



**TENNESON**

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July 11, 2022

*Revised report updating staff report dated July 1, 2022*

City of Culver  
Planning Commission  
200 1<sup>st</sup> Avenue  
Culver, Oregon 97734

Reference: Creations Northwest Partition  
**Staff Report**

<b>Report Prepared by:</b>	Kirk Fatland, Contract Planner
<b>Applicant:</b>	Creations Northwest LLC
<b>Procedure Type:</b>	Quasi-Judicial
<b>Decision Date:</b>	July 11, 2022
<b>Assessor's Map:</b>	12-13-17CB
<b>Tax Lot:</b>	400
<b>Address:</b>	None assigned
<b>Comprehensive Plan Designation:</b>	Commercial
<b>Zoning District:</b>	Commercial

**Request and Background Information:** *This report contains updated information base on an updated preliminary plat submitted by the applicant on July 8, 2022. The applicant has clarified the proposed parcel sizes as well as included the required additional right-of-way along OR 361.*

The purpose of the hearing is to consider a proposed partition to create three parcels containing 1.0, 1.55, and 3.51 acres respectively from an existing 6.06-acre parcel. The application has been submitted by Creations Northwest LLC. The subject parcel is zoned Commercial and is located immediately north of "D" Street and east of Highway OR 361. Proposed parcels two and three front OR 361 while parcel one abuts the adjacent residential lots and fronts "D" Street. The subject parcel to be partitioned is currently undeveloped.

**Notice:** The requisite notices were mailed to adjacent property owners and published in the Madras Pioneer.

**Comments Received:** No public comments were received by the writing of this report.

**Recommendation:** Planning Staff recommend approval based upon the following findings of fact.

## TITLE 16

### Chapter 16.04 – GENERAL PROVISIONS

#### 16.04.020 Purpose.

*The purpose of this title is to enact subdivision regulations for the city which will provide for better living conditions within new subdivisions; assure necessary streets, utilities, and public areas and provide for their installation or improvement; enhance and secure property values in subdivisions and adjacent land; simplify and make land descriptions more certain; implement the comprehensive land use plan; and, in general, to promote the health, safety, convenience, and general welfare of the people of Culver. [Ord. 01-02 § 3 (Exh. 3 § 2), 2001.]*

**FINDING:** All applicable criteria of Chapter 16.04 are addressed in this report.

#### 16.04.030 Compliance required.

*It shall be unlawful for any person to create any street or way for the purpose of partitioning land; or to dispose of, transfer, sell, or agree to offer to sell any lot or parcel of land if the same constitutes or is part of a process of subdivision or minor land partition as defined in CMC 16.04.040, or if the sale, transfer, or offer is made by reference to or exhibition of a plat or plan of a subdivision unless all the requirements of Chapters 16.04 to 16.24 CMC with regard to such subdivision or minor land partition, or the creation of such street or way, have been complied with. In the event of an unlawful subdivision or partitioning contrary to this section, each day during which the subdivider thereafter fails to bring the subdivision into total compliance with this title shall be deemed a separate offense punishable by fine not exceeding \$500.00. [Ord. 01-02 § 3 (Exh. 3 § 3), 2001.]*

**FINDING:** The applicant has demonstrated compliance with Chapter 16.04 and 16.24.

### Chapter 16.08 - SUBDIVISION OF LAND – SUBDIVISION MAP – TENTATIVE

#### 16.08.010 Initial Submission.

*Ten copies of a tentative plan and a statement of any proposed subdivision shall be submitted to the city administrator at least 30 days prior to the meeting of the planning commission at which consideration is desired, together with the prescribed filing fees. [Ord. 01-02 § 3 (Exh. 3 § 6), 2001.]*

**FINDING:** The applicant has submitted sufficient copies of the tentative plan – a digital copy has been attached to this Staff Report.

#### 16.08.020 Preliminary review.

*A The city administrator shall transmit one copy of the tentative plan to the city engineer, and additional copies to the city departments and other public officials as necessary. Each city department, upon receipt of a*

*copy of the tentative plan, shall examine the map for conformance with requirements coming within the authoritative scope of the department; and, within six days after receipt thereof, shall make a written report to the city administrator. The city administrator shall prepare a report on the tentative plan for submission to the planning commission. The report shall include information on zoning in the area and on the location in the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, electric conduits, or lines proposed to be used on the property to be subdivided, and invert elevations of sewers at points of proposed connections together with any other data as appears pertinent to the planning commission's review of the tentative plan.*

*B. Copies of the tentative plan may be submitted to the following additional officials, and they will be given at least seven days to review the plan and submit comments:*

- 1. The county surveyor and the county assessor.*
- 2. The county environmental agency, if the property is inside the city and the installation of sanitary sewer is not contemplated.*
- 3. The State Highway Department, if the property is adjacent to a state highway.*
- 4. The school district.*
- 5. Other public agencies as deemed necessary. [Ord. 01-02 § 3 (Exh. 3 § 7), 2001.]*

**FINDING:** Copies of the tentative plan have been submitted to City staff including the City Engineer.

16.08.030 Tentative plan scale.

*Tentative plans shall be to a scale of one-inch equals 100 feet or better; except tracts over 100 acres, which may be to a scale of one-inch equals 200 feet, and shall be clearly and legibly reproduced. [Ord. 01-02 § 3 (Exh. 3 § 8), 2001.]*

**FINDING:** The submitted tentative plan is to a sufficient scale to be clear and legible.

16.08.040 Information on Tentative Plan.

*The tentative plan shall contain the following information:*

*A The proposed subdivision's name, date, north point, scale, and sufficient description to define the location and boundaries of the proposed subdivision.*

*B. Name and address of record owner or owners of the proposed subdivision.*

*C Name and address of the subdivider.*

*D. Name, business address, and number of the registered engineer or licensed surveyor who prepared the map of the proposed subdivision.*

*E. The locations, names, widths, approximate radii of curves, and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining*

*platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.*

*F. Names of the record owners of all contiguous land within 100 feet of exterior boundaries of the tentative plan.*

*G. The approximate location and character of all existing and proposed easements and public utility facilities, including water and sewer lines proposed in the subdivision and on adjacent lands thereto.*

*H. Approximate lot layout and approximate dimensions of each lot and each to be numbered.*

*I. Setback lines, if any, proposed by the subdivider.*

*J. The outline of any existing buildings and their use, showing those which will remain.*

*K. Contour lines on lands with slopes greater than five percent.*

*L. City boundary lines crossing or bounding the subdivision.*

*M. Approximate location of all areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all watercourses.*

*N. Any areas proposed to be cut or filled or otherwise graded or protected from flooding.*

*O. If impractical to show on the tentative map, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features, such as streets, railroads, watercourses, and cliffs. [Ord. 01-02 § 3 (Exh. 3 § 9), 2001.]*

**FINDING:** The submitted tentative plan contains all the necessary information required in this section.

16.08.050 Information in Statement.

*The statement to accompany the tentative plan shall contain the following information:*

*A. A general explanation of the improvements and public utilities, including water supply and sewage disposal, proposed to be installed.*

**FINDING:** No improvements are proposed. Any future development of the parcels would require connection to public utilities.

*B. Deviations from subdivision ordinance, if any.*

**FINDING:** No variances are requested.

*C. Public areas proposed, if any.*

**FINDING:** No public areas are proposed.

*D. Tree planting proposed, if any.*

**FINDING:** No trees are proposed to be planted as part of this proposal.

*E. A preliminary draft of restrictive covenants proposed, if any. [Ord. 01-02 § 3 (Exh. 3 § 10), 2001.]*

**FINDING:** No restrictive covenants are proposed.

16.08.060 Planning commission and staff review procedures of tentative subdivision plans and tentative partition plans.

*A City Planning Commission Review Procedure for Tentative Subdivision Plan. The planning commission shall conduct a quasi-judicial public hearing. In its review of the proposed subdivision tentative plan. The planning commission shall follow the notice procedure contained in CMC 17.48.050.*

*The planning commission shall determine whether the tentative plan is in conformity with the provisions of law and of Chapters 16.04 to 16.24 CMC. The public hearing conducted by the planning commission to approve, conditionally approve, or disapprove the proposed subdivision plan shall be held not later than 45 days from the first regular planning commission meeting following submission of the plat. Approval of the tentative plan shall indicate the planning commission's approval of the final plat, provided there is no change in the plan of subdivision or partition as shown on the tentative plan and there is full compliance with all requirements of Chapters 16.04 to 16.24 CMC. The action of the planning commission shall be noted on three copies of the tentative plan. One copy shall be returned to the subdivider; one shall be transmitted to the city engineer; and the other retained by the city administrator together with an order setting forth the action of the planning commission.*

*The city will provide notice of decision to the applicant and any person who participates in the public hearing process. Notice of decision must include an explanation of appeal rights.*

*B. City Staff Review Procedure of Tentative Partition Plan. The city staff shall follow the following procedure for reviewing tentative partition plans. The city shall provide written notice to owners of property within 250 feet of the entire contiguous site for which the application is made. The property owner list shall be obtained from the most recent property tax assessment roll. The notice shall contain the following:*

- 1. Provide a 10-day period for submission of written comments prior to the decision.*
- 2. State that issues which may provide the basis for an appeal to the planning commission may be raised in writing prior to expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.*
- 3. List by commonly used citation the applicable criteria for the decision.*
- 4. Set forth the street address or other easily understood geographical reference to the subject property.*
- 5. State the place, date, and time that the comments are due.*
- 6. State that copies of all evidence relied upon by the applicant are available for review and that copies can be obtained at cost.*
- 7. Include the name and telephone number of the local government contact person.*

8. Briefly summarize the local decision making process for the decision being made.

*The city staff shall determine whether the tentative plan is in conformity with the provisions of law and of Chapters 16.04 to 16.24 CMC. Approval of the tentative plan shall indicate the city's intent to approve the final plat, provided there is no change in the plan of partition as shown on the tentative plan and there is full compliance with all requirements of Chapters 16.04 to 16.24 CMC. The action of the city staff shall be noted on three copies of the tentative plan. One copy shall be returned to the subdivider; one shall be transmitted to the city engineer; and the other retained by the city administrator together with an order setting forth the action of the city.*

*C. City Planning Commission – City Council Advisory. The city planning commission and city council shall be advised of the staff decision in the case of a partition, or the planning commission decision in the case of a subdivision. Both bodies assume the role of “parties” in the decision making process and, upon an approved motion, may appeal the decision below, provided the decision to appeal is made within the prescribed time frame of the city's appeal procedures contained in CMC Title 17. [Ord. 01-02 § 3 (Exh. 3 § 11), 2001.]*

**FINDING:** The City will follow the appropriate procedure as detailed in this Section.

## Chapter 16.16 - APPROVAL OF STREETS AND WAYS

### 16.16.010 Creation of streets.

*The creation of all streets shall be in conformance with requirements for subdivision, except the city may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions, with any conditions as are necessary to preserve the standards established by this chapter and CMC 16.20.010 to 16.20.060; provided either of the following conditions exist:*

*A. The establishment of the street is initiated by the planning commission and is declared essential for the purpose of general traffic circulation, and the dividing of land is an incidental effect rather than the primary objective of the street.*

*B. The tract in which the street is to be dedicated is an isolated ownership of one acre or less. [Ord. 01-02 § 3 (Exh. 3 § 24), 2001.]*

**FINDING:** No streets are proposed. All proposed parcels will access existing streets.

### 16.16.020 Creation of ways.

*A. Any easement-of-way providing access to property which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street approved in accordance with CMC 16.16.010, except that the creation of a private easement-of-way to be established by deed without full compliance with these regulations shall be approved by the planning commission, provided the easement is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with more access. If the existing lot is large enough so that three or more parcels meeting the lot size minimums of Chapters 16.04 to 16.24 CMC may be created, and two or more of the parcels would not have frontage on an existing street, an easement-of-way will not be acceptable and a street must be dedicated.*

**FINDING:** The proposed parcels have direct access to “D” Street or OR 361. No easements are necessary to ensure adequate access.

*B. The procedure for approval of allowed private easements-of-way shall be as provided in CMC 16.16.010(B) for streets, except the easement-of-way need only comply with the standards set forth in CMC 16.16.010(B) and assure utility access to the resultant lot. [Ord. 01-02 § 3 (Exh. 3 § 25), 2001.]*

**FINDING:** No private easements-of-way have been proposed. A 10-foot utility easement extending the length of proposed parcels 2 and 3 along OR 361 currently exists.

## Chapter 16.20 - GENERAL REGULATIONS AND DESIGN

### 16.20.010 Streets.

*A Streets and Highways Conform with Plans and Standards. In addition to conformance with state laws and the standards provided by Chapters 16.04 to 16.24 CMC, the subdivision shall conform as to design and improvements to any master plan approved by the planning commission and to any proceedings affecting the subdivision which may have been initiated by the planning commission or approved by the council upon initiation by other legally constituted bodies of the city, county, or state. In addition, consideration shall be given to preliminary plans developed by the city.*

**FINDING:** No streets are proposed, section 16.20.010 does not apply.

### 16.20.030 – Lots.

*A The size and shape of lots shall conform to zoning regulations. Where there are unusual topographic conditions, curved or cul-de-sac streets, or other special conditions, modifications which meet the intent of the width and depth requirements may be granted by the planning commission.*

**FINDING:** All proposed parcels meet the requirements of the City’s zoning regulations which are addressed elsewhere in this report.

*B. In areas that cannot be connected to community sewage disposal facilities, minimum lot sizes shall be greater than the minimum herein specified. The lots shall conform to the requirements of the county health department for sanitary waste disposal.*

**FINDING:** All proposed lots are able to be connected to City sewer facilities, a larger lot size is not required for on-site sewage disposal. It is understood by staff that City sewer facilities are located within the proposed parcels, please see the proposed condition of approval recommending easements be placed over these facilities.

*C. The side lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or radial or approximately radial if the street is curved; provided, however, where topographic or other natural features warrant variation from this provision, the planning commission may approve such variations.*

**FINDING:** All proposed parcels front a street at a right angle.

*D. Lots without frontage on a street will not be permitted.*

**FINDING:** Proposed parcel one fronts “D” Street. Proposed parcel three is a corner lot and also has frontage on OR 361. Proposed parcel two fronts OR 361.

*E. Through lots will be permitted only where necessitated by topographic or other unusual physical conditions. [Ord. 01-02 § 3 (Exh. 3 § 28), 2001.]*

**FINDING:** No through lots are proposed.

16.20.040 - Blocks.

*A Blocks shall not exceed 1,320 feet in length, except blocks adjacent to major streets.*

*B. The subdivider may be required to dedicate and improve 10-foot walkways across blocks over 600 feet in length, or to provide access to schools, parks, or other public areas. [Ord. 01-02 § 3 (Exh. 3 § 29), 2001.]*

**FINDING:** No new blocks will be created as a result of this proposal.

16.20.050 - Watercourses.

*The subdivider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural watercourse or channel, stream, or creek that traverses the subdivision; or, at the option of the subdivider, provide by dedication further and sufficient easements or construction, or both, to dispose of the surface and storm waters. [Ord. 01-02 § 3 (Exh. 3 § 30), 2001.]*

**FINDING:** No watercourses are present on the subject properties.

16.20.060 - Land for public purposes.

*A The planning commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, of appropriate areas within the subdivision for a period not to exceed one year; providing the city has an interest or has been advised of interest on the part of the State Highway Commission, school district, or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.*

*B. The planning commission shall require a cash payment for the city park development and equipment acquisition. The cash payment shall be an amount that is five percent of the assessed market value of the undeveloped land which is being subdivided or partitioned. [Ord. 01-02 § 3 (Exh. 3 § 31), 2001.]*

**FINDING:** A recommended condition of approval has been included in this report to increase the OR 391 right-of-way to the 80 feet required of collector streets per the table located in Section 16.20.010 – Streets (shown below).

ITEM	LOCAL STREET	COLLECTOR STREET
Right-of-Way Width (feet)	60	80



ITEM	LOCAL STREET	COLLECTOR STREET
Pavement Width (feet)	24	36
Shoulder Width (feet)	6	N/A
Sidewalks (feet)	N/A	5
Minimum Sight Distance (feet)	150	150
Maximum Grade (%)	12	10
Design Speed (mph)	15 – 25	25 – 35
Minimum Centerline Curve Radius (feet)	75	150
Minimum Curb/Corner Radius (feet)	15	20

16.20.070 Unsuitable land.

*The planning commission may refuse to approve a subdivision when the only practical use which can be made of the property proposed to be subdivided is a use prohibited by this title or law, or if the property is deemed unhealthful or unfit for human habitation or occupancy by the county or state health authorities. [Ord. 01-02 § 3 (Exh. 3 § 32), 2001.]*

**FINDING:** The proposed parcels are suitable for commercial development per the zoning designations applied to the existing parcel.

16.20.080 Land subject to inundation.

*If any portion of any land proposed for development is subject to overflow, inundation, or flood hazard by storm waters, an adequate system of storm drains, levees, dikes, and pumping systems shall be provided. [Ord. 01-02 § 3 (Exh. 3 § 33), 2001.]*

**FINDING:** The entirety of proposed parcel two and a portion of proposed parcel one are located with the FEMA designated floodplain. Any future development will be required to comply with all requirements applying to land lying within a designated floodplain.

## Chapter 16.24 - IMPROVEMENTS

### 16.24.010 Improvement standards and approval.

*In addition to other requirements, all improvements shall conform to the requirements of Chapters 16.04 to 16.24 CMC and any other improvement standards or specifications adopted by the city, and shall be installed in accordance with the following procedure:*

*A Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared in accordance with requirements of the city.*

*B. Improvement work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the city has been notified.*

*C All required improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require changes in typical sections and details if unusual conditions arise during construction to warrant such change in the interests of the city.*

*D. All underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.*

*E. A map showing all public improvements as built shall be filed with the city administrator upon completion of the improvements. [Ord. 01-02 § 3 (Exh. 3 § 34), 2001.]*

**FINDING:** No improvements are proposed. Any future development of the proposed parcel may require improvements such as sidewalks or other public facilities as determined through Site Plan Review.

### 16.24.020 Improvement requirements.

*Improvements to be installed by the subdivider are as follows:*

*A Streets. All streets shall be improved to city standards. The subdivider shall improve the extension of all subdivision streets to the centerline of existing streets with which subdivision streets intersect.*

*B. Structures. Structures specified as necessary by the city for drainage, access, and public safety shall be installed.*

*C Sidewalks. Sidewalks shall be installed on collector streets only.*

*D. Stormwater. Stormwater drainage shall be provided to all developed land. The city will require the subdivider to detain all stormwater generated by their project on site, with off-site flow being less than or equal to predevelopment conditions. The stormwater facility should be designed for a 25-year/15-minute storm event per Oregon Department of Transportation standards. This form of detention must be installed prior to discharge to the existing city ditch system.*

*Where drywells are utilized by the developer, the developer must acquire all permits and registration of the drywells prior to acceptance by the city. In addition, the developer will be required to pay the annual registration fee for a period of no less than 10 years from the date of acceptance by the city. This lump sum money must be put into a fund for the city's use.*

*In addition, all developed parking lots with more than 25 spaces must have a city engineer approved oil/water separator installed on the outlet line, with all catch basins having a pollution control elbow.*

*Finally, the developer will be required to sign a nonremonstrance agreement with the city for the installation of a centralized storm collection and treatment facility.*

*E. Sewers. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot. Storm water sewers shall be installed as required by the city.*

*F. Water. Water mains and fire hydrants of design, layout, and locations approved by the city shall be installed.*

*G. Railroad Crossing. Provision shall be made for all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the Oregon State Public Utilities Commissioner for the establishment of such crossing. The cost of such railroad crossing improvement including, but not limited to, the construction of signals and other protective devices required by the Public Utilities Commissioner, shall, except for that portion payable by the railroad company, be borne by the subdivider.*

*H. Abutting Streets. If any part of the property within the proposed subdivision abuts an existing dedicated street not improved to the ultimate width and other standards required for streets within subdivisions, the abutting portions of said street shall be improved to such standards by the construction of a sidewalk, curb, and gutter along the side adjacent to the subdivision and also by paving the roadway from said curb to 12 feet beyond centerline, or to such lesser distance beyond centerline as the planning commission may deem necessary to provide a safe and adequate paved roadway for two-way vehicular traffic; provided, that if said street is an arterial street, or is otherwise so classified that the established policy of the city is to specially assess less than the entire cost of an improvement thereof, the planning commission may reduce the paving required hereunder to such extent as appears fair and equitable.*

*I. Underground Utilities. This provision shall apply only to utility lines to be installed to provide service within the area to be subdivided. Utility lines, including but not limited to electricity, communications, street lighting, and cable television, shall be required to be placed under ground. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets may be placed above ground. The planning commission may waive the requirements of this subsection if topographic, soil, or other conditions make such underground installations unreasonable or impractical. The subdivider shall make all necessary arrangements with the serving utility or agency for underground installations provided hereunder; all such installations shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner.*

*J. Street Lighting. Street lighting of an approved type shall be installed on all streets at locations approved by the city.*

*K. Street Name Signs. All streets shall be legibly marked with street name signs, not less than two in number, at each intersection, according to specifications furnished by the city.*

*L. Improvement of Easements. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the city.*

*M. Off-Site Street Improvements. All off-site street improvements, where required, shall conform to the standards of the city. [Ord. 01-02 § 3 (Exh. 3 § 35), 2001.]*

**FINDING:** No improvements are proposed. Any future development of the proposed parcels may require improvements such as sidewalks or other public facilities as determined through Site Plan Review.

16.24.030 Monuments.

*A In addition to requirements of state law and other provisions of this title, permanent monuments of a type approved by the city shall be set in the following locations:*

*1. At each boundary corner of the subdivision, at the beginning and end of the property line curves, and at any other points as may be required by the city.*

*2. At intersections of street centerline tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the centerline curve or offsets therefrom.*

*B. Any required monument that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.*

*C Complete field notes in a form satisfactory to the city, showing references, ties, locations, elevations, and other necessary data relating to monuments and bench marks set in accordance with the requirements of Chapters 16.04 to 16.24 CMC, shall be submitted to the city to be retained by the city as a permanent record. [Ord. 01-02 § 3 (Exh. 3 § 36), 2001.]*

**FINDING:** All monuments are to be set per this section.

TITLE 17

Chapter 17.04 - INTRODUCTORY PROVISIONS

17.04.020 Purpose.

*A To implement the Culver comprehensive plan as adopted by the Culver city council.*

*B. To comply with Chapters 195, 197 and 227.*

*C To promote the public health, safety and welfare of the citizens of the city of Culver.*

*D. To repeal and replace Ordinance No. 2600, and all amendments thereto. [Ord. 01-02 § 2 (Exh. 2 § 1.2), 2001.]*

**FINDING:** The findings below demonstrate the proposal's compliance with the purpose of this chapter.

## Chapter 17.08 - BASIC PROVISIONS

### 17.08.010 Compliance with title provisions.

*A The land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this title shall permit.*

*B. A building permit is required for all structures containing more than 120 square feet. In order to obtain the city approval of a building permit for a single-family or duplex dwelling unit and/or accessory structures, a plot plan shall be prepared and presented, along with the building permit application, to the city recorder. The plot plan shall include the lot dimensions; proposed and existing structures, including dimensions and height of building; proposed and existing setbacks from all property lines; driveway locations, driveway aprons, and off-street parking area; water and sewer locations; and sidewalk locations. All other proposed uses are required to prepare and submit a site plan. Sample plot plans/site plans are available at City Hall. [Ord. 01-02 § 2 (Exh. 2 § 2.1), 2001.]*

**FINDING:** No building is proposed as part of this partition. Any future development will comply with this section.

### 17.08.020 Establishment of land use zone.

*This title hereby establishes the following land use zones for the city:*

<b>ZONE</b>	<b>ABBREVIATED DESIGNATIONS</b>
Residential 7,500 square feet minimum lot area	R-1
Residential 7,500 square feet minimum lot area	R-2
Open space/public facilities	OS
Commercial	C-1
Industrial	M-1

**FINDING:** All proposed parcels are located within the C-1 Zone.

## Chapter 17.12 - LAND USE ZONES

### 17.12.040 Commercial zone "C-1."

*A Uses. Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the "C-1" commercial zone shall comply with the following regulations:*

- 1. Permitted Uses. Subject to site plan review. See CMC [17.16.110](#).*

- a. Retail trade establishments in which the operation takes place solely within an enclosed building.*
- b. Business, governmental or professional offices.*
- c. Financial institution.*
- d. Personal and business service such as barber shop, tailoring shop, printing shop, laundry or dry cleaning establishment, and electrical repair shops.*
- e. Public park, public recreation areas and community centers.*

**FINDING:** No development is proposed at this time, any future development will be subject to all applicable criteria of the Commercial Zone.

*B. Height. Buildings, structures, or portions thereto shall not be erected to exceed a height of two stories or 22 feet, whichever is less.*

*C. Setback Requirements. In the commercial zone, setbacks shall be as follows:*

- 1. No front or side yard setback is required.*
- 2. No buildings shall be constructed or located closer than five feet from the rear lot line.*

**FINDING:** No new structures are proposed as part of this partition. No building setbacks will be reduced as a result of this proposal as the subject parent parcel is currently vacant.

## Chapter 17.16 - SUPPLEMENTARY PROVISIONS

### 17.16.010 Maintenance of minimum ordinance requirements.

*No lot area, yard or other open space existing on or after the effective date of the ordinance codified in this chapter shall be reduced below the minimum required for it by this title, and no lot area, yard or other open space which is required by this title for one use shall be used as the required lot area, yard or other open space for another use. [Ord. 01-02 § 2 (Exh. 2 § 4.1), 2001.]*

**FINDING:** The C-1 Zone does not prescribe a minimum lot size. Each parcel is required to front a public street, the proposed parcels meet this requirement.

### 17.16.020 Access.

*Every lot shall abut a street, other than an alley, for at least 50 feet. [Ord. 01-02 § 2 (Exh. 2 § 4.2), 2001.]*

**FINDING:** Proposed parcel one abuts “D” Street for 208.96 feet, proposed parcel two fronts OR 361 for 448.47 feet, proposed parcel three is a corner lot abutting “D” Street for 150 feet and OR 361 for 290.41 feet.

**RECOMMENDED CONDITIONS OF APPROVAL**

1. The applicant shall dedicate to the City the necessary area to increase the Highway OR 361 right-of-way width to 80 feet where the highway abuts the subject property.
2. The applicant shall provide easement(s) to the City for all City utilities located on the subject property. The City will locate said utilities to facilitate correct location of the easement(s) on the final partition plat. The easement(s) shall be 15 feet in width centered over the utility line.

APPLICATION MAP FOR A  
PARTITION PLAT OF PARCEL 1 OF PARTITION PLAT NO. 1994-05, LOCATED IN THE SW1/4  
OF SECTION 17, T.12S., R.13E., W.M., CITY OF CULVER, JEFFERSON COUNTY, OREGON  
07-MP-XX  
W.O. 22-5760

PREPARED FOR  
HT INVESTMENT PROPERTIES, LLC  
OR AFFILIATED COMPANY  
14020 SE JOHNSON RD. SIUTE 200  
MILWAUKIE, OR 97267

PREPARED BY  
ARMSTRONG SURVEYING, INC.  
267 NE SECOND ST. STE. 100  
PRINEVILLE, OR 97754  
(541) 447-7791

LEGEND

- SET 5/8" x 30" LONG IRON ROD WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E". SET STEEL FENCE POST ALONGSIDE.
- ① FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "LS 1642" AS PER PARTITION PLAT NO. 1994-05 BY ROBERT M. KARL, LS 1642, RECORDED MAY 24, 1994.
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SCE&S" AS PER THE PLAT OF PALISADES ESTATES, PHASE I, BY MICHAEL W. TYE, LS 1046, RECORDED OCTOBER 21, 1994.
- ① FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "LS 2527" AS PER PARTITION PLAT NO. 2000-10 BY JERRY D. STICHLER, LS 2527, RECORDED DECEMBER 27, 2000.
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "LS 2527" AS PER THE PLAT OF PALISADES ESTATES, PHASE 2, BY JERRY D. STICHLER, LS 2527, RECORDED APRIL 27, 2001.
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "LS 2527" AS PER THE PLAT OF PALISADES ESTATES, PHASE 3, BY JERRY D. STICHLER, LS 2527, RECORDED MAY 27, 2003.
- ⊙ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "AES" AS PER THE PLAT OF PALISADES ESTATES, PHASE 4, BY DARRYL J. ANDERSON, LS 2034, RECORDED MAY 3, 2005.

