

**CANYONVILLE PLANNING COMMISSION MINUTES
REGULAR SESSION
JANUARY 11, 2023**

I. Call to Order and Pledge of Allegiance:

Commissioner Emory called the meeting to order at 7:00 p.m. and all joined in the Pledge of Allegiance.

II. Roll Call:

COMMISSION PRESENT: Chairman Emory, Commissioners, Hill, Butler and Sales.

COMMISSION ABSENT: Commissioner Hopkin

STAFF PRESENT: Planner Evans

STAFF ABSENT: None

III. Approval of the minutes: December 14, 2022

Commissioner Sales moved and Commissioner Butler second a motion to approve the minutes of December 14, 2022. All voted yes. Motion passed

IV. Agenda Review/Additions:

None

V. Public Hearings:

1. Lot line adjustment and partition for William Bowlby property located directly behind 675 W. First (AKA: Canyonville Riddle Road)

*Chairman Emory inquired if any Commissioners wished to declare exparte contact or a conflict of interest. There were none.

*Chairman Emory opened the public hearing on the Lot line adjustment and partition for William Bowlby.

*Chairman Emory called for the staff report

*Planner Evans read the hearing disclosure and recapped the following staff report.

Nature of Request:

Mr. Bowlby has two applications before the Planning Commission. The first application

is a property line adjustment to move the common lot line between TL 4901 & TL 4900 20 feet to the south. Once the property line has been adjusted the applicant proposes to partition the remainder of tax lot 4900 into three lots. Each parcel will be approximately a half acre in size.

The criteria for the approval of a lot line adjustment is slightly different than the criteria for a partition so this report has been split into two separate parts.

DECISION CRITERIA AND FINDINGS:

The following is a list of the decision criteria applicable to the request. Based on their conclusions, the Commission must approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about how the applicant will meet the criteria applicable to the request.

CRITERIA FOR A PROPERTY LINE ADJUSTMENT:

The Canyonville Municipal Code Land Use Section No. 17.24.010 provides the standards to which a lot line adjustment must conform as follows:

Criteria 1: If the proposed adjustment is in conformity with existing city development plans and zoning and building ordinances and regulations.

- 1a.** The subject properties lie within the Single Family Residential zone R1 zone. The minimum lot size for property within the R1 zone is 7,500 square feet in size. The existing developed parcel tax lot 4901 is 14,810 square feet in size and parcel 4900 is 1.5 acres. After the property line is adjusted tax lot 4901 will increase in size to 17,424 square feet and tax lot 4900 will decrease to 1.44 acres in size.
- 1b.** The subject properties for the lot line adjustment are tax lot 4901 which is developed with a single family dwelling and tax lot 4900 which is currently vacant land. The lot line adjustment will move the common property line to the south 20 feet which will increase the size of the developed lot and ensure that the parcel will meet all the required setbacks.
- 1c.** Section 18.20.070 establishes the following setbacks for the single family residential zone:

Front yard setback along an arterial or collector street is 25 feet from the property line. Side yard setback is a minimum of 5' unless the side abuts a street. Rear yard setback is a minimum of 10 feet. Approval of the lot line adjustment will make the closest structure approximately 20 feet from the property line.

Criteria 2: That adequate provisions have or will be made for the physical means of providing public utilities, such as water, sewers, power, telephones etc.

- 2a. The house on tax lot 4901 is already served with all public utilities. The vacant land currently has no utilities. However, the property line adjustment will not change the potential for utilities to tax lot 4900.
- 2b. The applicant has also submitted a partition application which will address the availabilities of utilities in detail.

Criteria 3: That streets or easements have been or will be provided for ingress and egress.

- 3a. The property line adjustment will not impact any streets or utilities. There is a proposed 25' street and utility easement shown on tax lot 4900 which is located to the west of tax lot 4901.

Criteria 4: The lot line adjustment does not result in the creation of any new lots.

- 4a. The lot line adjustment does not result in the creation of any new lots. However, it does allow for the future partitioning of the property by making the structures on tax lot 4901 conform to the zoning requirements.

Criteria 5: All resulting lots must be no more nonconforming than the original lots with respect to minimum lot area, dimensions and building setback requirements for the given zone.

- 5a. Approval of the lot line adjustment will actually make Tax lot 4901 conform to the rear yard set backs.

Criteria 6: All adjustments will occur within a given zone and are not permitted among differing zones.

- 6a. Both lots are zoned as single family residential (R1).

Criteria 7: Lot line adjustments shall not alter or impede the public right-of-way or any recorded easement.

- 7a. The access to tax lot 4900 is located along the western property line of tax lot 4901 and the proposed adjustment will not extend into the access road.

DECISION:

Approve the lot line adjustment to move the common property line between tax lot 4900 and 4901 south 20' to increase the size of tax lot 4901 to .40 acres in size.

The applicant Kim Bowlby explained to the Commission that they bought the property with the intent of increasing the size of tax lot 4901 so that Laura her sister in law could have more space between the place and the new development.

There were no additional comments regarding the property line adjustment.

Commissioner Sales moved and Commissioner Hill second a motion to approve the lot line adjustment to add 20 feet to tax lot 4901. All voted yes. Motion passed

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CRITERIA FOR MINOR PARTITION:

CRITERIA 1: If the proposed adjustment is in conformity with existing city development plans and zoning and building ordinances and regulations.

FINDINGS:

- 1a. After the property line adjustment TL 4900 will be a total of 1.44 acres and is located behind 675 First St.. It is zoned R1 which allows single family residence and manufactured homes. According to the applicant the intended use is single family dwellings.
- 1b. Currently tax lot 4900 is a flag lot with 66' of frontage on First Street. According to the partition map prepared by Ray Brown the applicant proposes to split the property into 2 new additional lots and reduce the existing lot to .51 acres. This will provide 3 new building sites.
- 1c. The Canyonville land use code requires lots within a R1 residential zone to be a minimum of 7,500 square feet in size. The proposed partition would make the smallest parcel approximately 17,000 square feet in size which would exceed the City requirements.

CRITERIA 2: That adequate provisions have or will be made for the physical means of providing public utilities, such as water, sewer, power, telephone etc.

FINDINGS:

- 2a. Chapter 17.24 Minor Land Partition section of the Canyonville Municipal Code section 17.24.010 states that adequate provision must be made for the physical means of providing public utilities such as sewer and water.
- 2b. The applicants did not address provisions for future utility in their application. The only contact staff has had with this application is through Ray Brown the

surveyor. He has stated that the applicants don't plan to make any public improvements they want to leave that issue for the future owners.

- 2c.** With the layout of the proposed partition the actual lots will not front on a street with water and sewer available. The closest water and sewer lines are on Canyonville Riddle Rd. which is over 300 feet away from the last lot of the partition.
- 2d.** There is a 10" water line on the north side of Canyonville Riddle Rd. and an 8" line which serves Knoll Terrace. The developers would need to connect into the 10" line and place a meter manifold on the south side of Canyonville Riddle Road. The installed service must be adequate to serve the future development of the 3 lots.
- 2e.** The City will only be responsible for the maintenance of the line and water pressure from the main line to the meter box. It will be the property owners responsibility to determine if they have adequate water pressure to their home or if a booster pump is necessary.
- 2f.** There is an 8" sewer line which runs on the south side of Canyonville Riddle Rd. The closest sewer manhole is located slightly west of this property and serves Knoll Terrace. However, the subject property has no sewer connection into the sewer system. In order to serve 3 dwellings a sewer manhole would need to be constructed.
- 2g.** In order to meet criteria 2 the partitioner will need to submit public improvement permit for review and approval by the City. The developer is required to hire a licensed plumber or contractor to perform the work and is responsible for all the costs associated with the public improvement.
- 2h.** The buyers will be required to install at their own expense an individual water and sewer line from the home to the meter and sewer manhole. Connection to the sewer manhole will require a public improvement permit. No lots may share water or sewer lines unless the developer extends the City water and sewer lines. Mainline extension must be engineered and approved by the City Engineer, Department of Environmental Quality and Oregon Health Drinking Water division.
- 2i.** The developer is responsible for the cost and installation of the required improvements. They must be installed by a licensed bonded contractor or plumber and will require the submittal of a public improvement permit.

CONDITION:

The applicant must submit a public improvement plan addressing how public improvements will be provided for the water and sewer. The plan must be reviewed and

approved by the City. All of the improvements must be installed prior to recording of the final partition plat.

CRITERIA 3: That streets or easements have been or will be provided for ingress and egress both for the owner or prospective owners of the partitioned property and the public.

FINDINGS:

- 3a.** The partition plat submitted with the application indicates that the applicant will provide a 25' road and utility easement which will serve all three lots.
- 3b.** A site inspection revealed that while the access looks good on paper it is going to be very difficult to provide the road without having to encroach on the neighbors existing road access. There is a large open ditch storm sewer between the subject property and Canyonville Riddle road. The storm pipe that runs through the neighbor's existing driveway is approximately 60 inches.
- 3c.** In order to provide the proposed access road a culvert will need to be installed. A public improvement permit will need to be submitted to the City for review and approval. The permit will need to address the proposed improvements for the storm drain.
- 3b.** Section 16.06.132 of the Municipal Code establishes the City's design standards regarding residential access ways. It allows for 3 partitions to share one driveway. Maintenance of the driveway will be the responsibility of the property owners served. If more than three homes share the driveway it will need to be paved.

FINAL DECISION ON THE PROPOSED PARTITION PLAT:

Conditionally approve the tentative partition and adopt the findings and conditions listed in the staff report. **All the required utilities must be installed and approved prior to the City signing the final plat.**

The applicant Kim Bowlby spoke to the Planning Commission regarding their future plans for the partition. She stated that they have spoken with the bank and obtained the funding necessary to develop this partition. They are aware that they will need to put in the required utilities and plan to have Gosslin Construction install the utilities. Mrs. Bowlby stated that they plan to develop the lots and put manufactured homes on the lots. After this is accomplished they plan to sell the homes and lots.

*There were no more comments and Chairman Emory closed the public hearing.

Commissioner Sales moved and Commissioner Butler second a motion to approve the partition subject to the conditions listed in the staff report and that all required utilities

are installed and approved prior to the City signing the final plat. All voted yes. Motion passed

Adjournment: The meeting was adjourned at 7:40 p.m.

SUBMITTED BY:

APPROVED BY:

Janelle Evans, Planner

John Emory, Chairman