

CANBY PLANNING COMMISSION MINUTES

Regular Meeting - September 10, 1990

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Commissioners Mihata, Westcott and Fenske.

II. MINUTES

Approval of the August 27, 1990 minutes was postponed to September 10, 1990.

III. COMMUNICATIONS

None

IV. UNFINISHED BUSINESS

None

V. BUSINESS FROM THE AUDIENCE

None

VI. PUBLIC HEARINGS

MLP 90-08, a request by Freda Milbradt and Edward Lemons for approval to divide a 1.26 acre parcel into five lots containing a minimum of 7,000 square feet each. Also, the applicants propose to forfeit an easement in lieu of a public street and include a minor lot line adjustment.

Rusty Klem presented the staff report. He explained that Ms. Milbradt wants to divide the virtually unused land behind the Little Learners school to create three new lots and, in addition to the two that already exist, this would create five lots. Mr. Klem reviewed the applicable criteria with

respect to this Major Land Partition. He explained that the difference between a major and minor land partition is that in a major land partition, a street is created.

The site is four feet below the surface of S. Ivy, which would require a drywell near the back of the cul-de-sac. Across the driveway from Little Learners is a home belonging to Mr. Lemons. There is an 8" sewer line on S. Ivy which is available to the present and newly created lots. There is also a water main in S. Ivy, but no water to the back of the parcel. Services would have to be extended approximately 300 (plus a 45 radius cul-de-sac) feet to the back of the parcel. The Fire Marshal would require a fire hydrant at the back of the cul-de-sac, which would require a 6 inch water line, which would have to be looped. There are two ways to loop the line - to continue the water line on to S. Holly or to S.W. 3rd. Either way would require an easement from an adjacent property owner.

The proposal does not conform to the Zoning Ordinance with regard to lot width but the Planning Commission has the authority to waive the requirement. Rather than the required 60 foot lot width, two lots are each 55 feet wide. Staff concludes that the application can be made to comply with the Comprehensive Plan and Land Development and Planning Ordinance. The overall design and arrangement of parcels are functional and provide adequate building sites, and can accommodate utility easements and access facilities that are necessary without unduly hindering the use or development of the adjacent properties. Required public facilities and services can become available through development to adequately meet the needs of the proposed land division. A private street is the only reasonable method of providing access to the rear of the parcel. Staff recommends approval with 15 conditions, which Mr. Klem explained.

Mr. Klem explained that he has penciled out street, curb, sewer, manhole and water costs, he has come up with \$68,450 to develop this piece of property. No systems development charges are included for water, sewer hook-up, street lights, cost of engineering, cost of surveying, recording fees, drywells, etc. He explained that he brought this out for Ms. Milbradt to consider, when undertaking this development

With regard to the private drive, Mr. Klem explained the intent of the condition was to ban parking on either side. He further explained that curbs and sidewalks would be required along the private street as well as S. Ivy, which is required to carry storm water. No parking would be allowed on either side of the 24' private drive. When asked if the extra six feet (the difference between a 30' private drive and a 24' private drive) could be added to the small lots to make them conform, Mr. Klem responded that it could, but that it was planned as 24 feet to try to save the existing

garage, which the applicant wanted to do. Staff has not required sidewalks on the private drive. Only curbs and gutters have been required. Mr. Klem further explained that if the public sewer was extended 300 feet with an 8" sewer main, the City would maintain it even though it is in a private street.

Applicant

Freda Milbradt explained that she purchased Mr. Lemons' property. She stated she has a broker and an attorney, and that all it takes besides them, is a lot of money to develop the property.

Neither For nor Against

Ron Berg, 203 S.W. 3rd stated that he found it incredible that there are homes not hooked up to the sewer system, which was installed in the 1950s. Mr. Berg asked if the new lots would be required to have fencing. Mr. Berg stated that he hoped the applicant was aware that the rear of the new tax lot, Tax Lot 7975, juts out about 10 feet and it appears that Tax Lot 7988 loses about the same footage, all due to the turnaround. He suggested that Tax Lot 7988 be reviewed to ensure minimum footage. Additionally, Mr. Berg stated he is in favor of private residences in the development.

Lillian Gregersen, 400 S. Holly stated that she lives at the rear of the cul-de-sac and questioned stakes which have been placed on her property. She was assured a survey would prevent any portion of her property being used for the turnaround. Mr. Klem explained that platting procedures require that a survey be monumented from the nearest monument and the property be staked to make sure the application deals only with property owned by the applicant.

Rebuttal

Freda Milbradt explained that the property has not been surveyed yet and that the stakes were, most likely, placed there by the realtor..

With no further testimony, the public portion of the hearing was closed for Commission deliberation.

Issues discussed:

1. The criteria appears to be in conflict with the Goal to help Canby grow in an orderly manner.

2. That the project hardly appears cost effective and that the costs appear prohibitive.
3. The three lots that are below the minimum requirements.
4. That one lot has a lot of frontage, but very little depth and might be very difficult to develop using accepted development standards.
5. The proximity to Township. This site is exactly 125 feet, the accepted minimum distance.
6. The development, as proposed, does not meet Criteria E. To meet it, the private street would have to become public and meet minimum width standards. Such width would cause the long, narrow lots to become even more narrow.
7. A PUD Overlay and its relationship to development costs. Mr. Klem explained a PUD is the most complicated route toward development, although it is more flexible. A benefit of the PUD would be to shift the density, but open space would then be required.
8. The connection between the economic housing, land use and urban growth elements of the Comprehensive Plan. Once one is out of balance, the Economic Element is out of balance.
9. Meeting Criteria D and E.
10. That the applicant might get some professional help to consider some of the issues discussed by the Commission, and come back with a proposal that successfully meets Criteria D and E (Homeowner's Association, maintenance of roads, maintenance of lift station, etc.).
11. The water looping system. Possible testimony from neighbors who will be hooked up through the system (how it will happen, easements, etc.).
12. More information is necessary regarding the provision of sewer system.

Commissioner Mihata moved to deny MLP 90-08 based on the conflict with Criteria D (it must be demonstrated that all required public facilities and services are available or will become available through the development to adequately meet the needs of the proposed land division)

and E (referring to the private street having to warrant partitioning it to over two parcels, where there are four or five now), with the suggestion that a future application take the Commission's concerns into consideration. The application fee for the future application on this site will be waived. Commissioner Fenske seconded the motion and it carried unanimously.

VII. FINDINGS

Commissioner Mihata moved to approve VAR 90-03 Findings, Conclusions and Order. Commissioner Westcott seconded the motion and it carried unanimously.

Commissioner Fenske moved for approval of MLP 90-09 Findings, Conclusions and Order. Commissioner Mihata seconded the motion and it carried unanimously.

VII. ADJOURNMENT

With no further business before the Commission, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,



Joyce A. Faltus