

Cannon Beach City Council

STAFF REPORT

ARNSBERG FAMILY LIMITED PARTNERSHIP PROPERTY DONATION

Date: September 2, 2003

Prepared by: Rainmar Bartl, City Planner

BACKGROUND

The Arnsberg Family Limited Partnership has inquired whether the City would be interested in accepting the donation of a parcel of land. The property in question is a portion of Parcel 3 of Partition Plat 2000-37. The Arnsberg Family Limited Partnership's representative, Joseph J. Hanna, states that prior to the land donation, Parcel 3 would be partitioned into two parcels, with the "wetland parcel" being donated to the City. The donated parcel would have an area of approximately 40,000 square feet, or slightly less than one acre. The parcel is bounded on the west by Forest Lawn Road and on the east by S. Hemlock Street.

ANALYSIS/INFORMATION

Anticipated effects

- The City would acquire title to a parcel of land that consists of wetlands that have been identified as the result of a wetland delineation.

Budget Impacts: The owner's representative states that the owner would cover all the costs associated with creating the parcel and transferring the title of the parcel to the City. A minor amount of staff time would be involved with tracking the project.

RECOMMENDED ACTION

That the Council provide direction on how it wishes to proceed with the request.

Cc\arnsmem



HANNA STRADER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
COLUMBIA FINANCIAL CENTER
1300 SW SIXTH AVENUE, SUITE 300
PORTLAND, OREGON 97201

TELEPHONE (503) 273-2700
FACSIMILE (503) 273-2712
E-MAIL: JHANNA@HANNASTRADER.COM

JOSEPH J. HANNA, JR.

August 22, 2003

PERSONAL AND CONFIDENTIAL

Cannon Beach City Council
P.O. Box 368
Cannon Beach, CA 97110

Re: Cannon Beach Property Donation

Dear Sir or Madam:

Enclosed are copies of a plat map (Exhibit A) and a partition plat map (Exhibit B) detailing a parcel of land located in the City of Cannon Beach. Exhibit A refers to the property in question as Tax Lot 4100, while Exhibit B refers to the property as Parcel 3. As you will notice, a large percentage of the northern portion of the property is comprised of natural wetlands.

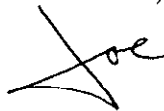
The current owner of Tax Lot 4100 is the Arnsberg Family Limited Partnership (hereinafter, referred to as the "property owner"), which is a client of this firm. The property owner is currently considering a final partition of the property in order to obtain a buildable lot approximately equal to the size of the earlier approved lots to be located in the southeastern section of the property. Once this partition is done, the property owner is interested in donating the remaining portion to the city, consistent with a prior commitment. The owner will pay for the partition and then, at his cost, will deed over the remaining property to the City.

We understand that the City Council is responsible for making the decision regarding the acceptance of the donation of the property by the city of Cannon Beach. Therefore, we are requesting that this donation of property be discussed at your next City Council meeting, which we understand is to be held on September 2, 2003, and that you provide some indication to us of your interest in receiving the donated property and taking ownership on behalf of the city.

If you have any questions in regard to this request, please do not hesitate to call.

Very truly yours,

HANNA STRADER, P.C.



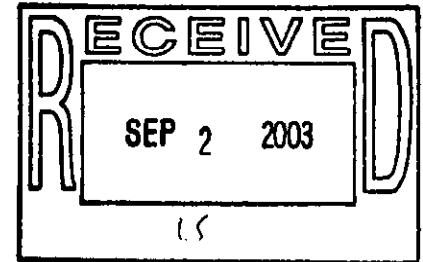
Joseph J. Hanna, Jr.

Naumun, FYI - (12)
Copied to Peg. Will distribute to CC tonight

HANNA STRADER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
COLUMBIA FINANCIAL CENTER
1300 SW SIXTH AVENUE, SUITE 100
PORTLAND, OREGON 97201

TELEPHONE (503) 273-2700
FACSIMILE (503) 273-2712
E-MAIL: JUDAS@HANNASTRADER.COM

JOSEPH J. HANNA, JR.



PERSONAL AND CONFIDENTIAL
FACSIMILE TRANSMITTAL

DATE: September 2, 2003

TO: **Rainmar Bartl**
City Planner, City of Cannon Beach
P.O. Box 368
Cannon Beach, OR 97110
FAX PHONE NO. (503) 436-2050
CONTACT PHONE NO. (503) 436-1581

FROM: **Kelly Francis for Joseph J. Hanna, Jr.**
Hanna Strader, P.C.
300 Columbia Financial Center
1300 S.W. Sixth Avenue
Portland, Oregon 97201
FAX PHONE NO. (503) 273-2712
CONTACT PHONE NO. (503) 273-2700

RE: **Rainmar,**
As I mentioned in our telephone conversation earlier this morning, we are requesting that the action item regarding the Arnsberg Family Limited Partnership's donation of property to the City of Cannon Beach be removed from the agenda for tonight's scheduled City Council meeting. We will contact you at a later date for the purpose of rescheduling this item. Thanks for all of your help on this matter.

No. of Pages:
(including Cover)

Time Sent: 10:30 a.m. Pacific Time

The information contained in this transmittal is privileged and confidential. It is intended only for the use of the individual and entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by collect telephone call and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for postage. Thank you.

11.18.02 Mitchell Park Home Project

1. No access into Humber - would have to go back to P.C. to amend restriction & staff agreed to change.

2. Could create a 4th lot by excavate

↳ mutation request could show the location of these elements.

3. ~~Design consent~~ at "Parcel 3" only 7' between wetland buffer & road #2. Design consents to take this into account so have enough width.

4. Deal with the overhead power on lot 1 & lot 2.

5. Development for vegetation removed in wetland/buffered buffer area.

6. Talk to Jay about how to handle driveway

7. Review 15' side yard setback requirements.

BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANNON BEACH

IN THE MATTER OF MINOR PARTITION
FOR THE FOLLOWING PROPERTY:
MAP 51030DA, TAX LOT 4100
CANNON BEACH, OREGON

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER NO. MP 99-01

IN ZONE: R2

APPLICANT: HLB & Associates, for property owner Joseph Hanna
4253-A Hwy 101 North
Seaside, OR 97138

The above-named applicant applied to the City for a MINOR PARTITION in an R2 zone to permit a minor partition to partition an existing parcel (Map 51030DA, Tax Lot 4100) into three parcels. You are being notified as a property owner within 100 feet of this property.

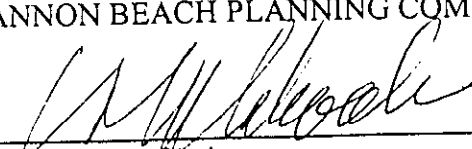
The public hearing on the above-entitled matter was held before the Planning Commission on 1/27/00; the Planning Commission closed the public hearing at the 1/27/00 meeting and a decision was made on 1/27/00.

THE PLANNING COMMISSION ORDERS that this application for a minor partition is GRANTED and adopts the findings of fact, conclusions and conditions contained in "Exhibit A." The effective date of this ORDER is 20 days following the signing of this order, subject to the conditions contained in Exhibit "A."

This decision may be appealed to the City Council by an affected party by filing an appeal with the City Manager within 20 days of this date.

DATED: 1/27/00

CANNON BEACH PLANNING COMMISSION


Herb Schwab, Chairman

FINDINGS OF FACT HANNA MINOR PARTITION

I. BACKGROUND

The applicant, HLB & Associates, on behalf of the property owner Joseph Hanna, is proposing to partition an existing parcel, Tax Lot 4100, Map 51030DA, into three parcels. Tax Lot 4100 has an area of 60,769 square feet, or 1.4 acres. The proposed parcels are to have the following lot sizes: Parcel #1 - 7,618 sq.ft., Parcel #2 - 5,129 square feet., and Parcel #3 - 48,022 square feet. Parcel #1 will have 50 feet of street frontage on Forest Lawn Road and 53 feet of frontage on S. Hemlock Street. Parcel #2 will have 50 feet of frontage on Forest Lawn Road. Parcel #3 will have approximately 335 feet of frontage on S. Hemlock Street and approximately 400 feet of frontage on Forest Lawn Road. The site is vacant and contains a wetland area, Cannon Beach Wetland Site #24. A wetland delineation for the site has been prepared. The delineation established that the site contains 34,747 square feet of wetlands, or .8 acres. The wetland area is contained on Parcel #3. The parcel is essentially flat. The parcel is designated R2, Medium Density Residential.

The applicant states that Parcel #3 may be further divided into two parcels in a future calendar year.

II. CRITERIA-ZONING CODE

A. Section 17.14.040.A Residential Medium (R2) Zone Standards, Lot Size provides that "the minimum lot area lot size for single-family dwellings shall be five thousand square feet."

Finding: Parcel # 1 has an area of 7,618 square feet. Parcel #2 has an area of 5,129 square feet. Parcel #3 has an area of 48,022 square feet. These lot sizes are consistent with the lot size standard of the R2 zone.

Conclusion: The proposal meets this criterion.

B. Section 17.14.B.1 Residential Medium Density (R2) Zone Standards, Lot Width provides that the lot width shall be at least 40 feet.

Finding: The Parcel #1 has a lot width of approximately 50 feet. Parcel #2 has a lot width of approximately 44 feet. Parcel #3 has a lot width exceeding 150 feet.

Conclusion: The proposal meets this criterion.

C. Section 17.14.B.1 Residential Medium Density (R2) Zone Standards, Lot Depth provides that the lot depth shall be at least 80 feet.

Finding: Parcel #1 has a lot depth of approximately 150 feet. Parcel #2 has a lot depth of approximately 100 feet. Parcel #3 has a lot depth in excess of 140 feet.

Conclusion: The proposal meets this criterion.

D. Section 17.90.020 Access Requirement provides that "every lot shall abut a street, other than an alley, for at least twenty-five (25) feet . . . "

Findings: Parcel #1 has 50 feet of street frontage on Forest Lawn Road and 53 feet of frontage on S. Hemlock Street. Parcel #2 has 50 feet of frontage on Forest Lawn Road. Parcel #3 has 335 feet of frontage on S. Hemlock Street and approximately 400 feet of frontage on Forest Lawn Road.

The applicant states that it is the owners intent to provide access to Parcel #1 from Hemlock Street, to Parcel #2 from Forest Lawn Road, and if and when Parcel #3 is further divided, the westerly lot in Parcel #3 would have access onto Forest Lawn Road and the easterly lot in Parcel #3 would have access onto Hemlock Street.

In order to minimize driveways onto an arterial street, S. Hemlock, and to retain an uninterrupted area of vegetation and trees along the west side of S. Hemlock Street, a condition of approval of the partition shall be that access to the parcels created is restricted to Forest Lawn Road.

Condition: The application meets this standard if the partition contains a restriction that access to the parcels created is restricted to Forest Lawn Road.

III. CRITERIA - SUBDIVISION ORDINANCE

- A. Section 16.04.190.5 Tentative Plans - Other Information provides that "where the site includes wetlands, a wetland delineation with the boundaries of the wetlands shown on the plan map."

Finding: The property contains Cannon Beach Wetland Site #24. A wetland delineation for the site has been prepared by Pacific Habitat Services. The extent of the wetland area is shown on the proposed plat map.

Conclusion: The application meets this standard.

- A. Section 16.04.310.A Lots Size and Dimensions provides that "the size of parcels or lots to be created by a partition or subdivision shall be determined by the zone in which the property is located and the average slope of the property from which the parcel is to be created. The minimum lot size for parcels and lots created shall be as follows:

**Percent of
Average Slope**

**Minimum lot size per Dwelling Unit
(Square feet)**

0-14.99

Set by zoning district

Finding: The site is essentially flat. Therefore, the minimum lot size is established by the R2 zone, which is 5,000 square feet. Each of the three parcels has a minimum lot size of 5,000 square feet.

Conclusion: The application meets this standard.

- C. Section 16.04.310.B - Lots, Location provides that "all lots shall have a twenty-five-foot frontage on a publicly dedicated street."

Finding: See Finding II-D

III. CONCLUSION AND ACTION

The application meets the criteria for granting a partition if the following condition is met:

1. Access to the parcels created is restricted to Forest Lawn Road.

The application is approved with the condition that the partition contain a restriction that access to the parcels created is restricted to Forest Lawn Road

champ99-1.fin