

AGENDA

**CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers**

September 10, 1990 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

August 27, 1990
September 6, 1990

III. COMMUNICATIONS

IV. UNFINISHED BUSINESS

V. BUSINESS FROM THE AUDIENCE

VI. PUBLIC HEARING

MLP 90-08, a request by Freda Milbradt for approval to divide a .59 acre parcel into three parcels and eliminate the 20' x 145' easement for Tax Lot 7700 of Tax Map 4-1E-4AB in favor of a public road dedicated to the City of Canby, to be 30' wide. The property is located on the west side of S. Ivy Street, north of S. 6th Avenue.

VII. FINDINGS

VAR 90-03 - Hoffman Video
MLP 90-09 - JoAnn C. Hamilton
ANN 90-04 - Doug Sprague

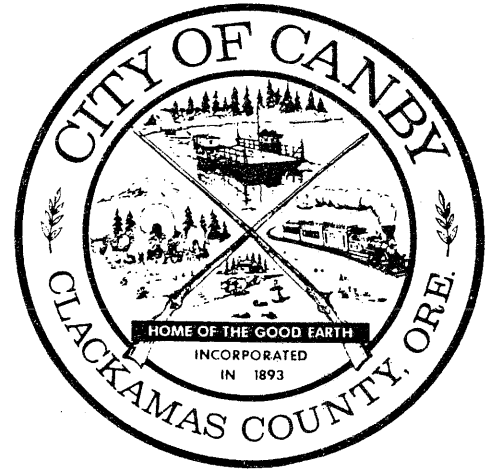
VIII . ADJOURNMENT

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

Kurt Schrader, Chair
Don Bear
Linda Mihata
John Zieg

Wayne Wiegand
Robert Westcott
Henry Fenske

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



APPLICANT:

Freda Milbradt
Edward Lemons

FILE NO.:

MLP 90-08

OWNER:

Freda Milbradt
Edward Lemons

STAFF:

Rusty Klem, Public Works Director

LEGAL DESCRIPTION:

Tax Lot 7600 and 7700
Tax Map 4-1E-04AB

Tax Lot 5900 of
Tax Map 3-1E-33CD

DATE OF REPORT:

September 4, 1990

LOCATION:

421 S. Ivy

DATE OF HEARING:

September 10, 1990

COMP. PLAN DESIGNATION:

Residential/Commercial
Low Density Residential

ZONING DESIGNATION:

C-R, Residential/Commercial
R-1, Low Density Residential

I. APPLICANT'S REQUEST:

The applicants are requesting 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.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Major 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. 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.
- E. A private street to be established by deed without full compliance with these regulations may be approved by the Commission provided it is the only reasonable method by which the rear portion of an unusually deep parcel, of a size to warrant partitioning into not over two parcels, may be provided with access. In no case, however, shall the use of a private road be approved for partitioning 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.
- F. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions except, however, the Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
 - 1. The establishment of the public street is initiated by the Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
 - 2. The tract in which the street is to be dedicated is a major partition within an isolated ownership of not over one acre or is of such size and characteristic as to make it impossible to develop building sites for more than three dwelling units.

III. FINDINGS:

A. Location:

The subject property is located behind Little Learners at 421 S. Ivy, between S. Holly and S. Ivy and between S.W. Second and S.W. Sixth.

B. Site Characteristics:

The site is flat with only a few bushes on it. The elevation of the lot is approximately four feet lower than the elevation of S. Ivy.

C. Land Use:

The front portion of Tax Lot 5900 of Tax Map 3-1E-33CD is the present location of Little Learners Day School. Tax Lot 7600 of Tax Map 4-1E-4AB presently has a single family rental house on it. The remainder is virtually an unused field.

D. Public Facilities and Services:

1. **Sewer.** There is an 8" sewer line in S. Ivy. It is nine feet deep so, given the fact that the street is already four feet higher than the property, the sewer is effectively five feet deep. The sewer line, as proposed, will be an 8" line. The minimum slope of an 8" line is 1/8" per foot. The length of the main will be 300 feet, so there will be 3.13 feet of rise. The cover at the end of the main will be only 1.87 feet. From the end of the main, the back lot needs approximately 110 feet of lateral and there is not enough depth for a gravity system to work. The provision of sewer services does not appear to be cost effective, given the information we have, at this time. We will not accept a public pumping system for this sparse number of lots. Additionally, we need more information to approve a private pumping system.
2. **Water.** There is a water main in S. Ivy. Available quantities are sufficient to easily accommodate the demand from three additional lots.
3. **Fire.** The road and cul-de-sac, as proposed, are suitable for fire-fighting equipment to access the development. A fire hydrant is necessary to serve these lots and it must be served with a 6-inch looped line. There are two options for looping the system, but both require easements from an adjacent property owner. It can either be extended west to S. Holly, or north to S.W. Third Avenue. We must have completed documents prior to final approval of this partition.

4. **Electricity** will be provided by underground feed.
5. **Police.** The proposed partition is well within the existing limits and the service area of the Canby Police Department.
6. **Storm.** Canby's storm water is handled by drywells and, in this case, we will need one near the end of the proposed cul-de-sac. The drywell must meet the approval of the Canby Public Works Director.
7. **Street/Traffic.** The arterial that will carry the added load from this development is S. Ivy, or Highway 170. It is in good shape, but will need curb and sidewalk improvements along the entire frontage. The cul-de-sac has a sufficient radius. The design and construction specifications must be approved by the Public Works Director. The proposed width of the street is 30 feet, which is inadequate for on-street parking.

E. Compatibility with the Comprehensive Plan:

1. There are several segments of the Comprehensive Plan that encourage increases in density. They are:
 - Policy #1, Measure H - Land Use Element
 - Policy #1, Measure I - Land Use Element
 - Policy #2, Land Use Element
 - Policy #2, Measure E - Land Use Element
 - Policy #2, All Measures - Housing Element
 - Policy #4, Housing Element
2. Policy #3 - Land Use Element and Measures B and C apply in that the expense involved in providing services will be extremely costly, and the recovery of such expense difficult.
3. This parcel is partially in Area of Special Concern "C". The notations in that area read as follows:

Area "C" includes all of the property shown on the Land Use Map within the "Residential-Commercial" category and having frontage on S. Ivy Street. Ever-increasing traffic on S. Ivy Street necessitates special treatment for access, especially where commercial or multi-family residential development occurs. The site plan review process shall be used to assure that strict adherence to parking and access requirements are maintained. Portions of this area which have already been zoned R-2 and developed residentially will be allowed to remain in R-2 zoning. C-R zoning has begun to be used as individual applications for zone changes

have been processed. There is no reason to attempt to hasten this transition process because residential uses can eventually be converted to mixed residential/commercial use.

4. Policy #4 - Transportation Element addresses the need for sidewalks whenever possible.
5. Policy #6 - Transportation Element deals with the adequacy of road for emergency response.
6. Policy #1, Measure A - Public Facilities and Services addresses the benefits of preconstruction meetings.

F. Compatibility with City Ordinances:

1. Chapter 16.16, R-1 Low Density Residential Zone, of the Canby Municipal Code, assigns some development criteria for a portion of the property. Staff concludes that all provisions of this chapter have been met.
2. Chapter 16.24, C-R Residential/Commercial Zone of the Canby Municipal Code, sets development criteria for a portion of the property. Staff concludes that the proposal does not meet section 16.24.030(B) of this chapter, which requires that all lots be at least 60 feet wide. The proposal includes two lots which are 55 feet wide.
3. Chapter 16.60, Major or Minor Partitions, regulates the major and minor partition procedure and refers to Chapter 16.64 for design standards. Staff concludes that all provisions of this chapter have been met.

IV. CONCLUSION:

Based on findings presented in this report, staff concludes that, by the application of certain conditions:

1. The application can be made to comply with the text and the applicable maps of the Comprehensive Plan.
2. The application can be made to comply with all other requirements of the Land Development and Planning Ordinance.
3. 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.

4. All required public facilities and services can become available through development, to adequately meet the needs of the proposed land division.
5. A private street is the only reasonable method of providing access to the rear of this parcel.

IV. RECOMMENDATION:

Based upon the findings and conclusions in this report, staff recommends approval of MLP 90-08, subject to the following conditions:

1. The street shall be a 24 foot private drive with curbs and a circular 45 foot radius turnaround.
2. Parking on the private street shall be prohibited to accommodate emergency access at all times.
3. A fire hydrant shall be installed and served with a 6 inch looped water line. The easement shall be obtained and clearly depicted, prior to final approval.
4. The method for providing sewer to the proposed parcels shall be engineered and approved by the Public Works Director, prior to final approval.
5. A stop sign shall be provided, at the applicant's expense, at the intersection of the private drive and S. Ivy Street.
6. The lot line adjustment shall be completed to insure Tax Lot 7600 meets the 7,000 square feet minimum requirement.
7. Easements, 12 feet in width, shall be provided on the exterior of the proposed development and six feet on all other property lines.
8. A final plat, modified to illustrate the conditions of approval, shall be submitted to the Public Works Director for review and approval. The final plan shall reference this land use application - City of Canby, Planning Department, File No. MLP 90-08.
9. The applicant shall provide a survey (final partition plat) prepared by a registered engineer or licensed surveyor. The final plat shall be registered with the Clackamas County Surveyor's office and recorded with the Clackamas County Clerk, in compliance with all applicable 1990 State and County Survey and Recording Standards.
10. Deeds and legal descriptions for the two new tax lots shall be prepared and recorded with the Clackamas County Recorder.

11. A copy of the recorded survey, or a set of the official recording numbers, shall be provided to the Canby Planning Department.
12. All monumentation and recording fees shall be paid by the applicants.
13. Curbs and sidewalks along S. Ivy shall be part of this development along the entire frontage owned by the applicants.
14. If it is found the existing business and home are not connected to the sewer, they shall be connected as part of this development.
15. Development of this proposal must be preceded by a preconstruction conference.

NOTE: My initial estimates indicate that this will not be a cost-effective development. The cost of needed improvements may not be recouped with the sale of the lots. I am presently gathering additional information regarding the matter.

Exhibits:

- A. Site Plan
- B. Vicinity Map

OPTION # 3

CITY OF CANBY

PROPOSED LAND PARTITIONS

3 LOTS - T4S, R1E, Sec. 4AB, Tax Lot 7700
2 LOTS - T3S, R1E, Sec. 33DC, Tax Lot 5900

OWNER: Freda Milbrandt 421 S. Ivy, Canby, Oregon 97013

