

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:

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 the home in order to comply with the home occupation standards. Failure to comply with residential occupancy requirements voids the home occupation business license and this conditional use permit 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. There shall be no outdoor storage of roofing materials or any other materials associated with the home occupation business. All materials storage shall be within the detached accessory structure already on the subject site. The maximum allowable storage space for said business is not to exceed 600 square feet per the Home Occupation regulations found in Section 16.04.240 of the Land Development and Planning Ordinance.
4. The Roof Masters home occupation shall be limited to 24 consecutive months at the subject location. At the conclusion of the this time period, the Planning Commission shall review said permit to determine whether the continuation of the home occupation business has had any negative impacts, and/or infringed upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes per the Home Occupation regulations found in Section 16.04.240. The Planning Commission shall determine, based on information provided by staff in the form of a status report, whether said business operations may continue for another 24-months, or shall cease and desist at the subject location.
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.