

AGENDA

CANBY PLANNING COMMISSION

**REGULAR MEETING
City Council Chambers**

April 8, 1991 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

March 11, 1991
March 18, 1991

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. NEW BUSINESS

VI. FINDINGS

MLP 91-01 (Laitinen)
CPA 91-03 - H.O.P.E.

VII. PUBLIC HEARINGS

MLP 91-02, a request by Arthur R. and Lynn M. Olsen for approval of a minor land partition to create one 10,920 square foot lot and to create a flag lot containing 13,920 square feet (including the driveway). The property is located at 1059 N. Locust Street, between N.E. 10th Avenue and N.E. 12th Avenue (Tax Lot 1500 of Tax Map 3-1E-33BA).

VIII. ADJOURNMENT

The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Kurt Schrader, Chair
Linda Mihata, Vice-Chair
John Zieg

Wade Wiegand
Robert Westcott
Henry Fenske



MEETING TIMELINES AND PROCEDURES

- *In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:*
 - Applicant (or representative[s]) - not more than 30 minutes*
 - Proponents - not more than 10 minutes*
 - Opponents - not more than 10 minutes*
 - Rebuttal - not more than 20 minutes*

- *Everyone present is encouraged to testify, even if it is only to concur with previous testimony. For more complete presentations, Proponents and Opponents may "buy" time from one another. In so doing, those either in favor, or opposed, may allocate their time to a spokesperson who can represent the entire group.*

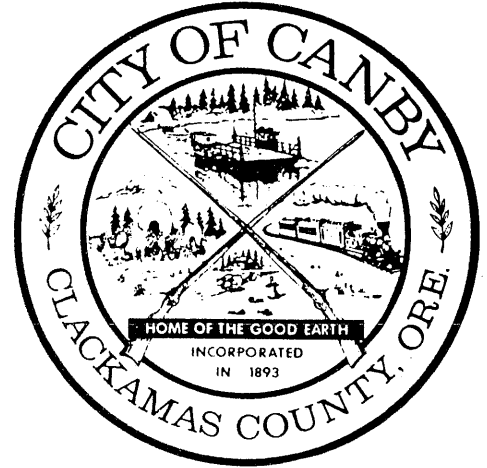
- *All questions must be directed through the Chair.*

- *Any evidence to be considered must be submitted to the hearing body for public access.*

- *All written testimony received, both for and against, shall be summarized by staff and presented briefly to the hearing body at the beginning of the hearing.*



- S T A F F R E P O R T -



APPLICANT:

Arthur R. and Lynn M. Olsen

FILE NO.:

MLP 91-02

OWNER:

Arthur R. and Lynn M. Olsen

STAFF:

Robert G. Hoffman, AICP
Director of Planning

LEGAL DESCRIPTION:

Tax Lot 1500 of
Tax Map 3-1E-33BA

DATE OF REPORT:

March 29, 1991

LOCATION:

1059 N. Locust Street

DATE OF HEARING:

April 8, 1991

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1

I. APPLICANT'S REQUEST:

The applicant is requesting approval to divide an 0.57 acre lot into two parcels containing approximately 10,920 and 10,800 square feet, respectively.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the land development and planning ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. No minor partitions shall be approved where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels;
- E. 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.

III. OTHER APPLICABLE CRITERIA

- A. 16.56 General Provisions (for land divisions)
- B. 16.60 Major or Minor Partitions
- C. 16.62 Subdivisions - Applications
- D. 16.64 Subdivisions - Design Standards
- E. 16.64.040 - Lots Related to Flag Lots:

Flag Lots or Panhandle-shaped Lots

The Commission may allow the creation of flag lots provided that the following standards are met:

- a. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site.
- b. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use.
- c. For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.
- d. Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The Commission may establish special setback requirements at the time of approving the creation of flag lots.

IV. FINDINGS:

A. Location:

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1500 of Tax Map 3-1E-33BA. The property consists of approximately 0.57 acres, with 90 lineal feet of frontage along N. Locust Street. The entire area is zoned R-1, Low Density Residential.

The lot is currently occupied by a single-family house addressed as 1059 N. Locust Street. There is room for adequate yards if the minor partition is granted. Property to the rear has recently been developed with two new homes, one located on a flag lot. Homes also occupy the parcels on each side.

B. Conformance with the Text and Maps of the Comprehensive Plan and Other Ordinances:

1. The Canby Comprehensive Plan map shows the general area of the subject property located in a Low Density Residential District, as are all adjacent parcels.

Comment: Land division, as proposed, and development of the flag lot with a single family home or other permitted R-1 use, would be consistent with this designation.

2. The Residential Lands Policy No. 2 (page 140, Canby Comprehensive Plan) states the following:

POLICY NO. 2: CANBY SHALL ENCOURAGE A GRADUAL INCREASE IN HOUSING DENSITY AS A RESPONSE TO THE INCREASE IN HOUSING COSTS . . .

IMPLEMENTATION MEASURES: Continue to allow for a variety of lot sizes within residential zones with the overall average equaling the minimum square footage requirement.

Comment: Land division, as proposed, would help to implement this policy and implementation measures. Given the location of the existing house, zoning pattern, and the need for an access drive, only two lots are considered feasible.

C. Compliance with All Other Applicable City Ordinances:

1. Section 16.60.030 of the Canby Municipal Code requires all public facilities and services be available, or made available through the development of the property.

Comment: In most cases, services will have to be extended to serve the rear parcel of property proposed to be created. This will need to be a condition of approval.

a. Sewer

The City has a sewer line in N. Locust Street. It is approximately 12 feet deep. Easements will be necessary to serve each lot. There are no known sewer capacity problems in this part of the City.

b. Water

The water system is operated by Canby Utility Board. Capacity is available in the system. There is a 4 inch line in N. Locust Street.

c. Electricity

The electrical system is owned and operated by the Canby Utility Board. Service to the newly created parcels can be obtained. The expense of extending those services will be borne by the applicant.

d. Fire

The existing parcel is presently served by Fire District No. 62. The proposed parcels can easily be served, as well.

e. Police

The City provides police protection to the area and can easily serve the proposed parcels.

f. Storm Drainage

All on-site storm water will be dealt with on site and not discharged to the City system. This proposal does not add any additional street area to be drained. There is a catchbasin in N. Locust Street at 10th and Locust and at 12th and Locust.

2. Street/Traffic

Canby's ordinance requires that any newly created parcels have access to a public street. The two parcels are proposed to have access to N. Locust Street by way of a 20 foot wide paved drive and a reciprocal access easement. Sidewalks are not present. N. Locust Street is an existing local street in the Comprehensive Plan. It is currently a 40 foot right-of-way. There are no plans for widening.

Note: The enclosed form indicates where "Request for Comment" sheets were routed. Additionally, we have noted which agency has replied. Any comments received by the due date, have been incorporated into this report.

D. Overall Design of Parcels

The partition as proposed will result in the creation of two rectangular lots consisting of approximately 10,920 and 10,800 square feet, respectively. The applicant will be required to provide any necessary easements for utilities as a standard condition of approval. A reciprocal access easement, 20 feet in width, is proposed to serve the two lots.

The subject property is generally flat, with room for building and required setbacks and yards. The parcel is zoned R-1, Low Density Residential, and each parcel is large enough to provide the required development space and yards. The driveway, as proposed, is adequate, and turning movements will be provided.

V. CONCLUSION

1. Staff finds that the partition request is in conformance with the Comprehensive Plan Map and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for two single family structures.
3. Staff concludes that the partition will have adequate frontage on a public street to insure safe and efficient access for two single family structures.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division, provided that conditions deal with easement and sidewalk needs.

VI. RECOMMENDATION

Based upon the findings and conclusions in this report, the information submitted by the applicant, and the additional information contained in the file (and without benefit of public hearing), staff recommends approval of MLP 91-02, subject to the following conditions:

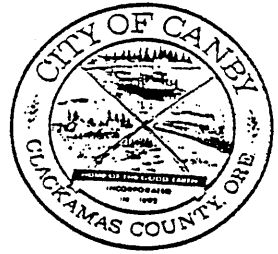
1. The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
2. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.

3. Utility easements, a minimum of 6 feet in width, shall be provided on the exterior and interior lot lines of each lot in the proposed development and 12 feet along the street.
4. A final plat, modified to illustrate the conditions of approval, shall be submitted to the Director of Public Works for review and approval. The final plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 91-02.
5. Plans to extend the sewer shall be approved for construction by the Director of Public Works, prior to the issuance of any building permits on the site.
6. All monumentation and recording fees shall be borne by the applicant.
7. All utilities must meet the standards and criteria of the providing utility authority.
8. A reciprocal agreement to share the driveway shall be made a part of the final partition.
9. A sidewalk shall be provided prior to occupancy of the home on the rear lot.
10. A minimum distance of 5 feet shall be maintained at all times between the existing home and required 20-foot wide paved driveway and the garage shall be located at least 3 feet from the driveway. The location of the existing buildings shall be indicated on the survey drawing.

Exhibits:

1. Application
2. Site Plan

300.00
\$150.00



MINOR LAND PARTITION APPLICATION

OWNER

APPLICANT

Name Arthur R. & Lynn M. Olsen
Address 1059 North Locust St.
City Canby State OR Zip 97013

Name SAME
Address _____
City _____ State _____ Zip _____

SIGNATURE _____

Phone 263-8445

DESCRIPTION OF PROPERTY

Tax Map 3-1E 33BA Tax Lot(s) 1500 Lot Size 24840 S.F.
(Acres/Sq. Ft.)

or
Legal Description, Metes and Bounds (Attach Copy)
Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2 x 11 sheet of labels, just as you would address an envelope.

USE

Existing Residential Proposed Residential
Existing Structures Framehouse & detached garage

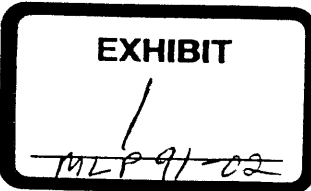
PROJECT DESCRIPTION

Applicant proposes to create a flag lot on the west 120 feet of Tax Lot 1500. All utilities are available on North Locust and will be extended by applicant. A reciprocal access easement would be used for the pole portion to allow access to the existing garage.

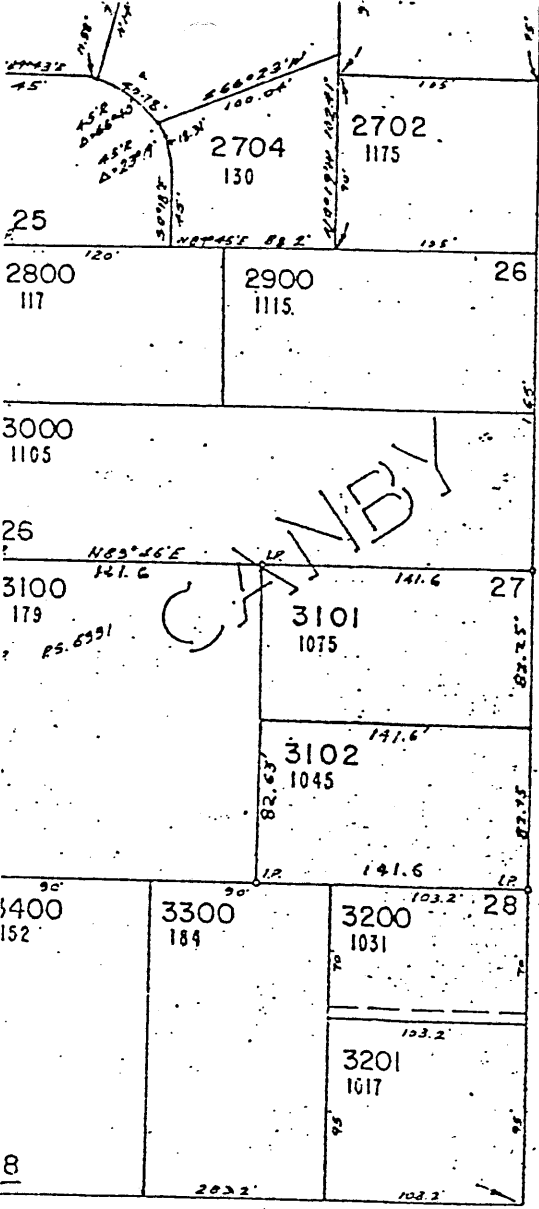
ZONING R-1 COMPREHENSIVE PLAN DESIGNATION R-1

PREVIOUS ACTION (if any) _____

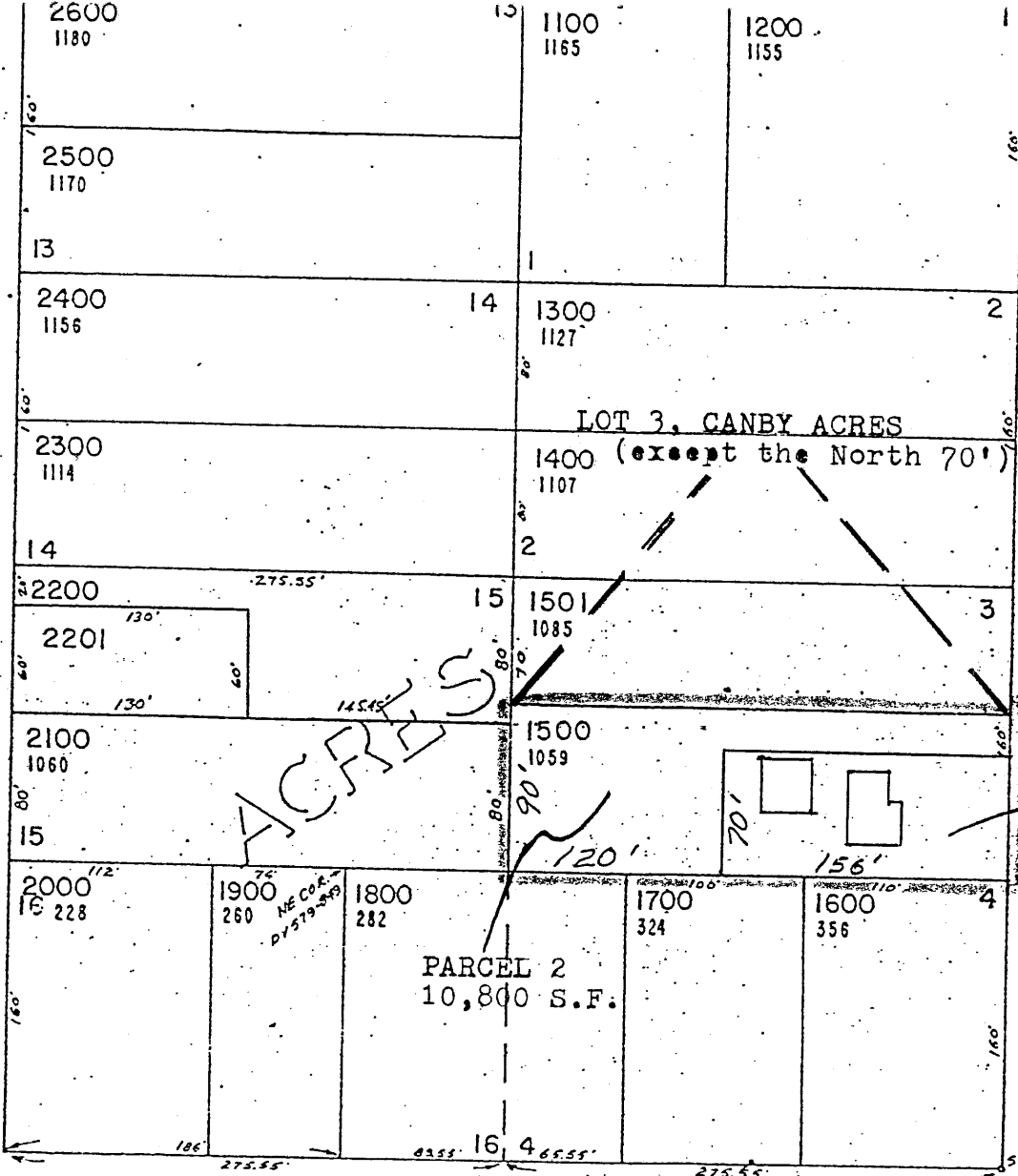
File No. MLP 91-02
Receipt No. 1301
Received by [Signature]
Date Received 3/1/91
Completeness Date _____
Pre-Ap Meeting _____
Hearing Date _____



* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

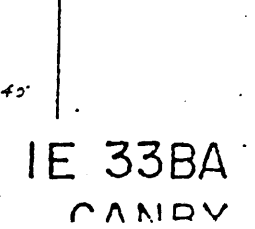
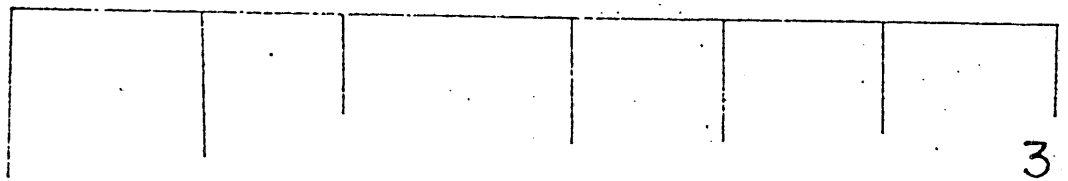
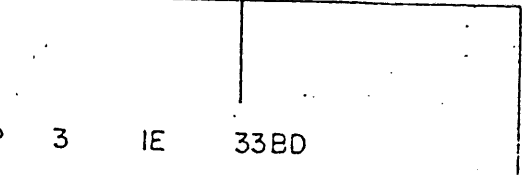


NORTH JUNIPER STREET (5TH STREET)



NORTH LOCUST STREET

(WAIT AVE.) N.E. 10TH AVE.



SEE MAP 3 IE 33AB

