoke my business license at anytime if I fail to comply with all applicable ordinances.

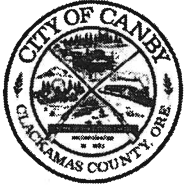
Business Name: Roof Masters Inc

Signature: [Signature]

Address: 1841 S Ivy St Canby, OR 97013

Date: 9/24/2019

If you have questions regarding Home Occupancy Regulations, please contact the City of Canby Development Services Department at 503.266.7001.

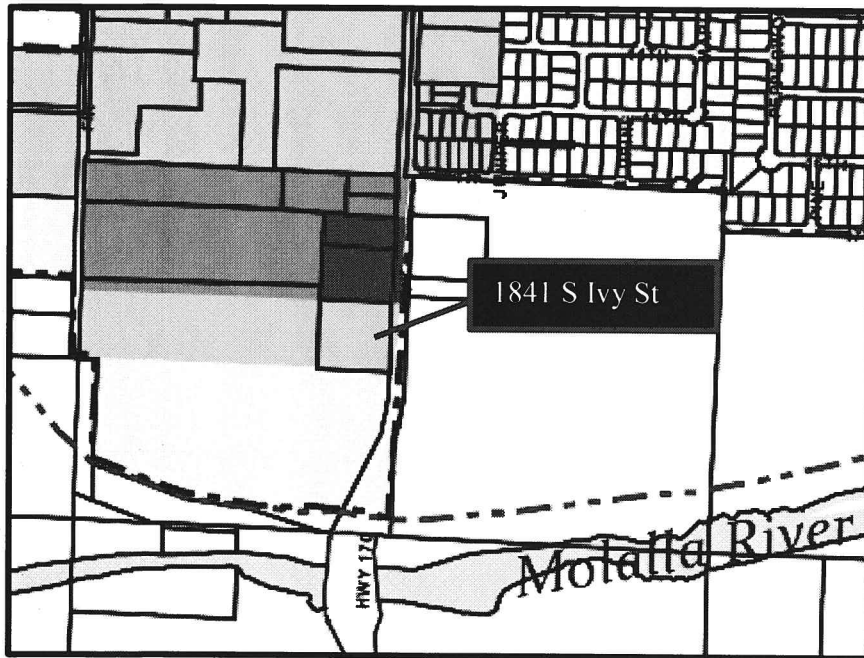


# City of Canby

**PUBLIC HEARING NOTICE &  
REQUEST FOR COMMENTS FORM**  
City File No.: CUP 19-02  
Project Name: TO ALLOW ROOF MASTERS,  
INC. TO HAVE A HOME OCCUPATION  
**PUBLIC HEARING DATE: PLANNING  
COMMISSION - Monday 10/28/19**

The purpose of this Notice is to invite you to a Planning Commission Public Hearing and to request your written comments regarding a Conditional Use Permit (CUP 19-02). Applicant proposes to operate Roof Masters, Inc. business use as a home occupation in a residential zone located at 1841 S Ivy Street in an existing developed home and accessory structures in which nonresidential storage of roofing materials will occur.

The Public Hearing is scheduled for Monday, October 28, 2019, 7 pm, in the Council Chambers, 220 NE 2<sup>nd</sup> Ave, First Floor.



**Location:** 1841 S Ivy St (See property on map at left).

**Tax Lots:** 41E04D 01600

**Lot Size & Zoning:** 1.93 Acres, zoned R 1.5 Medium Density Residential

**Property Owners:** Brian Christensen

**Applicant:** Brian Christensen

**Application Type:** Conditional Use Permit, Type III

**City File Number:** CUP 19-02

**Contact:** Bryan Brown, Planning Director at 503-266-0702 or [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

**Comments due** – If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, October 16, 2019.

**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 and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing. Written comments may be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; delivered in person to 222 NE 2<sup>nd</sup> Ave; or emailed to [PublicComments@canbyoregon.gov](mailto:PublicComments@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 will be available for inspection starting Friday, October 18, 2019, and can be viewed on the City’s website at: [www.canbyoregon.gov](http://www.canbyoregon.gov). Copies are available at \$0.25 per page or can be emailed to you upon request.

**Applicable Canby Municipal Code Chapters:**

- 16.04.240 Home Occupation
- 16.08 General Provisions
- 16.18 R-1.5 Medium Density Residential Zone
- 16.42 Signs
- 16.50 Conditional Uses
- 16.89 Application & Review Procedures

**Please 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 –COMMENT FORM

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

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 222 NE Second Street  
**E-mail:** [PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov)

Written comments to be included in Planning Commission packet are due by Wednesday, October 16, 2019. Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

**Application: CUP 19-02 Brian Christensen – Home Occupation in residential area**

**COMMENTS:**

SINCE THERE IS NO LAND USE ACTION IS REQUIRED, WE HAVE NO COMMENTS ABOUT THE PROCEEDINGS.

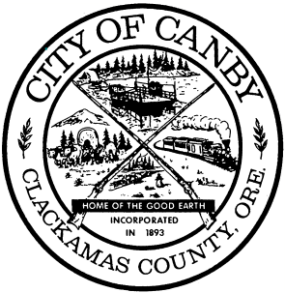
NAME: HASSAN IBRAHIM  
EMAIL: haci@Curran-mcleod.com  
ORGANIZATION/BUSINESS/AGENCY: CMI  
ADDRESS: 6655 HAMPTON ST, SUITE 210  
PHONE # (optional): 503 684 3478  
DATE: 10/10/2019

PLEASE EMAIL COMMENTS TO  
[PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov)  
  
*Thank You!*

**AGENCIES: 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
- No Comments

NAME: \_\_\_\_\_  
AGENCY: \_\_\_\_\_  
DATE: \_\_\_\_\_



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

**A REQUEST FOR A CONDITIONAL  
USE PERMIT FOR A HOME  
OCCUPATION IN A RESIDENTIAL  
ZONE**

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)  
)  
)

**FINDINGS, CONCLUSION & FINAL ORDER  
CUP 19-02  
ROOF MASTERS, INC.**

**NATURE OF APPLICATION**

The applicant is seeking approval of a Conditional Use Permit to allow a home occupation to primarily provide an address for his Roof Masters, Inc. mail service and office business needs. He has indicated in his application that vendor materials for the roofing jobs are delivered to the roofing locations – not the office – but that left over materials are to be brought and stored at the home-based office location. These materials consist of shingles, plywood, and assorted metal flashings. It appears that occasional business vehicles may also be parked on the property in consideration of the gravel that has been placed on the north end of the site. There is a large shop and a few small outbuildings capable of storing the left-over materials that could keep them out of site.

The Conditional Use Permit was advised to be sought by staff when the applicant was seeking to obtain a business license for his business to operate at 1841 S Ivy Street having R-1.5 Medium Residential zoning where the provisions of the zone indicate that “home occupations which otherwise meet the strict definition of section 16.04.240, but which involve nonresidential storage of goods, or any activity which is likely to increase traffic” seek such a Permit.

**HEARINGS**

The Planning Commission held a public hearing to consider application CUP 19-02 after the duly noticed hearing on October 28, 2019. These findings are entered to document the specifics of the approval.

**CRITERIA AND STANDARDS**

**CMC SECTION 16.50.010 CONDITIONAL USES: 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.

Other Applicable Criteria:

- A. 16.04.240 Definition (Home Occupation).
- B. 16.16.020 Conditional uses in the R-1 zone.
- C. 16.18 R-1.5 Medium Density Residential Zone (see 16.16.020.I for Conditional Use Permit requirement)
- D. 16.50 Conditional Uses (As indicated to be needed by 16.16.020.I)
- E. 16.89 Application and Review Procedures

**FINDINGS AND REASONS**

The Staff Report dated October 17, 2019 was presented at the October 28, 2019 meeting of the Canby Planning Commission where written or oral testimony was received. The Planning Commission deliberated on input presented at the October 28, 2019 meeting. The Planning Commission utilized the findings and conditions listed in the staff report along with the presentation record at the public hearing to make the following findings beyond those contained in the staff report to arrive at their decision and support their recommended conditions of approval:

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**CONCLUSION**

In summary, the Planning Commission utilized the findings and suggested conditions for consideration contained in the Staff report along with the additional findings concluded at the public hearing, and noted herein to conclude that the Conditional Use application meets the applicable approval criteria and recommends that File# CUP 19-02 be approved with the Conditions of Approval reflected in the written Order below.

The Planning Commission concludes that:

1. The conditional use is in conformance with the City’s Comprehensive Plan and Land Development and Planning Ordinance subject to meeting Public Works and Building Code Standards
2. That the site can easily accommodate the proposed use.
3. That public service and utility provision to the site is available or can be made available through future extensions from the existing home or to City services at the street or an option for sewer at the rear of the property.
4. That the conditional use will not alter the character of the surrounding area in a manner which substantially limits or precludes the use of surrounding properties as they exist today or for uses permitted in the zone.

**ORDER**

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that CUP 19-02 is APPROVED with the following conditions:

1. The home occupation business owner is required to reside at least part time in the home to comply with the home occupation standards. Failure to comply with residential occupancy requirements voids the home occupation business license when located in

the R 1-5 zone.

2. The applicant shall install the proposed English Laurel Hedge as a screening measure of the gravel area and its potential business use for vehicle and/or outdoor roofing materials storage to conform to standards for a business use to not give an outward appearance of operating a business use.
3. Storage of leftover roofing materials shall be stored inside the accessory buildings to eliminate outside the appearance of a business operation. With this Conditional Use Permit it is considered preferable to allow exceeding the maximum 600 sf of business use of an accessory building over outdoor materials storage in a residential zone.
4. The Roof Master home occupation shall cease to operate at this location prior to the occupancy of planned future homes to be constructed adjacent to the west or south side of the property.
5. This Conditional Use home occupation is subject to continued compliance with all aspects of the Home Occupation regulations of Section 16.04.240.
6. The applicant shall perform a drainage analysis to determine pre-and post- run off volume and any concentration as a result of the gravel area and show that all increased runoff is handled on-site in accordance with City ordinance standards and indicated in the Chapter 4 of the Public Works design standards.
7. The applicant is bound by the approved Conditional Use Site Plan submitted with the application, with any changes requiring modification of approval in accordance with Section 16.89.100 of a minor, moderate, or major modification.

I CERTIFY THAT THIS ORDER approving CUP 19-02 ROOF MASTERS, INC. was presented to the Planning Commission of the City of Canby.

DATED this 28<sup>th</sup> day of October, 2019.

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

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

\_\_\_\_\_  
 Laney Fouse, Attest  
 Recording Secretary

**ORAL DECISION: October 28, 2019**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Andrey Chernishov</i>				
<i>J. Ryan Adams</i>				
<i>Jennifer Trundy</i>				
<i>Jeff Mills</i>				

**WRITTEN DECISION: October 28, 2019**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Andrey Chernishov</i>				
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