

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – December 12, 2016
City Council Chambers – 222 NE 2nd Avenue

- PRESENT:** Commissioners John Savory, Larry Boatright, John Serlet, Kris Rocha, Derrick Mottern
Tyler Hall, and Shawn Varwig
- ABSENT:** None
- STAFF:** Bryan Brown, Planning Director, Rick Robinson, City Administrator, and Laney Fouse,
Recording Secretary
- OTHERS:** Scott and Teresa Sasse, Greg Perez, Bev Doolittle, Mallory Gwynn

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES – None

4. PUBLIC HEARING –

- a. 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**)
This was a continuation from the November 28, 2016 Planning Commission meeting.

Chair Savory opened the public hearing and read the public hearing format.

Chair Savory asked if there were any conflicts of interest, ex parte contacts, or visits to the site to declare. Chair Savory had been to the Puddin River Chocolates store many times.

Bryan Brown, Planning Director, entered his staff report into the record. This was a request for a Conditional Use Permit and major variance for Puddin River Chocolates. He described the location and zoning of the site at 1440 S Ivy St. The property was zoned R-1.5, medium density residential. Surrounding lots had R-1 and R-1.5 and the corner lot had C-R zoning, which was a mixed use of office/retail and residential. The Conditional Use was necessary for the home based business proposed as it would be a manufacturing use for candy and baked goods. The variance directly related to the size of the building they wanted to construct, which was 1,800 square feet, as it exceeded the outright permitted accessory building size which was 600 square feet. The Commission would need to make findings that this home based business met the rest of the criteria, which was that it did not adversely impact the residential character of the property and would not be detrimental to the residential enjoyment of the adjacent properties. Staff did not make a recommendation on this application, but did have suggested conditions for approval. There was a letter from Clackamas County listing several recommended conditions as well. In addition the applicant supplied an application to Clackamas County which showed they met the first condition, providing an

application to secure an access modification for the additional driveway on this property. The County had told him they planned to approve the access modification. In staff's review, it appeared with the additional square footage of the business building that two additional parking spaces were needed. One of the conditions of a home occupation was to limit the number of employees to one additional employee who was a non-occupant. The applicant had stated they would have one non-resident seasonal employee. Staff did not think the size of the building was a problem because the property was large and was next to the C-R zoning. The new building would be a good distance from other residences. It was difficult to meet every one of the variance criterion, but it was at the discretion of the Planning Commission to make that decision. The suggested conditions of approval from staff and the County recommendations should be considered if this application was approved. Since the last meeting, one issue had come up regarding sanitary sewer services to the property. The existing home was on a water well and septic system. The new business building could connect to the well and but likely would need to connect to City services. A condition was recommended to gain approval from the County prior to issuance of a building permit if they chose to connect to the existing septic system.

Commissioner Boatright did not see a condition for two additional parking spaces. Mr. Brown said it should be added. They would also need the ability to turn around on the site and not back out onto S. Ivy.

Chair Savory asked for further clarification on the sanitary sewer issue. Mr. Brown said if they hooked up to the City sewer they would have to pay SDC fees. They could also choose to hook up to water with Canby Utility and would have to pay SDCs for that as well. They could use their current septic if staff was convinced that the septic system could handle it.

Applicants: Teresa and Scott Sasse, Canby residents, said they had an existing shop that was 24x30 which would be removed and would be replaced by a 30x60 building. It would be 1,500 square feet. It would have 10 foot eaves and would be the same color as the house. They had a 30 foot driveway and could make it 40 feet. He thought there was enough space to turn around in the driveway. There was also enough room for two more parking spots. They would like to be allowed to have one full time and one seasonal employee. There would be no retail at the site as it would be only production based. Work would be done during the day and it would not be loud. The Department of Agriculture had signed off on these plans. They had to be out of their current facility on February 28. They had not found an option for a retail and processing facility in Canby and this was what they would like to do. They were planning to use their well and use a grinder pump for the septic. If they had to hook up to City sewer and water it would cost \$30,000.

Commissioner Serlet asked if there would be any impact on their operation if Ivy Street was widened. Mr. Sasse said it had already been widened and the new building would be 85 feet from the road.

Commissioner Serlet asked what size delivery truck they used. Mr. Sasse it was the size of a metro delivery van.

Commissioner Mottern asked if there would be any adverse chemicals from the food processing. Mr. Sasse said there would be none.

Commissioner Rocha had talked with the Fire Marshall about this application and he had no concerns.

Proponent: Mallory Gwynn, Clackamas County resident, said the Sasses had been small business owners in Canby for a long time and had supported the community. He asked if they could make it as easy as possible for them to keep them in town and keep their business open. It would show the City was flexible and interested in growing Canby in a productive and profitable way.

Opponents and Neutral Testimony: None

Chair Savory asked when they would have the seasonal employee. Mr. Sasse said November through February.

Chair Savory did not think this would increase traffic and there was space for parking on the site. Mr. Brown suggested relegating the Conditional Use Permit to this particular owner only so the Conditional Use did not run with the land and pass on to the next property owner. That was Condition 6 in the staff report.

Commissioner Boatright suggested changing Condition 4 to add one seasonal employee.

Chair Savory closed the public hearing at 7:33 pm.

Commissioner Varwig said the applicants wanted to continue to do business in Canby and the Commission would be remiss not to allow that to happen.

Commissioner Serlet did not think there would be an impact to the surrounding area or on traffic. The water and sewer hook-ups were cost prohibitive. He wanted to leave the Conditional Use open so it would not impact future sale of the business.

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Rocha to approve CUP/VAR 16-02 with the conditions as proposed by staff and Clackamas County and allowing one full time and one seasonal employee. Motion passed 7/0.

5. NEW BUSINESS – None

6. FINAL DECISIONS – None

7. ITEMS OF INTEREST / REPORT FROM STAFF

Mr. Brown said the December 26 meeting was cancelled due to the Christmas holiday. He discussed what was scheduled for the January 9, 2017 meeting.

Mr. Brown read a letter to Commissioner Rocha thanking her for her service on the Planning Commission.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Chair Savory welcomed new Planning Commissioner Shawn Varwig.

9. ADJOURNMENT

Motion: Commissioner Rocha moved for adjournment, Commissioner Boatright seconded. Motion passed 7/0. Meeting adjourned at 7:46 pm.