

SHERWOOD PLANNING  
COMMISSION  
AGENDA

Tuesday, March 16, 1982  
7:00 pm

- I. Reading and Approval of Minutes of March 7, 1982.
- II. Announcements and Correspondence.
- III. MP-82-01  
A request by Clara Sanders for a minor land partition affecting  
Tax Lot 2S132 AC: 1800 located at Pine St. and Division St.
- IV. Next Meeting Agenda.

# **APPROVED MINUTES**

Planning Commission

March 16, 1982

The Sherwood Planning Commission was called to order by Chairman Gene Stewart. All members were present.

- I. The minutes of March 7, 1982 were approved.
- II. There were no announcements or correspondence.
- III. MP-82-01 - A Request by Clara Sanders for a Minor Land Partition Affecting Tax Lot 2S1 32AC : 1800 Located at Pine St. and Division St.

Mr. Clyde Sanders declared a conflict of interest and removed himself from the Commission.

Mr. Dugdale passed out a graphic showing the lot.

Mr. Stewart called for proponent testimony. Mr. Clyde Sanders, speaking for Mrs. Clara Sanders, said the proposal is outlined in the map included with the staff report and is to create a separate lot on which a dwelling is proposed. He said there is more than ample space for a dwelling. Mrs. Sanders desires to get out from under the burden of a large house and to move into a smaller residence with a second dwelling on the lower part of the house similar to a daylight basement. Mr. Sanders said they were in accord with some of the staff recommendations. He pointed out Vista is not a dedicated street. Vista is used by an apartment complex and two houses. He said he was unsure what the 40' utility easement meant and requested an explanation. On staff recommendation No. 3, he said the owner is willing to give a waiver of remonstrance with the exception there would be no way of tying the remonstrance to the portion of SE Division St. that lies adjacent to the property. He said applicant is agreeable to providing a registered survey to the City. On staff recommendation No. 1, he said it is our opinion that Mrs. Sanders would be unwilling to dedicate any additional right of way because by taking 20' from the shoulder of Division St., it would cut off completely any access from Division or Pine. It would wipe out the hedge that has been there for about 30 years; it would wipe out a stately row of weeping birch; it would wipe out 1/3 of one car bay in the garage. Mrs. Sanders does not feel that this is a reasonable approach to widening Division St. If the City would analyze the traffic on Division they would come up with a one way street. Tile could be installed on the south side of the street and paved over. He said it appears that this is an infringement on private

property, and that the only way for the City to acquire it would be through condemnation. The lot Mrs. Sanders wants to create does not abut Division. The commission discussed at some length the widening possibilities of Division St. Mrs. Sanders felt there were several feet on the south side that could be utilized as road way if the City would put in some drainage tile.

Mr. Dugdale clarified the 40' utility easement request. He said the 40' referred to is a 40' wide easement. The 40' wide easement refers to the dedication survey described in the handout and supplied by the applicant. The City Public Works Department reports a 2" water line lies in Vista. Mr. Sanders disagreed. He maintains no utilities are in Vista. The City does not seek dedication of Vista because it is not an improved street.

Mr. Dugdale pointed out the code requirements of dedication of street right of way and waiver of remonstrance. Mr. Sanders felt since the tax lot being created does not abut Division St., the code requirement should not apply. Mr. Dugdale said the City provides a network of support services, regulates land development and is under no compulsion to approve further development of land unless it makes certain findings concerning the adequacy of facilities and services serving that land. In this case, the code applies to the adequacy of access to newly developed land. Mr. Sanders maintained there is no access on Division St. Mr. Dugdale said the Sanders have over a period of years benefitted from the subdivision of land without benefit of standard street access.

Mr. Dugdale said 20' was suggested so the City would have the option of developing a street section that would match the intersections of Division and Lincoln Streets. If that option was exercised, the owner of that property would be compensated for the land and the improvements.

Mr. Dugdale said from the edge of the right of way to the garage is about 16' and from the edge of the right of way to the house is about 36' so that a compromise might be to pickup 15' which would not encroach on the garage and yet provide 35' of right of way. Mr. Sanders contended that if Division St. was widened, it would eliminate access to the existing house. Mr. Dugdale said when the City decided to improve the street, the City would have to provide access to the house.

Mr. Stewart expressed concern for future owner of the current residence being made aware of the possibility of condemnation for right of way. Mr. Galbreath said he felt uncomfortable requiring dedication without compensation. Mr. Dugdale felt the right to divide and develop was a compensation.

Mr. Stewart felt the same rules should apply to one lot developments that apply to 50 lot developments.

Mr. Sanders said the applicant also refuses the waiver of remonstrance on Division St.

Mrs. Gothie moved this item be tabled to the next meeting. Mr. Tobias seconded. The motion carried.

The meeting was adjourned.



Polly Blankenbaker  
Polly Blankenbaker  
Recorder

Minutes transcribed from tape.