

AGENDA
PLANNING COMMISSION MEETING
WEDNESDAY, MAY 2 , 2018 – 7:00 P.M.
Lowell City Hall, 107 East 3rd Street, Lowell, Oregon

- 1. CALL TO ORDER/ROLL CALL**
- 2. ADMINISTER OATH OF OFFICE**
- 3. APPROVAL OF AGENDA**
- 4. SELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR**
- 5. APPROVAL OF MINUTES**
 - a. November 1, 2017
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
 - a. Land Use File 2018-001 – Site Plan Review for Two Duplexes at Moss St & 4th Street
 - Public Hearing
 - Commission Deliberation
 - Commission Decision
 - b. Land Use File 2018-02 – Variance & Property Line Adjustment at 188 E. 2nd Street
 - Public Hearing
 - Commission Deliberation
 - Commission Decision
 - c. Discussion of 2018 Work Plan
- 8. OTHER BUSINESS**
- 9. ADJOURN**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Clerk, Joyce Donnell, at 541-937-2157.

**City of Lowell, Oregon
Minutes of the Planning Commission Meeting
November 1, 2017**

The meeting was called to order at 7:01 PM by Commissioner Chair Bjornstad

Members Present: Jerry Bjornstad, , Don Swain, Stacie Harris, Mary Wallace,

Approval of Planning Commission Minutes: Commissioner Harris moved to approve minutes from Sept. 6, 2017, second by Commissioner Swain. PASS 4:0

Old Business:

- **Discussion and Consideration of Business Registration Program** – CA presented a draft of a Business Registration Program. Explaining: purpose, definitions, requirements and exemptions, and process for registration, renewal, compliance, violations and civil penalties. Discussion followed. **Commissioner Harris move to present Business Registration Program as amended to City Council, second by Commissioner Swain. PASS 4:0**

New Business: 7:34 PM

- **Discussion of Planning Assistance Grant** – CA reported we received a Planning Assistance Grant for \$1,000, he anticipates using it to pay the Planner to assist in a code update in dealing with Marijuana Facilities.
- **Discussion and Consideration of Process to Update the Land Development Code** - CA recommends applying for a Code Assistance project from the Oregon Transportation and Growth Management early next year. **Commissioner Harris move to recommend City Council to pursue the Code Assistance Grant for updating the Land Development Code, second by Commissioner Wallace. PASS 4:0**
- **Discussion and Consideration of 2017 Annual Report** – CA presented and discussed the Annual Report for City Council. **Commissioner Bjornstad move to approve report be presented to City Council, second by Commissioner Harris. PASS 4:0**
- **Discussion of 2018 Work Plan** – CA presented a review of 2017 work plan, discussion on plans for next year. Commission will review and visit again next month.

Other Business: Commissioner Wallace voiced her concern on the current code regarding Bee Keeping and would like it to be reviewed.

Adjourn: 7:54 PM

Staff Report
Site Plan Review Application,
W. 4th Street LU 2018-01
May 2, 2018

1. **Proposal.** The Planning Commission is being asked to review and render a decision on an application for site plan review and approval for the development of two duplexes within the R-3 Multiple-Family/Residential zone. The application was submitted by property owner William George on March 23. The basic proposal is to build two duplexes on a single lot, which will contain 4 living units to rent on a vacant property located at the corner of Moss Street and 4th Street, on Assessor's Map 19-01-14-22, Tax Lot 1606.
2. **Approval Criteria.** *LDC, Section 9.250*, paragraph (a), establishes the decision process required for site plan review. An application for a site plan review may be approved by the City Administrator, but if the site or proposed buildings have unusual or special features the City Administrator may refer the application to Planning Commission for a decision, which triggers a quasi-judicial public hearing before the Planning Commission. The proposal of placing two duplexes on a single lot is reason why this application is referred to Planning Commission. Following public hearing and after evaluating the application against the decision criteria contained in *LDC Section 9.250(b), 9.518, 9.520, and 9.610* the Planning Commission must adopt findings which approve, deny or conditionally approve the site plan review application and may attach any reasonable standards of development to attain compliance with the zoning district and the *LDC*
3. **Staff review of applicable criteria for site plan review *LDC 9.250*.**

(b) Decision Criteria. After an examination of the Site and prior to approval, the Planning Commission must make the following findings:

(1) That the proposed development complies with the Zoning District standards.

Discussion: Duplexes are a permitted use in the R-3 district. The particular development standards in the R-3 zone are as follows:

(a) Minimum lot area – 7,000 square feet.

Discussion: The lot area of the subject property is 12,196.8 square feet. Criterion met.

(b) Minimum lot width - 60 feet, except for corner lots which must have no less than 65 feet on any property line adjoining a street.

Discussion: The lot width of the subject property is 103.05 feet. Criterion met.

(c) Minimum lot depth – 80 feet.

Discussion: The lot depth of the subject property is 120.01 feet. Criterion met.

(d) Maximum building coverage including accessory buildings – 40%, provided that any patio structure solely used for open space and swimming pool not structurally covered shall not be counted as a structure for ascertaining coverage.

Discussion: The subject lot is 12,196.8 square feet, a 40% maximum lot coverage equates to 4,878.72 square feet. Each duplex is 2,424 square feet for a total of 4, 848 square feet. The two proposed duplexes can meet the maximum building coverage. Criterion met.

(e) Maximum building height – 3 stories or 45 feet, whichever is lower. Accessory buildings are limited to one story. For R-3 development within 50 foot of an abutting R-1 district side or rear yard, R-1 height standards apply.

Discussion: The building height for the proposed development is approximately 26 feet. Criterion met.

(f) Front yard –

(1) For streets with constructed or planned curbs and/or sidewalks, 20 feet from the outside edge of the curb or sidewalk but no less than 10 feet from the property line.

(2) Where no curbs or sidewalks are constructed or planned, 15 feet, except all garages, carports or other parking structures taking access from the front of the property shall be set back 20 feet.

Discussion: The front yard setback along Moss Street will be 30 feet or greater. Criterion met.

(g) Side yard setbacks –

(1) Interior side yard: 5 feet and 7.5 feet for two story structures.

(2) Alley side yard: 5 feet

(3) Street side yard: for streets with constructed or planned curbs and/or sidewalks, 15 feet from the outside edge of the curb or sidewalk but no less than 5 feet from the property line except for parking structures which shall be set back at least 20 feet from a curb or

sidewalk. Where no curbs or sidewalks are constructed or planned, 10 feet, except all parking structures taking access from the side street shall be set back 20 feet.

Discussion: The side yard setbacks will be 9 feet at the southern end of the property and 7.5 at the northern end. The proposed sidewalk will be 15.5 feet from the edge of the sidewalk to the northern property line. The total side yard setback at the northern end of the property will be approximately 23 feet. The side yard setbacks may adjust slightly to allow for adequate space to place necessary utility lines, but will still meet the required setbacks.

(h) Rear yard: 10 feet.

Discussion: The rear yard setback will be 40 feet. Criterion met.

Recommended FINDING for approval: The proposed development on the subject property can comply with zoning district standards in the R-3 zone. Criterion met.

(2) That the proposed development complies with applicable provisions of city codes and ordinances.

Recommended FINDING for approval: The application and site plan submitted by the applicant demonstrates the proposed development can comply with applicable provisions of City codes and ordinances. Criterion met.

(3) That the proposed development will not cause negative impacts to traffic flow or to pedestrian and vehicular safety and future street rights-of-way are protected.

Discussion: The proposed development is similar to the existing developments north of the subject property in which there are currently five duplexes on five lots. The uses on the block of properties located to the northeast of the subject property are also zoned for multi-family. The uses on the properties located easterly of the subject property are zoned for single family residential and currently consist of two single family homes, the Lowell Fire Station, and a public park. As part of the proposed development, the applicant will be required to install a pedestrian sidewalk along the north side of the subject property on West 4th Street. The existing wooden fence on the south end of the property will remain. The proposed development will have a 6-foot high chain link fence with privacy slats abutting Moss Street, except for the front gates and cross fence; the chain link fence with privacy slats will be similar to the existing duplexes north of the subject property. Public notice was sent to property owners within 300-feet of the subject property; no public comments have been received. Subject to testimony to the contrary, a conclusion can be made the proposed development will not cause negative impacts to traffic flow or to pedestrian and vehicular safety, and future rights-of-way are protected.

Recommended FINDING for approval: Conditioned upon testimony to the contrary, the proposed development will not cause negative impacts to traffic flow or to pedestrian and vehicular safety and future street rights-of-way are protected. Criterion met.

(4) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties.

Recommended FINDING for approval: The proposed development does not contain any proposed signs or lighting that will interfere with traffic, limit visibility or impact on adjacent properties. Criterion met.

(5) That proposed utility connections are available, have the capacity to serve the proposed development and can be extended in the future to accommodate future growth beyond the proposed land division.

Recommended FINDING for approval: Per the applicant's supplemental materials submitted on April 11, 2018, all connections are in place. Criterion met.

(6) That the proposed development will not cause negative impacts to existing or proposed drainage ways including flow disruptions, flooding, contamination or erosion.

Recommended FINDING for approval: Conditioned upon testimony to the contrary, the proposed development will not cause negative impacts to existing or proposed drainage ways including flow disruptions, flooding, contamination or erosion. Criterion met.

(7) That the proposed development will not cause negative impacts, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan consistent with the standards of the Zoning District and complies with the applicable standards of all regulatory agencies having jurisdiction.

Recommended FINDING for approval: Conditioned upon testimony to the contrary, the proposed development will not cause negative impacts, potential hazards or nuisance characteristics. Criterion met.

4. Staff review of applicable criteria for sidewalks

LDC 9.518. Public sidewalk improvements are required for all land divisions and property development in the City of Lowell. Sidewalks may be deferred by the City where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. An irrevocable Waiver of Remonstrance shall be recorded with the property to guarantee compliance with this requirement.

(a) Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the City determines that full right-of-way acquisition is impractical.

(b) Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.

(c) The City may approve alternate sidewalk alignments and widths to accommodate obstructions that cannot be altered.

(d) Sidewalks in residential areas shall be a minimum of five (5) feet in width and shall be installed adjacent to the curb unless a planter strip of at least four (4) feet in width is approved adjacent to the curb where sufficient right-of-way is available.

(e) Sidewalks adjacent to Major Collector or Arterial Streets are required and shall be a minimum of five (5) feet in width separated by a planter strip of five (5) feet in width adjacent to the curb. Sidewalks may be approved adjacent to the curb where direct access is required. Sidewalks adjacent to the curb shall be a minimum of seven (7) feet in width or a minimum of ten (10) feet in width adjacent to Commercial properties. Planter openings adjacent to the curb are encouraged within the ten (10) foot wide walks.

(f) Planter strips and the remaining right-of-way shall be landscaped and incorporated as part of the front yard or adjacent property.

(g) Mid-block Sidewalks. The City may require mid-block sidewalks for long blocks or to provide access to schools, parks, shopping centers, public transportation stops, or other community services. Mid-block sidewalks shall be raised and shall be 6 feet in width.

(h) Internal pedestrian circulation shall be provided within new office parks and

commercial developments by clustering buildings and construction of accessways.

Discussion: As a condition of approval, the applicant shall install a pedestrian sidewalk along the north end of the subject property on West 4th Street. Applicant is responsible for obtaining all necessary permits, and costs associated with installation of sidewalk. The proposed sidewalk shall be constructed to the applicable standards and criteria set forth at LDC 9.518 and Standards for Public Improvements.

CONDITION OF APPROVAL #1: As a condition of approval, and prior to final inspection by the city engineer or appropriate authority as determined by the City Administrator, applicant shall install a pedestrian sidewalk at the north end of the subject property on West 4th Street. Applicant shall be responsible for obtaining all necessary permits, and costs associated with the installation of the sidewalk. Sidewalk shall be inspected, and approved by the city engineer or appropriate authority as determined by the City Administrator of the City of Lowell.

Recommended FINDING for approval: As conditioned, the proposed development can comply with the standards in LDC 9.518. Criterion met.

5. Staff review of applicable criteria for storm drainage

LCD 9.520. Until completion of a Storm Drainage Master Plan for the City of Lowell, Section IV, of the Standards for Public Improvements and the following shall apply. In the event of a conflict, the following takes precedence.

(a) General Provisions. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site and off-site drainage improvements may be required. Property owners shall provide proper drainage and shall not direct drainage across another property except as a part of an approved drainage plan. Paving, roof drains and other catch basin outflows may require detention ponds or cells and discharge permits. Maintaining proper drainage is a continuing obligation of the property owner. The City will approve a development request only where adequate provisions for storm and flood water runoff have been made as determined by the City. The storm water drainage system must be separate and independent of any sanitary sewerage system. Inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage must be shown on every development plan submitted for approval. All proposed drainage systems must be approved by the City as part of the review and approval process.

CONDITION OF APPROVAL #2: As a condition of approval, and prior to issuance of building permits, applicant shall submit a drainage system plan for review, and approval, by the city engineer or appropriate authority as determined by the City Administrator.

Recommended FINDING for approval: As conditioned, the proposed development can comply with the standards in LDC 9.520. Criterion met.

6. Staff review of applicable criteria for wetland development standards

LDC 9.610. Wetlands are defined as those areas that are inundated or saturated often enough to support a prevalence of vegetation adapted for life in standing water or saturated soil. Wetlands include swamps, bogs, marshes and similar areas.

(a) Regulation. Development within wetlands is prohibited unless replacement or enhancement mitigation is accepted by the regulatory agencies. The Oregon Division of State Lands (DSL) is the coordinating agency for wetland permits. The US Army Corp of Engineers (Corps) is the federal regulatory agency administering Section 404 of the National Clean Waters Act. There are also other state and federal coordinating agencies including DLCD.

(b) Notice. ORS 227.350 specifies that cities shall provide notice of proposed wetlands development to the Division of State Lands (DSL). The City shall provide notice to the DSL, the applicant and the owner of record, within 5 working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the State-wide Inventory of Wetlands or have been identified in any known wetlands study as possibly containing wetlands.

- (1) Subdivision;*
- (2) Building permits for new structures;*
- (3) Other development permits and approvals that allow physical alteration to the land involving excavation and grading, including permits for removal or fill, or both;*
- (4) Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and*
- (5) Planned unit development approvals.*

(c) The provisions of Section 9.610(b) do not apply if a permit from DSL has been issued for the proposed activity.

(d) Approval of any activity described in Section 9.610(b) shall include one of the following notice statements:

- (1) Issuance of a permit under ORS 196.600 to 196.905 by DSL is required for the project before any physical alteration takes place within the wetlands;*
- (2) Notice from DSL that no permit is required; or*

(3) *Notice from DSL that no permit is required until specific proposals to remove, fill or alter the wetland are submitted.*

(e) If DSL fails to respond to any notice provided under Subsection (2) of this section within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits.

(f) The City may issue local approval for parcels identified as having potential wetlands on the State-wide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits. The City will provide DSL with a copy of the notification together with a map showing the property location.

(g) Notice of activities authorized within an approved wetland conservation plan shall be provided to the division within five days following local approval.

(h) Failure by the City to provide notice as required in this section will not invalidate City approval.

(i) Development Standards:

(1) No building permits shall be issued within designated wetlands unless a permit has been acquired from DSL and any other regulatory agency having jurisdiction or documentation is provided indicating that no permit is required.

(2) The City of Lowell shall not provide water and sewer service to any new structures or development which would encroach upon or adversely affect any designated wetlands within the Lowell City Limits or Urban Growth Boundary until the requirements of any permit are met. In the event that that water and sewer service are required before permit conditions such as mitigation, are accepted by the permitting agency, such service will only be provided on the condition that if permit conditions are not met, service will be terminated.

Discussion: Per the Lowell Local Wetland Inventory Map completed in 2011. The subject property is identified as containing a probable wetland. A wetland determination was conducted at the subject property by a representative from DSL on April 17. It was determined the subject property contains a wetland, and a wetland delineation report be conducted and submitted to DSL for approval to build within the wetland. A Wetland Land Use Notification has been submitted to DSL for review.

CONDITION OF APPROVAL #3: As a condition of approval, and prior to issuance of building permits, applicant shall obtain all necessary permits for approval to build in an identified wetland. No building activity or disturbance of soil shall occur on the subject property until all permits are obtained, and

conditions as imposed by DSL or other regulatory agencies are complied with.

Recommended FINDING for approval: As conditioned, the proposed development can comply with LDC 9.610. Criterion met.

7. Recommendation

Staff recommends the Planning Commission APPROVE a site plan review as conditioned, for the proposed development of two duplexes on a single lot in the R-3 zone.

8. Attachments

Attachment A: Applicant's application

Attachment B: Supplemental materials submitted by applicant

Attachment C: Notice

ATTACHMENT A

Land Use Permit Application

Site Plan Review Lot Line Adjustment Partition Subdivision
 Conditional Use Variance Map Amendment Text Amendment
 Annexation Vacation Other, specify _____

Please complete the following application. If any pertinent required information or material is missing or incomplete, the application will not be considered complete for further processing. If you have any questions about filling out this application, please contact staff at Lowell City Hall, phone (541) 937-2157, 107 East Third, Lowell.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Map# 19-01-14-22 Lot # 1606

Map# _____ Lot # _____

Map# _____ Lot # _____

Street Address (if applicable): TBD W 4th St Lowell

Area of Request (square feet/acres): ~~1.28~~ .28 AC

Existing Zoning: R3

Existing Use of the Property: VACANT

Proposed Use of the Property BUILD TWO DUPLEXES TO RENT

Pre-application Conference Held: No _____ Yes If so, Date 3-19-2018

Submittal Requirements:

- 1. Copy of deed showing ownership or purchase contract with property legal description.
- _____ 2. Site Plan/Tentative Plan with, as a minimum, all required information. Submit one copy of all plans 11X17 or smaller; 12 copies of all plans larger than 11x17. (See attached checklist for required information)
- _____ 3. Applicant's Statement: Explain the request in as much detail as possible. Provide all information that will help the decision makers evaluate the application, including addressing each of the decision criteria for the requested land use action.
- _____ 4. Other submittals required by the City or provided by the applicant. Please List.
 - a. _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____
 - f. _____
- _____ 5. Filing Fee: Amount Due: 174.00

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that incomplete applications may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge. I (We) also acknowledge that if the total cost to the City to process this application exceeds 125% of the application fee, we will be required to reimburse the City for those additional costs in accordance with Ordinance 228.

PROPERTY OWNER S

Name (print): WILLIAM D. GEORGE Phone: 541-510-5607

Address: PO BOX 305

City/State/Zip: LOWELL, OR. 97452

Signature: William D. George Ruth M George

APPLICANT, if Different

Name (print): _____ Phone: _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

Signature: _____

E-mail (if applicable): _____

APPLICANTS REPRESENTATIVE, if applicable

Name (print): _____ Phone: _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

E-mail (if applicable): _____

For City Use. Application Number _____

Date Submitted: _____ Received by: _____ Fee Receipt # _____

Date Application Complete: _____ Reviewed by: _____

Date of Hearing: _____ Date of Decision _____ Date of Notice of Decision _____

\$\$ 174.00

APPLICATION SITE PLAN REQUIREMENTS CHECKLIST
Lowell Land Development Code, Section 2.140

Applications for land divisions or land use requests that require a site plan shall submit the site plan on 8 1/2 x 11 inch or 11 x 17 inch black/white reproducible sheets for copying and distribution. Larger drawings may be required for presentation and City review. Drawings shall be drawn to scale. The scale to be used shall be in any multiple of 1 inch equals 10 feet (1" = 20', 1" = 30', 1" = 100', etc.) and may be increased or decreased as necessary to fit the sheet size. The Application and site plan shall show clearly and with full dimensioning the following information, as applicable, for all existing and proposed development. It is understood that some of the requested information may not apply to every application.

- The names of the owner(s) and applicant, if different.
- The property address or geographic location and the Assessor Map number and Tax Lot number.
- The date, scale and northpoint.
- A vicinity map showing properties within the notification area and roads. An Assessor Map, with all adjacent properties, is adequate.
- Lot dimensions. *103.05 X 120.01*
- The location, size, height and uses for all existing and proposed buildings.
- Yards, open space and landscaping.
- Walls and fences: location, height and materials. *CHAIN LINK WITH SLATS*
- Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.
- Access: pedestrian, vehicular, service, points of ingress and egress.
- NA* Signs: location, size, height and means of illumination.
- NA* Loading: location, dimension, number of spaces, internal circulation.
- Lighting: location and general nature, hooding devices.
- Street dedication and improvements.
- Special site features including existing and proposed grades and trees, and plantings to be preserved and removed.

_____ Water systems, drainage systems, sewage disposal systems and utilities.

_____ Drainage ways, water courses, flood plain and wetlands.

✓ _____ The number of people that will occupy the site including family members, employees or customers. *↳ FAMILIYS*

? _____ The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.

NA _____ Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.

_____ Specifications of the type and extent of emissions, potential hazards or nuisance characteristics generated by the proposed use. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for denial or termination of a Certificate of Occupancy.

Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community including, but not limited to; noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference, may require additional safeguards or conditions of use as required by the Planning Commission or City Council.

All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. City approval of a land use application shall be conditional upon evidence being submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.

_____ Such other data as may be necessary to permit the deciding authority to make the required findings.

NOTE: Additional information may be required after further review in order to adequately address the required criteria of approval.

AFTER RECORDING RETURN TO:
CASCADE TITLE COMPANY
811 WILLAMETTE ST., EUGENE, OR 97401



Lane County Clerk
Lane County Deeds and Records

2017-028411



\$47.00

01655236201700284110010014

06/14/2017 02:55:01 PM

RPR-DEED Cnt=1 Str=40 CASHIER 01
\$5.00 \$11.00 \$21.00 \$10.00

TITLE NO. 0302207 JJ
ESCROW NO. EU17-1771
TAX ACCT. NO. 1798071
MAP/TAX LOT NO. 19-01-14-22-01606

GRANTOR

WILLIAMS CONSTRUCTION COMPANY, INC

GRANTEE

WILLIAM D. GEORGE and RUTH M. GEORGE

PO Box 305
Lowell, OR 97450

Until a change is requested
all tax statements shall be
sent to the following address:
SAME AS GRANTEE

After recording return to:
CASCADE TITLE CO.
811 WILLAMETTE
EUGENE, OR 97401

WARRANTY DEED -- STATUTORY FORM

WILLIAMS CONSTRUCTION COMPANY, INC, an Oregon Corporation, Grantor,

conveys and warrants to

WILLIAM D. GEORGE AND RUTH M. GEORGE, as tenants by the entirety, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

Lot 6, APPLE CREEK II, as platted and recorded June 8, 2007, Reception No. 2007-039065, Lane County Deeds and Records, in Lane County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Except the following encumbrances:
Covenants, Conditions, Restrictions and Easements of record.

The true consideration for this conveyance is \$70,000.00.

Dated this 14th day of June, 2017.


WILLIAMS CONSTRUCTION COMPANY, INC

BY: 
SCOTT WILLIAMS, PRESIDENT

State of Oregon
County of Lane

This instrument was acknowledged before me on June 14th, 2017 by SCOTT WILLIAMS AS PRESIDENT OF WILLIAMS CONSTRUCTION COMPANY, INC.




(Notary Public for Oregon)
My commission expires 6/16/18



THE Pines



TRADITIONS with Shake Option

2424 SQ. FT. DUPLEX

Each Unit:

1212 Sq Ft

3 Bed

1.5 Bath

SPECIAL FEATURES & OPTIONS

Great Room Concept

Second Story Utilities

Optional Covered Patio



TRADITIONS



CLASSIC

ADAIRHOMES.com

Building Dreams Since 1969



THE Pines

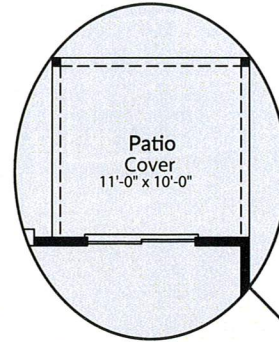
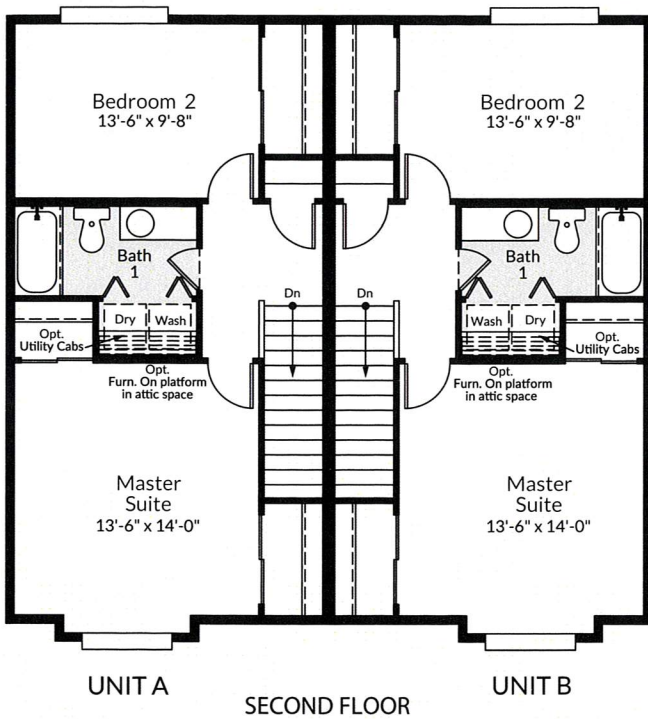
2424 SQ. FT. DUPLEX

Each Unit:

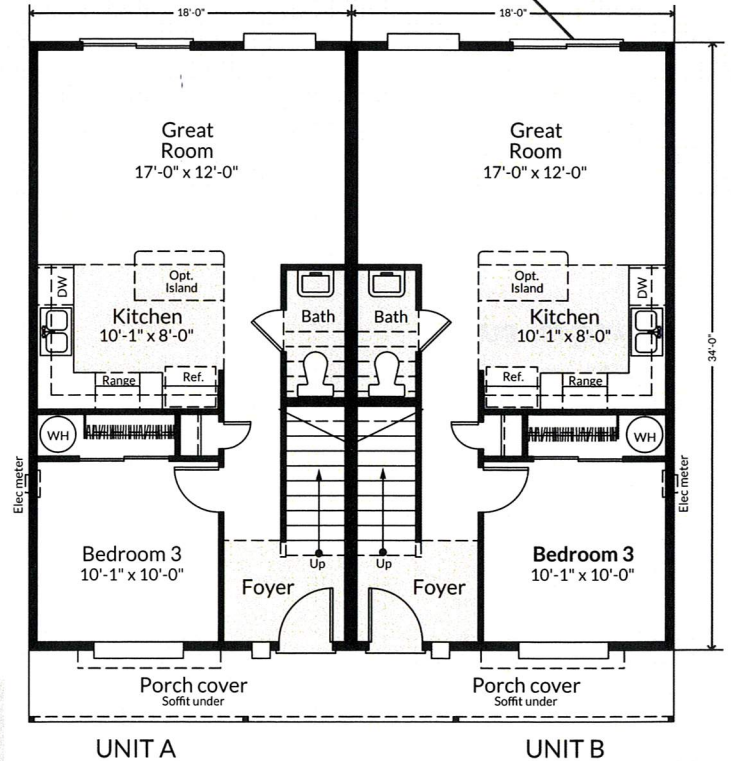
1212 Sq Ft

3 Bed

1.5 Bath



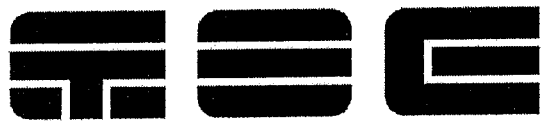
Optional Patio Cover



Customize Your Home ... It's Easy!

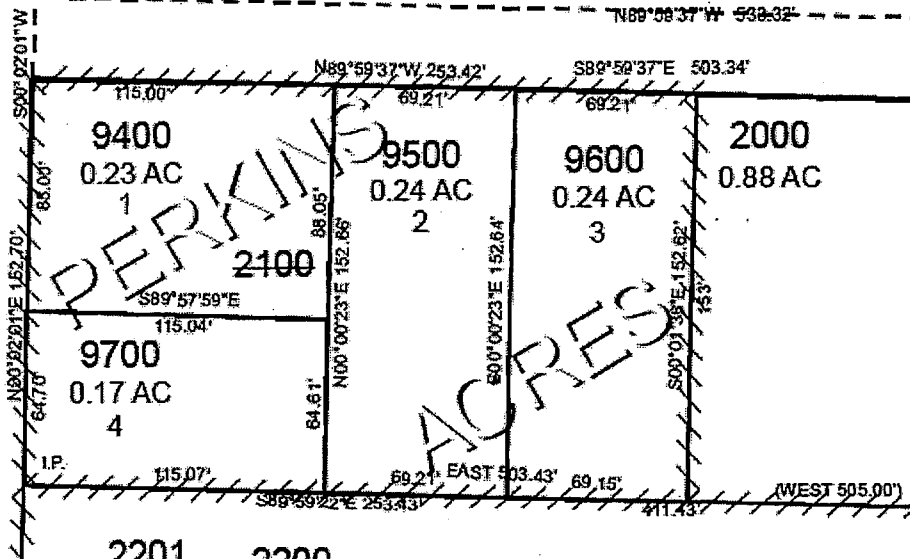
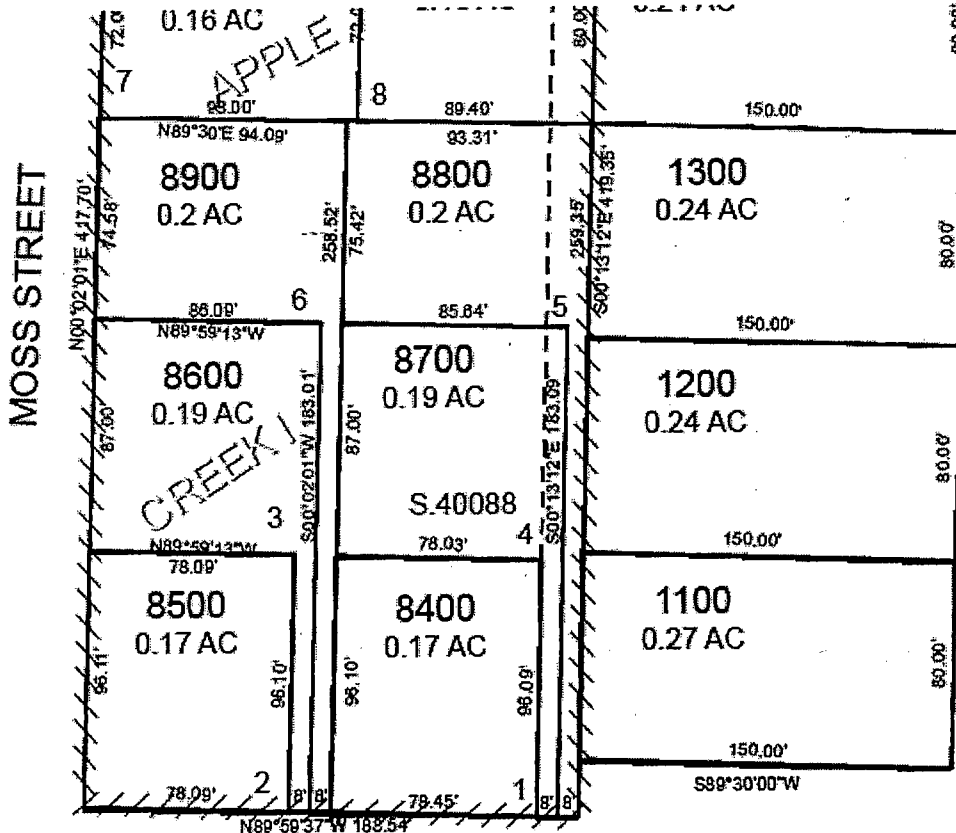
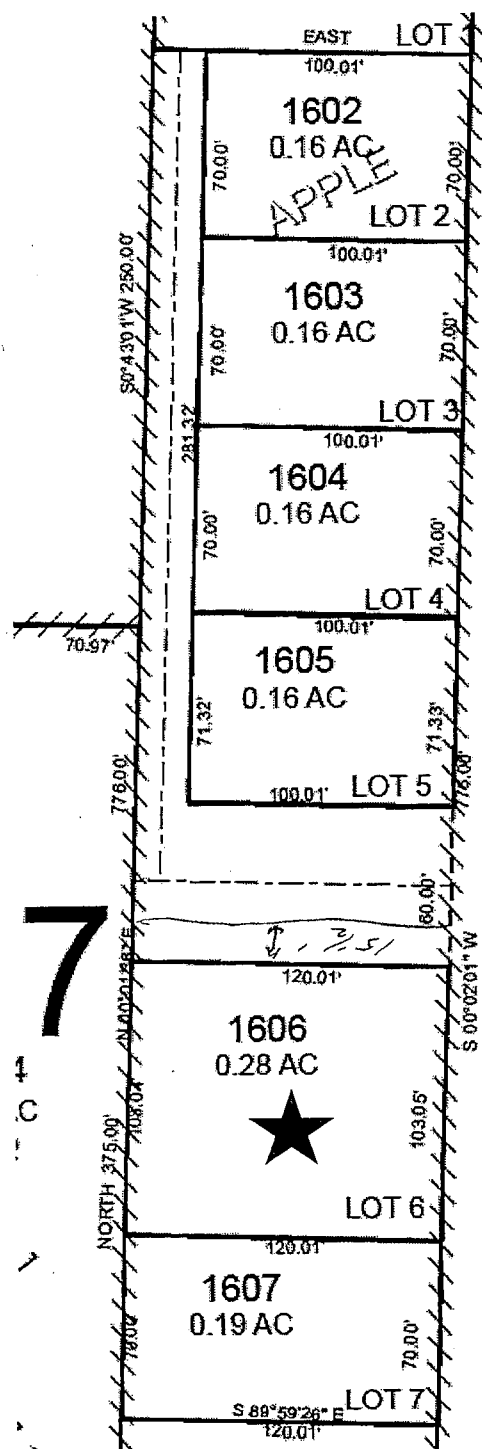
Why settle for someone else's idea of the perfect home? At Adair Homes we think *you're the expert* when it comes to designing a home that's a perfect fit for your family. Choose from one of our options or work with our team members to *create the home you have always dreamed of.*



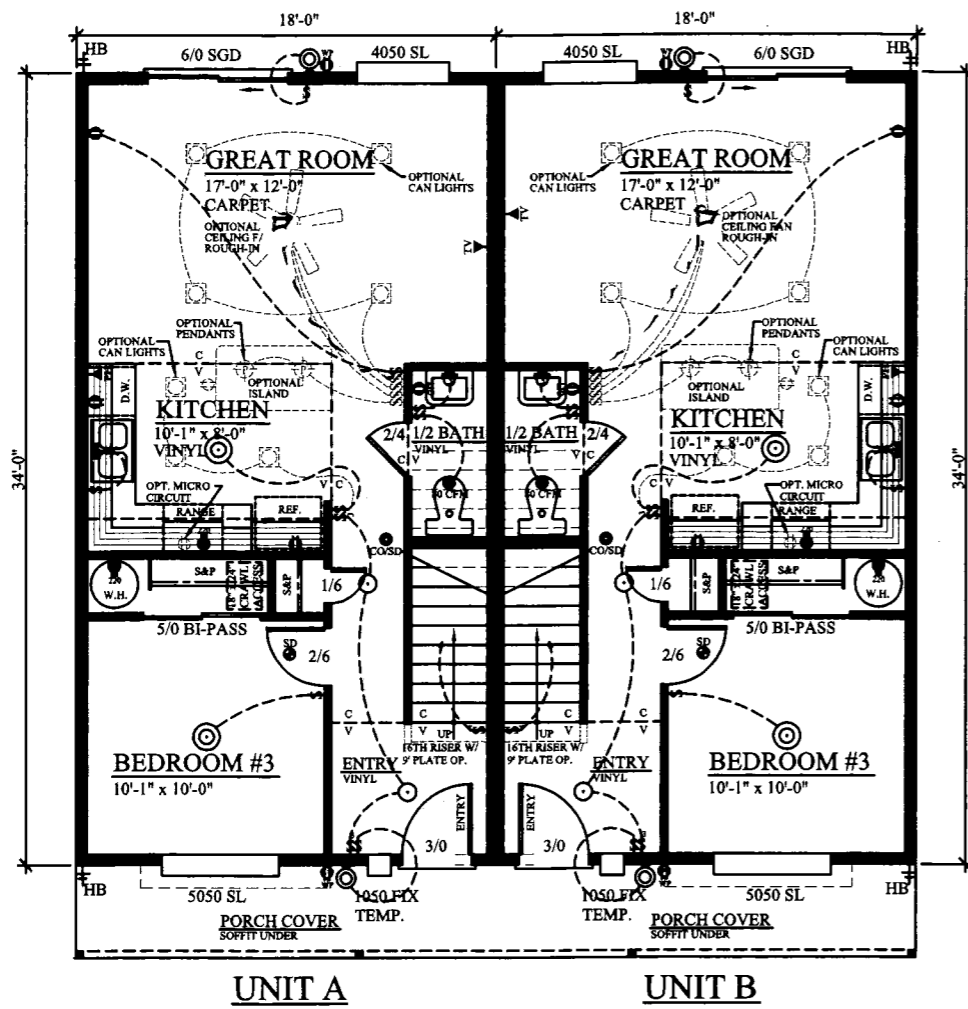


CASCADE TITLE CO.

MAP NO.
19-01-14-22



THIS MAP/PLAT IS BEING FURNISHED AS AN AID IN LOCATING THE HEREIN DESCRIBED LAND IN RELATION TO ADJOINING STREETS, NATURAL BOUNDARIES AND OTHER LAND, AND IS NOT A SURVEY OF THE LAND DEPICTED. EXCEPT TO THE EXTENT A POLICY OF TITLE INSURANCE IS EXPRESSLY MODIFIED BY ENDORSEMENT, IF ANY, THE COMPANY DOES NOT INSURE DIMENSIONS, DISTANCES, LOCATION OF EASEMENTS, ACREAGE OR OTHER MATTERS SHOWN THEREON.

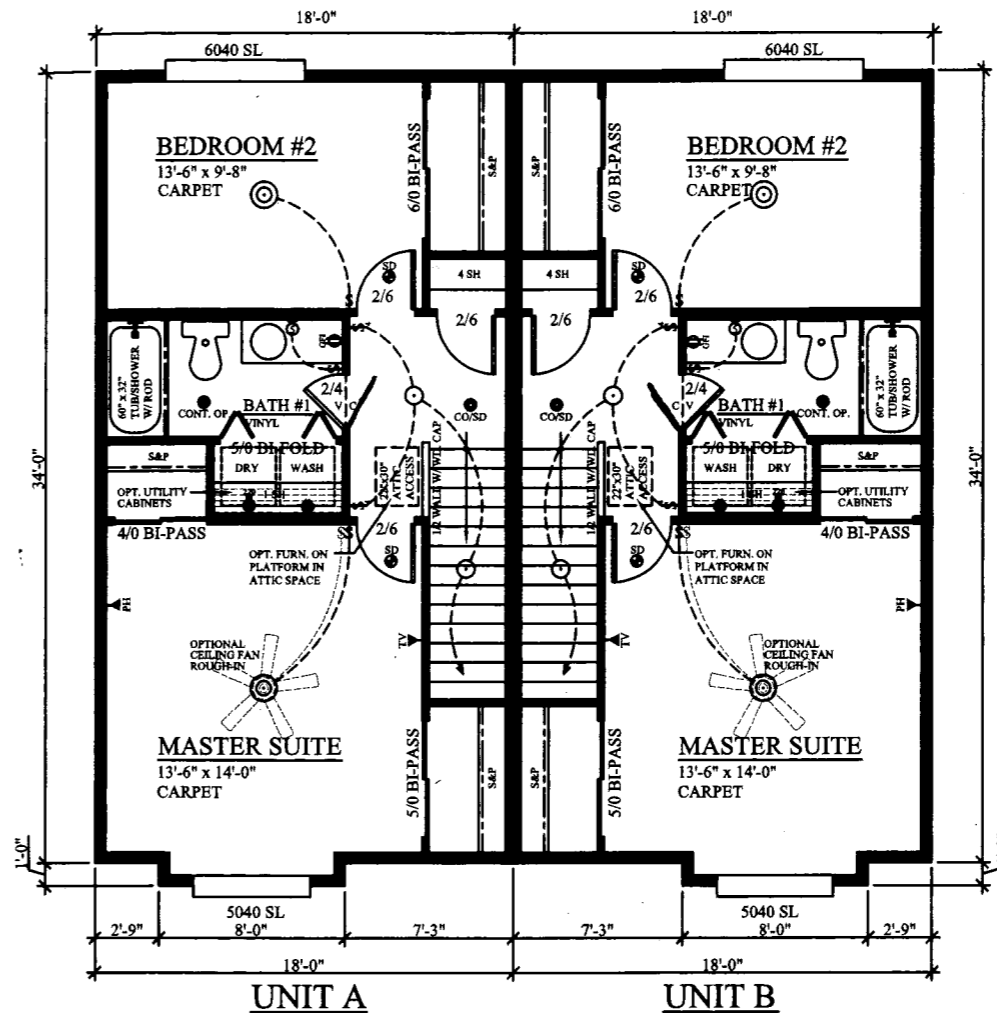
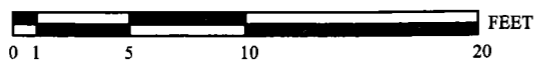


MAIN FLOOR PLAN

612 SQ FT PER UNIT

1/8" = 1'-0"

TOTAL SQUARE FOOTAGE: 1212 SF PER UNIT (2424 SF BUILDING)



UPPER FLOOR PLAN

600 SQ FT PER UNIT

1/8" = 1'-0"

NOTE:

1-ACTUAL LOCATION OF ELECTRICAL OUTLETS, HEATERS, THERMOSTATS, AND ALL ELECTRICAL COMPONENTS SHALL BE DETERMINED BY THE ELECTRICIAN AND INSTALLED TO CODE.

2-THESE PLANS ARE GENERALIZED AS OPPOSED TO SPECIFIC. THE FINAL MEASUREMENTS AND LAYOUT OF THE STRUCTURE WILL DIFFER SOMEWHAT FROM WHAT IS SHOWN.

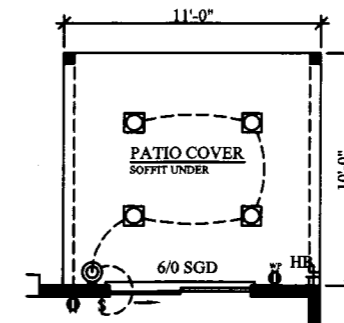
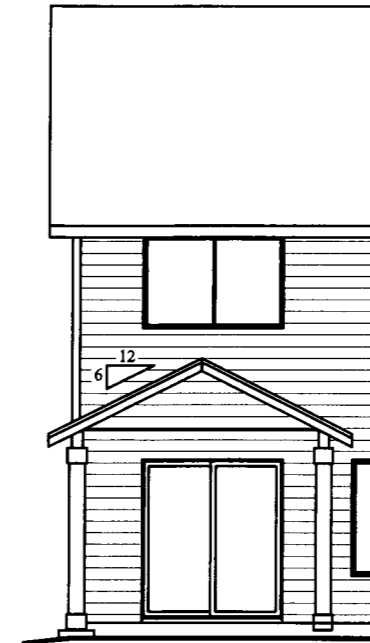
ELECTRICAL LEGEND	
ELECTRICAL	SYMBOL
FAN	●
FAN - CEILING ROUGH-IN	
LIGHT - W. MOUNT - EXTERIOR	⊙
LIGHT - DINING ROOM	⊕
LIGHT - KEYLESS	⊗
LIGHT - FOYER - 1 STORY	⊕
LIGHT - FOYER - 2 STORY	⊗
LIGHT - LARGE MUSHROOM	⊙
LIGHT - SMALL MUSHROOM	○
LIGHT - PENDANT	⊕
LIGHT - RECESSED CAN	⊠
LIGHT - WALL MOUNT - VANITY	○
OUTLET - 110	⊖
OUTLET - 220	⊖
OUTLET - PHONE	PH
OUTLET - TV	TV
SMOKE DETECTOR	⊙
SMOKE/CO DETECTOR	⊙
SWITCH	⊖

APPROVED *William D. Berg*
OWNER
Kath M. George DATE 2-26-15
OWNER
OFFICER, ADAIR HOMES

THE PINES

2424 NG DUPLEX

AREAS (PER UNIT)	
COUNTERTOP	
KITCHEN	21 SF
OPT. ISLAND	14 SF
OPT. GALLEY KITCHEN	24 SF
BATH #1	8 SF
FLOORING	
GREAT ROOM	207 SF
ENTRY	38 SF
KITCHEN	65 SF
OPT. GALLEY KITCHEN	54 SF
HALL (ENTRY TO G. RM)	55 SF
HALL (UPPER FLOOR)	57 SF
MASTER SUITE	237 SF
BATH #1	49 SF
BEDROOM #2	159 SF
BEDROOM #3	123 SF
STAIRS	76 SF



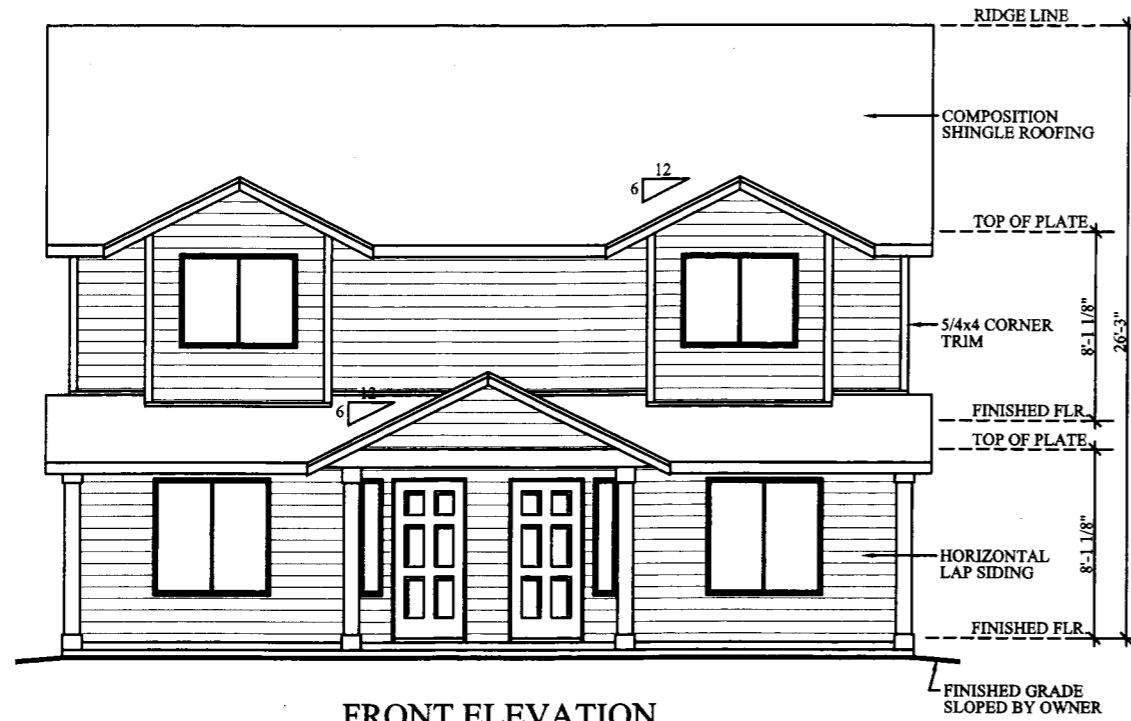
OPTIONAL PATIO COVER
11'-0" x 10'-0"

APPROVED: *[Signature]*
OWNER
DATE 2-26-2015
[Signature]
OWNER
OFFICER, ADAIR HOMES
12/10/15

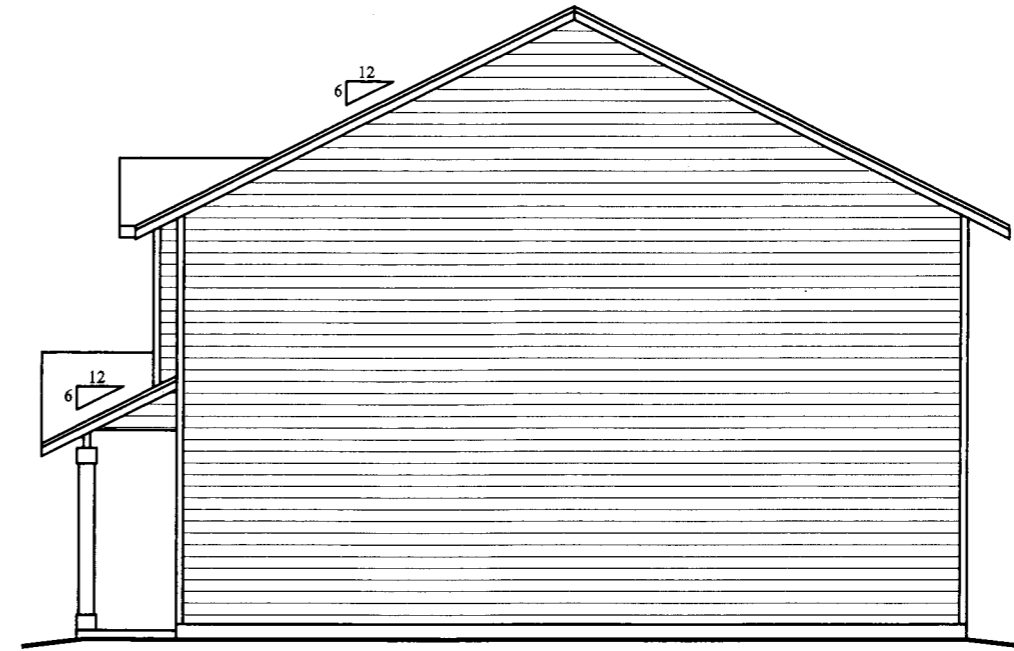


ADAIR HOMES

© COPYRIGHT 2015

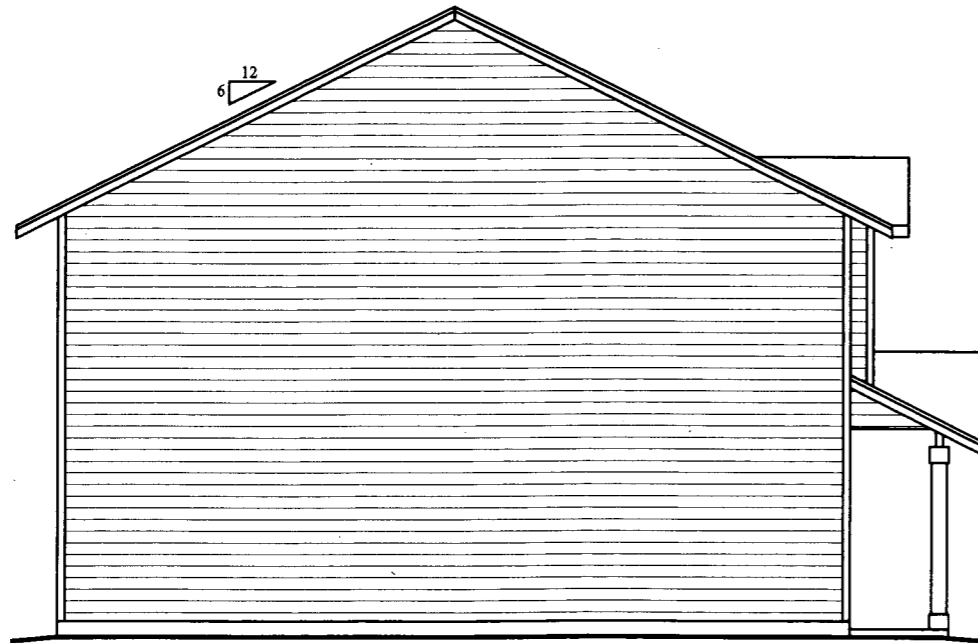


FRONT ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"

CLASSIC ELEVATION



LEFT ELEVATION
1/8" = 1'-0"



REAR ELEVATION
1/8" = 1'-0"

APPROVED: *William D. Steeg*
OWNER
Ruth M. George
OWNER
DATE: 2-26-2018

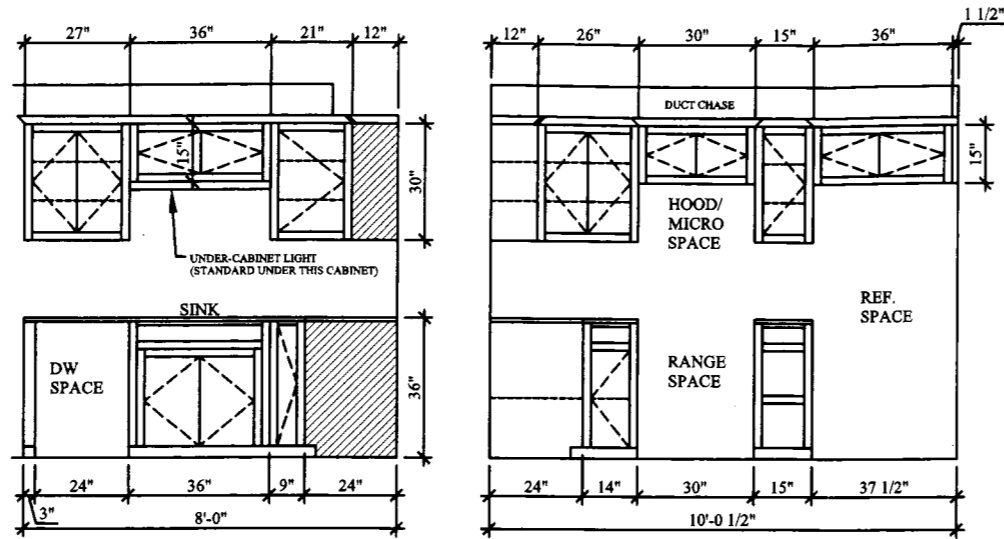
12/10/15

OFFICER, ADAIR HOMES

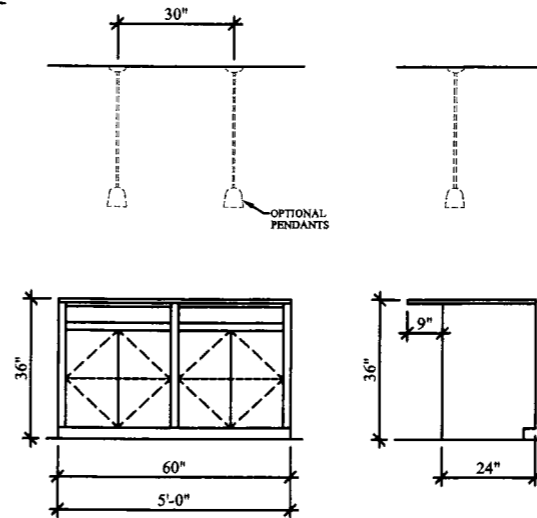


ADAIR HOMES

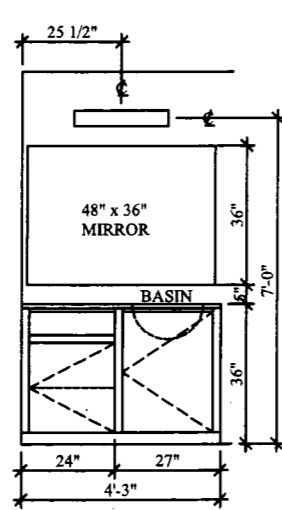
© COPYRIGHT 2015



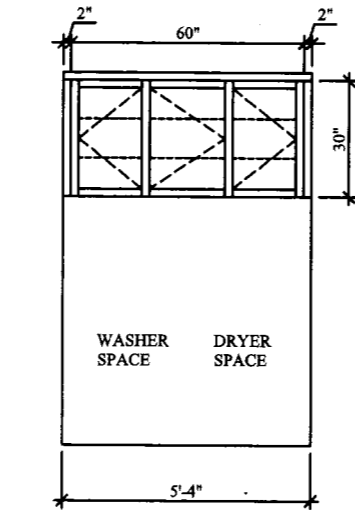
KITCHEN CABINETS - RIGHT SIDE UNIT



OPTIONAL ISLAND



BATH #1



OPT. UTILITY CABINETS

APPROVED: *[Signature]*
OWNER
2-26-2015
[Signature]
OWNER
OFFICER, ADAIR HOMES

ELEVATION OPTIONS

- CLASSIC ELEVATION
- TRADITIONS ELEVATION

STRUCTURAL OPTIONS

- 9 FT PLATE HEIGHT
INCLUDES 36" UPPER
CABINETS IN KITCHEN
- PATIO COVER
11'-0" x 10'-0"

LIGHTING OPTIONS

- KITCHEN: (3) CAN LIGHT PACKAGE
- KITCHEN: PENDANT LIGHT PACKAGE
(FOR OPTIONAL ISLAND)
- KITCHEN: UNDER-CABINET LIGHTING

CABINET OPTIONS

- KITCHEN ISLAND
- UTILITY: 60" UPPER CABINETS
(ABOVE WASHER/DRYER)

APPROVED *[Signature]*
OWNER
[Signature]
OWNER
DATE: 12-26-15
OFFICER, ADAIR HOMES

12/10/15



ADAIR HOMES

© COPYRIGHT 2015

Plot Plan

Scale of Plan 1" = 10'

(add orientation North to plan)

Home Owner (s): BILL GEORGIAS

Property Location: IRB 4th St. Lowell OR Tax Lot: 19-01-14-22-01606

The information on this Plan has been provided and reviewed by the property owner who by signing below:

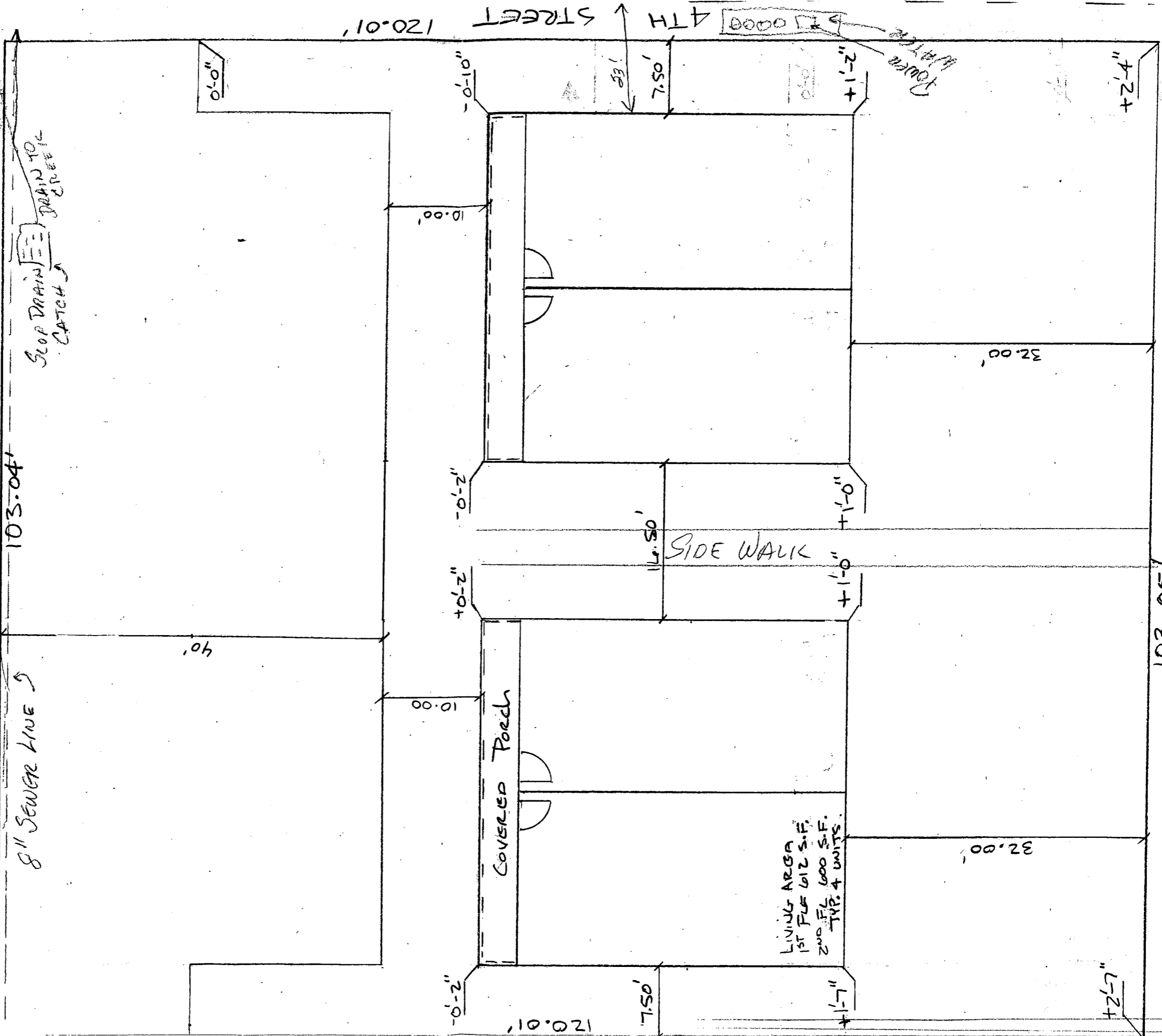
- 1) Acknowledges and Accepts full responsibility for its accuracy and completeness.
- 2) Is responsible to ensure that the improvements to the site take place in conformance with this plan.
- 3) Will establish all the corner irons, lot lines and code required setbacks required of this property, any change(s) to this plan must be pre-approved by the governmental agencies with jurisdiction, the mortgage-lender, the contractor and documented.

Owner signature Bill Georgias

Date 2-26-2018

Owner signature Ruth M. George

Date 2-26-2018



103.051
MOSS STREET

ATTACHMENT B

4-11-2018

The following are answers for Site Plan Review 9.250 (b) Decision Criteria Questions #1 Yes #2 Yes #3 It will bring 4 new family's to Lowell and should cause no negative impacts #4 No signs or lights proposed #5 All utility connections are in place #6 & #7 I believe that both of these statements are correct

The following are answers for Site Plan Section 9.204 Application

G - Grass and cement patio with space designed for 8 x 10 storage sheds in the back yards. H - South border fence will stay the same. All fencing will be 6 ft. chain link fence with privacy slats except for the front gates and cross fence (see existing duplex setup) across the street.

I - The parking area is 40 ft. deep X 102 ft. wide to accommodate two parking spaces for each duplex and a visitors spot.

J - We will match the entrance size on the north side of 4th. St for our entrance to the parking lot along with a 5ft. sidewalk on the south side to mirror the existing sidewalk on the north side instead of a sidewalk between the buildings per the City's request.

M - Only porch and patio lights that are Adair's standard issue are planned.

N - The street is established, I suggest numbering each house going south 11 & 9 and 7 & 5 as this would help the post office carrier as they will all be using the same mail box.

O - Two small trees, one may be a bush and blackberries will be removed. The plan is to maintain the lot elevation after leveling to support the building sites and parking lot.

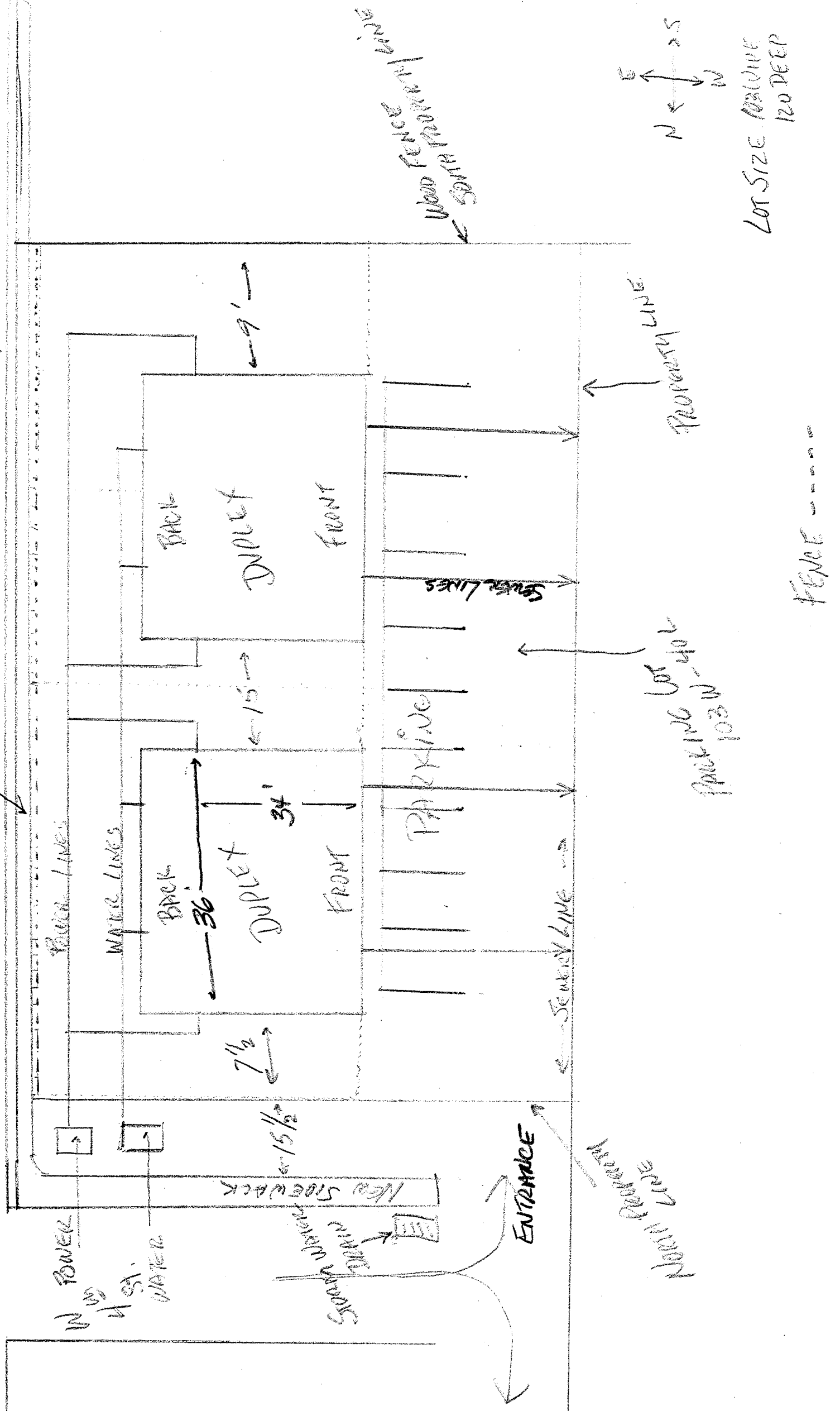
Q - The plan for storm water drainage (two options) is to run water under the new sidewalk on to 4th St. to free flow into the existing drain or direct drain pipes into the same drain below ground.

U - This order of specifications may not apply to this project. The intention for the improvement of this property is to construct two duplexes for family's to live in.

Bill George

OLD SIDEWALK

← MASS →



N ← 1/2" = 10' → S
 N ← 1/2" = 10' → S

LOT SIZE 120 FEET DEEP

FENCE

PARKING LOT 103' W - 40' D

WOOD FENCE PROPERTY LINE

WOOD FENCE PROPERTY LINE

WOOD FENCE PROPERTY LINE

WOOD FENCE PROPERTY LINE

WOOD FENCE PROPERTY LINE

WOOD FENCE PROPERTY LINE

Plot Plan

Scale of Plan 1" = 10' (add orientation North to plan)

Home Owner (s): BILL GEORGE

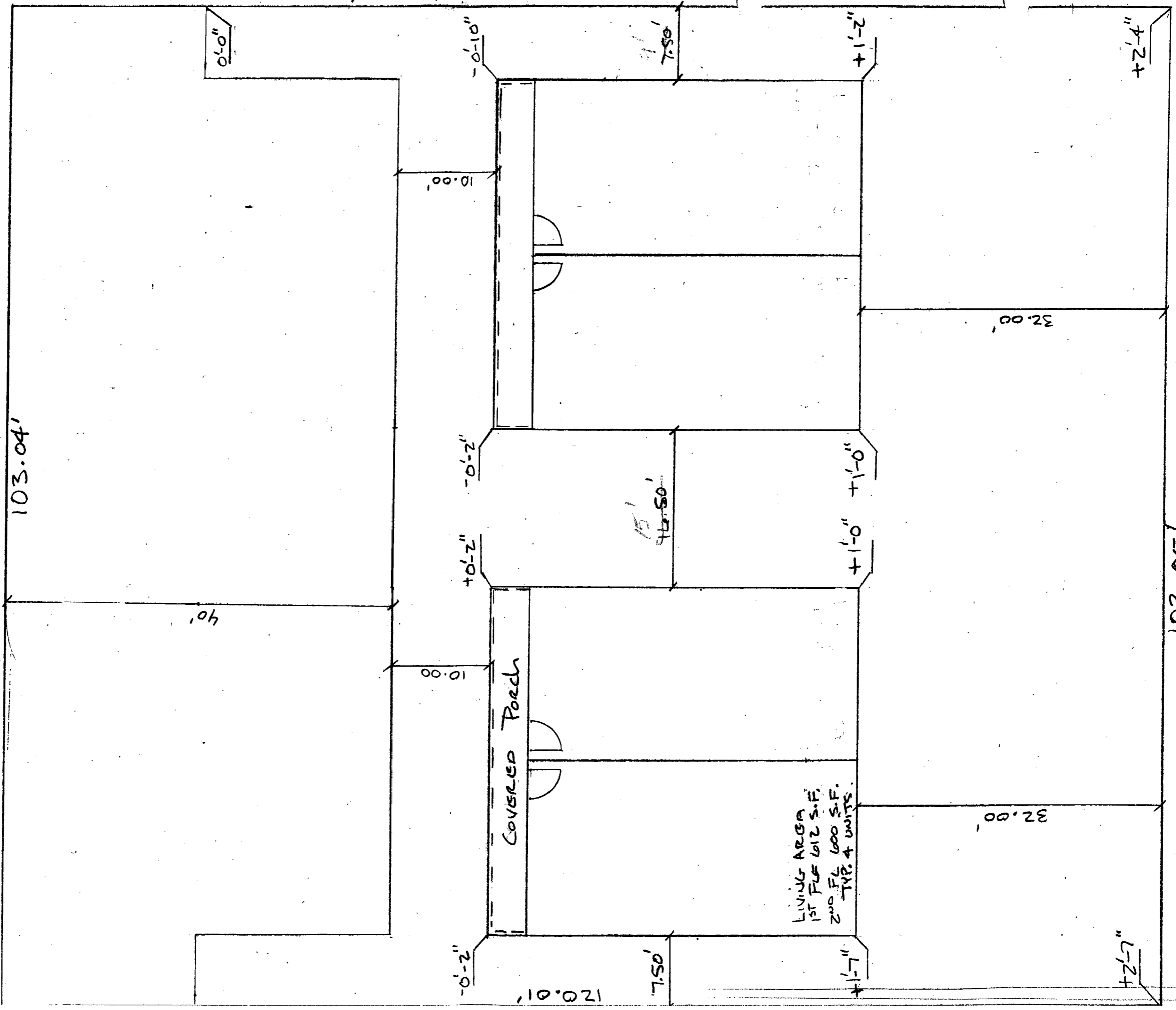
Property Location: TRD 4th ST, Lowell OR Tax Lot: 19-01-14-22-01606

The information on this Plan has been provided and reviewed by the property owner who by signing below:

- 1) Acknowledges and Accepts full responsibility for its accuracy and completeness;
- 2) Is responsible to ensure that the improvements to the site take place in conformance with this plan;
- 3) Will establish all the corner irons, lot lines and code required setbacks required of this property, any change(s) to this plan must be pre-approved by the governmental agencies with jurisdiction, the mortgage-lender, the contractor and documented.

Owner signature [Signature] Date 2-26-2018

Owner signature [Signature] Date 2-26-2018



103.051

MOSS STREET

ATTACHMENT C
CITY OF LOWELL
NOTICE OF PUBLIC HEARING
Mailing Date 4/12/2018

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a **Site Plan Review** for a proposed four-unit residential development located at the southwest corner of Moss Street and Fourth Street.

The Hearing will occur on May 2, 2018 at 7:00 pm in the Lowell City Hall located at 107 East Third Street.

Requested Action: Site Plan Review for a proposed four-unit residential development on property located at the southwest corner of Moss Street and Fourth Street.

Owner/Applicant: William and Ruth George
Property Location SW Corner of Moss Street and Fourth Street
Assessor Map: 190114220
Tax Lot: 1606
Existing Area: 0.28 acres
Existing Zone: R-3 Multi-Family Residential

The Lowell Land Use Development Code specifies the applicable procedures and criteria for evaluation of the requested action. Applicable Code Sections include Code Section 9.412 Multi-Family Residential, Code Section 9.250 Site Plan Review, Code Section 9.304 Notification and Code Section 9.305 Limited Land Use Review Procedures. The specific criteria will be addressed in the Staff Report.

A copy of the Application, all documents and evidence relied upon by the Applicant and the Staff Report containing the applicable criteria will be available for inspection at the Lowell City Hall at least seven days prior to the public hearing meeting.

Failure of an issue to be raised in the Hearing or by letter, or failure to provide sufficient detail to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

A Site Plan Review requires a Public Hearing. Oral testimony may be presented at the Hearing or written testimony may be delivered or mailed to the Lowell City Hall located at 107 East Third Street, Lowell, Oregon 97452 or emailed to Jared Cobb, City Administrator, at jcobb@ci.lowell.or.us.

Written Testimony shall be received by the City no later than 4:00 pm on April 30, 2018.

For additional information please write to City Hall at the above address or call City Hall at (541) 937-2157 or fax to 541-937-2066.

**Jared Cobb
City Administrator
City of Lowell**

Staff Report
Variance & Property Line Adjustment Application,
188 E. 2nd Street
LU 2018-02

Staff Report Date: May 2, 2018

1. **Proposal.** The Planning Commission is being asked to review and render a decision on two concurrent and related land use actions: a variance and property line adjustment. The applicant owns two abutting properties known as Lot 1 and Lot 2 in Block 6 of the Plat of Lowell. An application for a variance to the 7,000 sq. ft. minimum lot area requirement within the R-1 Single Family Dwelling zone, and property line adjustment was submitted by property owner Jared Cobb. The property line adjustment is proposed so that the existing structure on the unit of land that's increased in size will be in compliance with residential lot standards. Mr. Cobb is requesting that a variance be approved to allow a lot that is 6,000 square feet, and a property line adjustment be approved in order to comply with residential lot standards of the *Lowell Land Development Code (LDC)*.
2. **Approval Criteria.** LDC, Section 9.252, paragraph (a), establishes the decision process required for variances. An application for a variance requires a quasi-judicial public hearing before the Planning Commission. Following public hearing and after evaluating the application against the decision criteria contained in LDC Section 9.252(b), the Planning Commission must adopt findings which approve, deny or conditionally approve the variance application and may attach any reasonable standards of development to attain compliance with the zoning district and the LDC.

LDC, Section 9.214 establishes the decision process required for property line adjustments. A property line adjustment does not require a Limited Land Use Decision or Notifications. The City Administrator may consider a property line adjustment at any time following the submittal of the application. This application requires a variance and the establishment of an easement, thus it is being placed before the Planning Commission which shall hold a quasi-judicial public hearing.

4. **Staff review of applicable criteria for property line adjustment**

LDC 2.212. All property line adjustments requests shall contain the following information:

- (a) The property to be adjusted shall comply with ORS 92 for Property Line Adjustments.*
- (b) A map clearly and legibly drawn to scale with the scale indicated.*
- (c) The title "Property Line Adjustment for...", the date and northpoint.*
- (d) Name and address of the record owner(s) of the property to be adjusted.*
- (e) Assessor Map and Tax Lot numbers and approximate acreage or square feet of each property prior to and after adjustment.*
- (f) The location and boundary dimensions and other information to accurately locate the adjusted property line.*
- (g) Existing conditions for land within the properties to be adjusted:*

- (1) The locations, names and width of existing streets.*
- (2) The location, width and purpose of existing or proposed easements.*
- (3) The approximate location of buildings, public and private utilities, drainage ways and other significant features that would affect development of the adjusted properties.*

Discussion: The preliminary property line adjustment plat submitted by the applicant contains the necessary information required. The applicant has submitted supplemental materials indicating there is a proposed easement on the south side of the property which would allow for the relocation of the existing sanitary sewer line which currently runs from the southwest corner of the home to the 20 -foot alley on the west side of the property. Criteria met.

Recommended FINDING for approval: The preliminary property line adjustment, and supplemental materials, submitted by the applicant contains the necessary information required. Criterion met.

LDC 9.213. A Property Line Adjustment may be approved based upon compliance with the submittal requirements specified above and the following findings:

- (a) The adjustment will not create an additional unit of land.*

Recommended FINDING for approval: As indicated on the preliminary property line adjustment plat, the adjustment will not create an additional unit of land. Criterion met.

- (b) The adjustment will not create a land-locked parcel.*

Recommended FINDING for approval: As indicated on the preliminary property line adjustment plat, the adjustment will not create a land-locked parcel. Criterion met.

- (c) The existing unit of land reduced in size by the adjustment complies with applicable City Ordinances and this Code and will not create a non-conforming lot or non-conforming development.*

Discussion: As indicated on the preliminary property line adjustment plat, the adjustment will create a parcel that does not meet the minimum lot size requirements in the R-1 zone. To rectify this issue, the applicant has submitted a variance request in conjunction with the proposed property line adjustment.

Recommended FINDING for approval: The unit of land reduced in size can comply with applicable City Ordinances and this Code with approval of the proposed variance included in this staff report. Criterion met.

- (d) The adjustment shall comply with any previous Conditions of Approval attached to the*

properties to be adjusted.

Recommended FINDING for approval: No previous conditions of approval have been found related to the subject property. Criterion met.

(e) The adjustment shall comply with all state and county recording requirements.

CONDITION OF APPROVAL #1: The final property line adjustment survey shall conform to ORS 92, and all state and county recording requirements.

Recommended FINDING for approval: As a condition of approval, the final property line adjustment shall conform to ORS 92, and all state and county recording requirements. Criterion conditionally met.

6. Staff review of applicable criteria for variance

LDC 9.525. (b) Decision Criteria. A variance may be granted in the event that all of the following circumstances exist:

(1) That there are circumstances or conditions affecting the property or use.

Discussion: The residential structure on Lot 1 does not meet the sideyard setback standard contained in the residential lot standards of the LDC. In addition, the accessory structure associated with the primary structure located on Lot 1, is located on the abutting Lot 2. Per LDC 9.190, an accessory structure or accessory is defined as a use that is subordinate to the main use of the property, and located on the same lot as the main use. The applicant is proposing a property line adjustment to be in compliance with sideyard setbacks and locating the residential structure and accessory structure on the same lot. As a result of the proposed property line adjustment, the area of the adjusted boundaries of one of the properties is reduced to 6,000 square feet, which falls below the 7,000 square foot minimum required for residentially zoned property as specified in LDC. Because of this condition the applicant is requesting a variance to the lot size standards.

Recommended FINDING for approval: In order to meet sideyard setbacks, and placement of the primary structure, and accessory structure on the same lot, a property line adjustment must be completed in conjunction with a variance to the required 7,000 square foot lot size standards. Criterion met.

(2) That the variance is necessary for the proper design and/or function of the proposed development or land division.

Discussion: The granting of a variance to the 7,000 square foot minimum lot size on Lot 1 would bring Lot 2 into proper design and into compliance with LDC with respect to sideyard setbacks and the placement of the primary structure and accessory structure on the same lot.

Recommended FINDING for approval: A variance to the 7,000 square foot minimum lot

size on Lot 1 is necessary for Lot 2 to be in compliance with sideyard setbacks and the placement of the primary structure and accessory structure on the same lot. Criterion met.

(3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

Discussion: The granting of the proposed variance will not be detrimental to the public welfare. The only possible injury to other property would be on Lot 1 which would now have a minimum lot size of 6,000 square feet, and per LDC 9.252 (5) all future building permit or land divisions shall conform to the approved variance. The proposed property line adjustment and variance only involve the properties owned by Mr. Cobb. The subject lots are zoned residential and will continue to be used as residential lots. The City of Lowell has an established precedent for allowing variances to lot size (LU 05-009).

Recommended FINDING for approval: Conditioned upon testimony to the contrary, the granting of the proposed variance will not be detrimental to the public welfare or injurious to other property. Criterion met.

(4) That the granting of the variance will not conflict with the purpose and intent of the district or zone, this Code, or other related ordinances of the City.

Discussion: The granting of the proposed variance will not conflict with the purpose or intent of the district, or any other city ordinances. The granting of a variance will remove non-conformity within the R-1 zone and bring Lot 2 of the subject properties into compliance with sideyard setbacks and proper placement of the primary structure and accessory structure on the same lot. Both Lot 1 and Lot 2 are zoned for residential use and will continue to be used for residential purposes after the proposed property line adjustment is complete, thereby maintaining the purpose and intent of the residential zone in which the property is located.

Recommended FINDING for approval: The granting of the proposed variance will not conflict with the purpose and intent of the district of the zone, this Code, or other related ordinances of the City. Criterion met.

7. Recommendation

Staff recommends the Planning Commission **APPROVE**, in conjunction, a property line adjustment, and a variance request to the 7,000 square foot lot minimum in the R-1 zone, and permit a 6,000 square foot lot minimum as seen on the preliminary property line adjustment plat submitted by the applicant.

8. Attachments

Attachment A: Applicant's application

Attachment B: Supplemental materials submitted by applicant

Attachment C: Notice

ATTACHMENT A

Land Use Permit Application

Site Plan Review, Conditional Use, Annexation, Lot Line Adjustment, Variance, Vacation, Partition, Map Amendment, Other, specify, Subdivision, Text Amendment

Please complete the following application. If any pertinent required information or material is missing or incomplete, the application will not be considered complete for further processing.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Map# 19-01-14-22 Lot # 6500
Map#
Map#

Street Address (if applicable): 188 E 2ND ST. LOWELL OR. 97452

Area of Request (square feet/acres): 14,000 SQ. FT.

Existing Zoning: R-1

Existing Use of the Property: RESIDENTIAL

Proposed Use of the Property RESIDENTIAL

Pre-application Conference Held: No [X] Yes If so, Date

Submittal Requirements:

- 1. Copy of deed showing ownership or purchase contract with property legal description.
2. Site Plan/Tentative Plan with, as a minimum, all required information.
3. Applicant's Statement: Explain the request in as much detail as possible.
4. Other submittals required by the City or provided by the applicant.
5. Filing Fee: Amount Due:

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that incomplete applications may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge. I (We) also acknowledge that if the total cost to the City to process this application exceeds 125% of the application fee, we will be required to reimburse the City for those additional costs in accordance with Ordinance 228.

PROPERTY OWNER

Name (print): JARED COBB Phone: _____

Address: P.O. BOX 397

City/State/Zip: LOWELL OR 97452

Signature: _____

APPLICANT, If Different

Name (print): _____ Phone: _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

Signature: _____

E-mail (if applicable): _____

APPLICANTS REPRESENTATIVE, if applicable

Name (print): _____ Phone: _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

E-mail (if applicable): _____

For City Use. Application Number _____

Date Submitted: _____ Received by: _____ Fee Receipt # _____

Date Application Complete: _____ Reviewed by: _____

Date of Hearing: _____ Date of Decision _____ Date of Notice of Decision _____

Written Statement Supporting a Property Line Adjustment Application
for
Jared Cobb
Assessor's Map No. 19-01-14-22 TL No. 6500
NW ¼ Sec. 14, T 19 S, R 1 W W.M.
Lowell, Oregon
March 14, 2018

The Applicant owns two abutting properties known as Lot 1 and Lot 2 in Block 6 of the plat of LOWELL. The Applicant is proposing to adjust the common boundary between the two properties in order to bring them more into compliance current Land Development Code.

The proposed property line adjustment will not create an additional unit of land, nor will the proposed adjustment result in a land locked parcel.

The property line is being adjusted so that the existing structure on the unit of land increased in size is in compliance with the setback and siting standards of the Land Development Code. The unit of land reduced in size will be vacant. Compliance with the lot coverage and setback standards will be addressed at the time of building permit submittal. The unit of land reduced in size complies with the lot width and lot depth standards of the Land Development Code. However, the unit of land reduced in size will contain 6000 sq. ft. which falls below the minimum 7000 sq. ft. area requirement for residentially zoned property. An application for a variance to the lot size standards accompanies this property line adjustment application.

There are no previous conditions of approval affecting the units of land associated with this proposed property line adjustment.

Once approved, a property line adjustment deed and companion property line adjustment survey will be recorded in the public record in accordance with ORS 92.060

Written Statement Supporting a Variance Request
to the
Residential Lot Size Standards
Assessor's Map No. 19-01-14-22 TL No. 6500
NW ¼ Sec. 14, T 19 S, R 1 W W.M.
Lowell, Oregon
March 14, 2018

The Applicant owns two abutting properties known as Lot 1 and Lot 2 in Block 6 of the plat of LOWELL. The residential structure on Lot 1 does not meet the sideyard setback standard contained in the residential lot standards of the Lowell Land Development Code. In addition, the accessory structure associated with the primary structure located on Lot 1, is located on the abutting Lot 2.

In an attempt to resolve these non-forming conditions, the Applicant is proposing to adjust the common property line to a position that will be in compliance with the sideyard setbacks and will place both the primary residence and its associated accessory structure on the same property. However, in order to comply with the sideyard setback standards, the area of the adjusted boundaries of one of the properties will be reduced to 6000 sq. ft., which falls below the minimum lot area of 7000 sq. ft. required for residentially zoned property as specified in the Lowell Land Development Code. Because of this condition, the applicant is seeking a variance to the lot size standards.

The requested variance is the minimum necessary to resolve the non-conforming conditions and will not conflict with the residential function of the surrounding properties. The granting of the proposed variance will not be a detriment to the public welfare, nor will it be injurious to other property in the area, since no change in use is proposed. Both properties are zoned for residential use and will continue to be used for residential purposes after the proposed property line adjustment is complete, thereby maintaining the purpose and intent of the residential zone in which the property is located.



After recording return to: (Name, Address, Zip)
Evergreen Land Title Company
260 Country Club Road, Ste. 120, Eugene, OR 97401

Until requested otherwise, send all tax statements to:
JARED B. COBB
PO Box 397, Lowell, OR 97452

GRANTOR:
HAROLD DEAN LISTER
3720 BARGER DRIVE, EUGENE, OR 97402

GRANTEE:
JARED B. COBB
PO Box 397, Lowell, OR 97452

ORDER NO. 17-14014
TAX ACCOUNT NO. 0815314
MAP NO. 19-01-14-22-06500

Lane County Clerk
Lane County Deeds & Records
2017-001952
01/13/2017 02:57:25 PM
RPR-DEED Cnt=1 Stn=0 CASHIER 11 1pages
\$11.00 \$10.00 \$21.00 \$5.00 \$47.00

Space Above Reserved for Recorder's Use

STATUTORY WARRANTY DEED

HAROLD DEAN LISTER, Grantor, conveys and warrants to JARED B. COBB, Grantee, the following described real property free of encumbrances, except as specifically set forth herein, situated in Lane County, State of Oregon, to wit:

Lots 1 and 2 in Block 6 of LOWELL as platted and recorded in Volume 4, Page 37, Lane County Oregon Plat Records in Lane County, Oregon.

Subject to and excepting: Covenants, Conditions, Restrictions and Easements of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

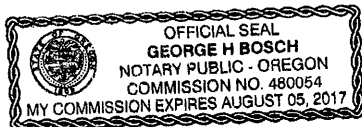
The true and actual consideration for this conveyance is \$105,000.00. (Here, comply with the requirements of ORS 93.030.)

Dated this January 11, 2017

HAROLD DEAN LISTER
Glenn A. Lister POA
GLENN A. LISTER
AS ATTORNEY IN FACT

State of Oregon
County of Lane

The foregoing instrument was acknowledged before me this 13th day of January, 2017, by GLENN A. LISTER, as attorney in fact who executed the same on behalf of HAROLD DEAN LISTER.



George H Bosch
Notary Public in and for the State of Oregon
My commission expires: 8/5/17

PRELIMINARY PROPERTY LINE ADJUSTMENT

FOR

JARED B. COBB

NW 1/4 NW 1/4 SEC. 14 T 19 S, R 1 W W.M.

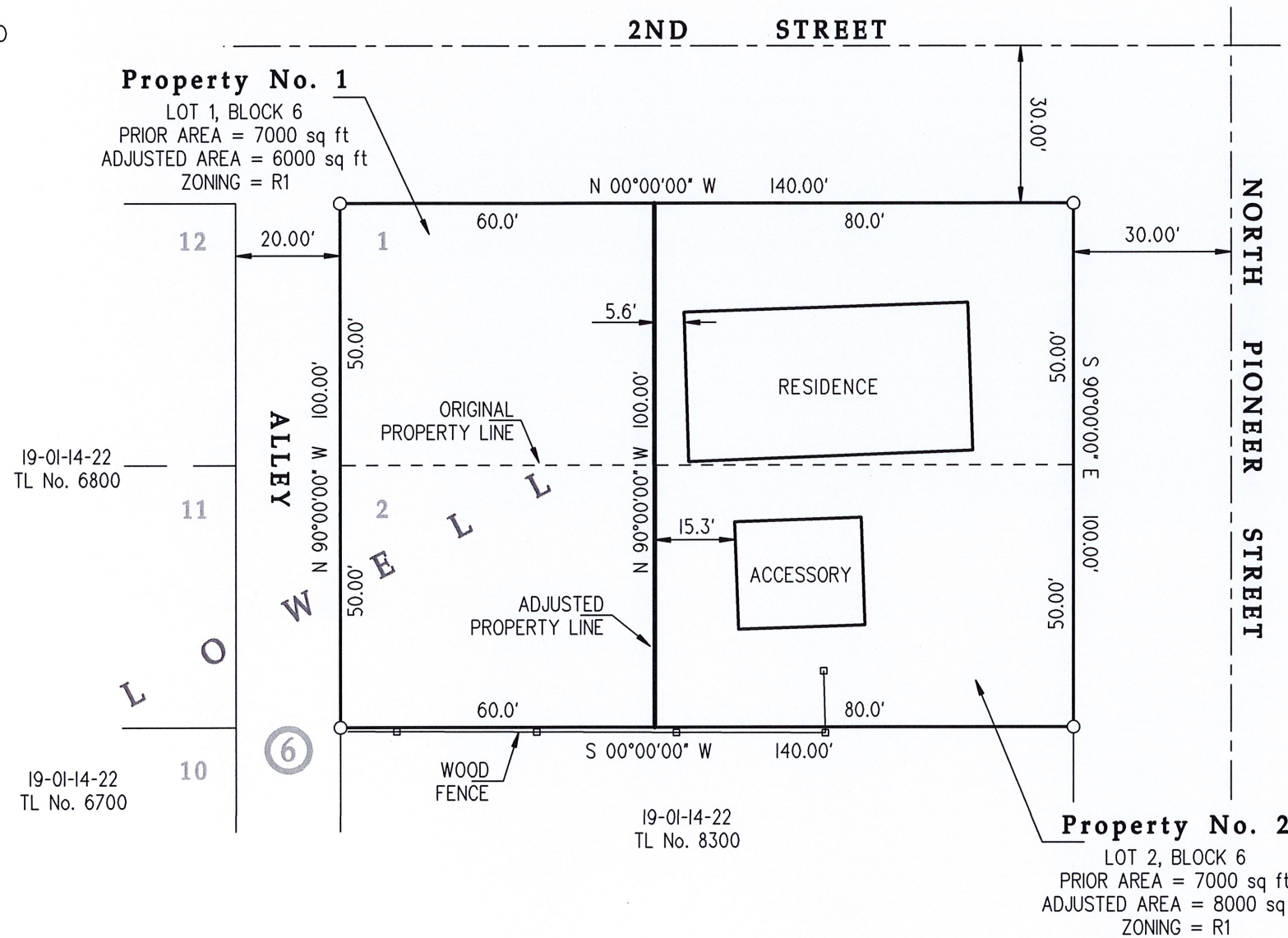
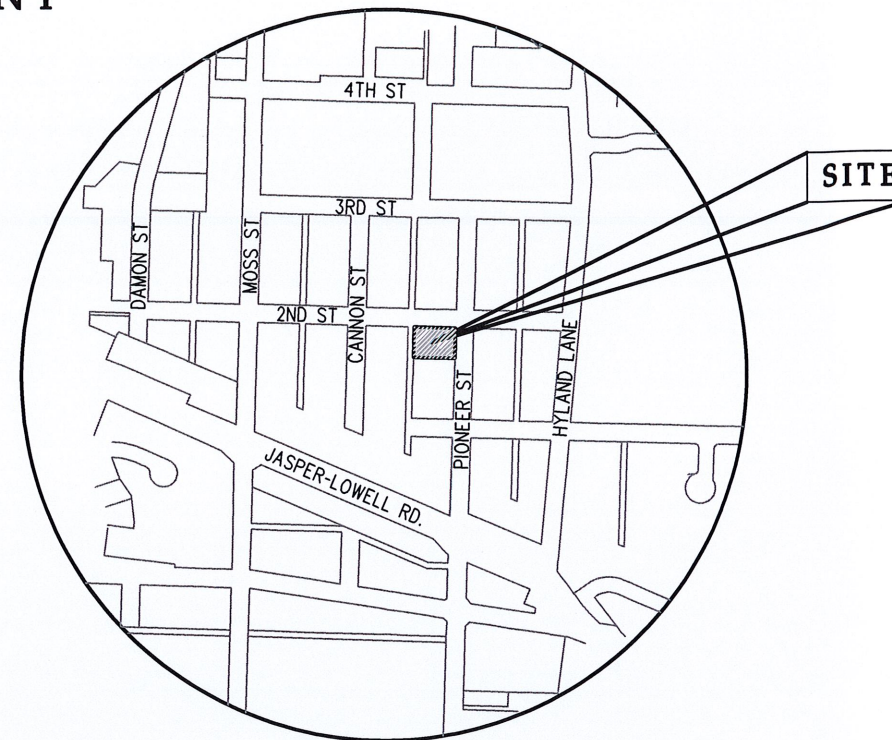
ASSESSOR'S MAP NO. 19-01-14-22 TL No. 6500

LOWELL, LANE COUNTY, OREGON

MARCH 14, 2018



SCALE 1" = 30'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jonathan A. Oakes

OREGON
 JULY 13, 1984
 JONATHAN A. OAKES
 2105

EXPIRES: DECEMBER 31, 2018

POAGE ENGINEERING & SURVEYING, INC.

P.O. BOX 2527 • EUGENE, OREGON 97402 • (541) 485-4505
 JOB No. 4587, DWN. BY KSG/4587PLA.GXD, DATE: 03-18

Land Use Permit Application

Site Plan Review Lot Line Adjustment Partition Subdivision
 Conditional Use Variance Map Amendment Text Amendment
 Annexation Vacation Other, specify _____

Please complete the following application. If any pertinent required information or material is missing or incomplete, the application will not be considered complete for further processing. If you have any questions about filling out this application, please contact staff at Lowell City Hall, phone (541) 937-2157, 107 East Third, Lowell.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Map# 19-01-14-22 Lot # 6500

Map# _____ Lot # _____

Map# _____ Lot # _____

Street Address (if applicable): 188 E 2ND ST. LOWELL OR. 97452

Area of Request (square feet/acres): 14,000 SQ. FT.

Existing Zoning: R-1

Existing Use of the Property: RESIDENTIAL

Proposed Use of the Property RESIDENTIAL

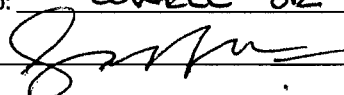
Pre-application Conference Held: No Yes _____ If so, Date _____

Submittal Requirements:

- _____ 1. Copy of deed showing ownership or purchase contract with property legal description.
- _____ 2. Site Plan/Tentative Plan with, as a minimum, all required information. Submit one copy of all plans 11x17 or smaller; 12 copies of all plans larger than 11x17. (See attached checklist for required information)
- _____ 3. Applicant's Statement: Explain the request in as much detail as possible. Provide all information that will help the decision makers evaluate the application, including addressing each of the decision criteria for the requested land use action.
- _____ 4. Other submittals required by the City or provided by the applicant. Please List.
 - a. _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____
 - f. _____
5. Filing Fee: Amount Due: \$584.00

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that incomplete applications may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge. I (We) also acknowledge that if the total cost to the City to process this application exceeds 125% of the application fee, we will be required to reimburse the City for those additional costs in accordance with Ordinance 228.

PROPERTY OWNER

Name (print): JARED COBB Phone: 575-704-2789
Address: P.O. BOX 317
City/State/Zip: LOWELL OR 97452
Signature: 

APPLICANT, if Different

Name (print): _____ Phone: _____
Company/Organization: _____
Address: _____
City/State/Zip: _____
Signature: _____
E-mail (if applicable): _____

APPLICANTS REPRESENTATIVE, if applicable

Name (print): _____ Phone: _____
Company/Organization: _____
Address: _____
City/State/Zip: _____
E-mail (if applicable): _____

For City Use. Application Number LU 2018-02
Date Submitted: 3/28/18 Received by: JD Fee Receipt # 7062
Date Application Complete: _____ Reviewed by: _____
Date of Hearing: _____ Date of Decision _____ Date of Notice of Decision _____

ATTACHMENT B

April 10, 2018

Henry Hearley
Lane Council of Governments
859 Willamette Street, Suite 500
Eugene, OR 97401

RE: Application for Lot Line Adjustment and Variance

Dear Mr. Hearley,

I received notice on April 10 that the application for the requested lot line adjustment and variance was deemed incomplete. You requested additional information on the existing or proposed easements, as well as the approximate location of buildings, public and private utilities, drainage ways or other significant features.

There is currently public right-of-way on the east, north, and west sides of the property for streets, water, sewer, and stormwater which are identified on the plat map. The only easement proposed is on the south side of the property; this easement would allow for the relocation of the existing sanitary sewer line which currently runs from the southwest corner of the home to the 20' alley (public right-of-way) on the west side of the property. The accessory building is an attached two-car garage that is separated by a covered breezeway.

Please let me know if there is any additional information, or if a new plat map is required to complete the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Cobb", with a stylized, cursive script.

Jared Cobb
188 East First Street
Lowell, OR 97452

PRELIMINARY PROPERTY LINE ADJUSTMENT

FOR

JARED B. COBB

NW 1/4 NW 1/4 SEC. 14 T 19 S, R 1 W W.M.

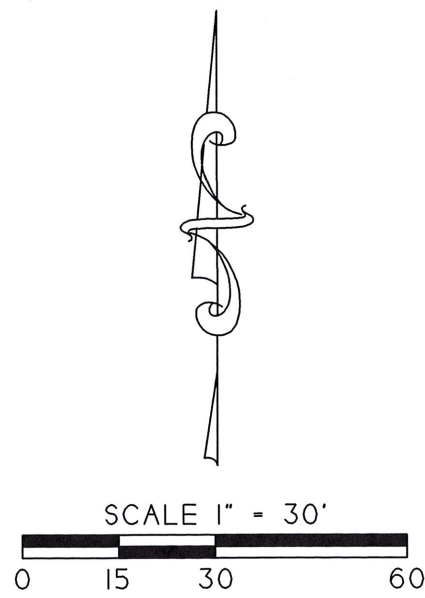
ASSESSOR'S MAP NO. 19-01-14-22 TL No. 6500

LOWELL, LANE COUNTY, OREGON

MARCH 27, 2018

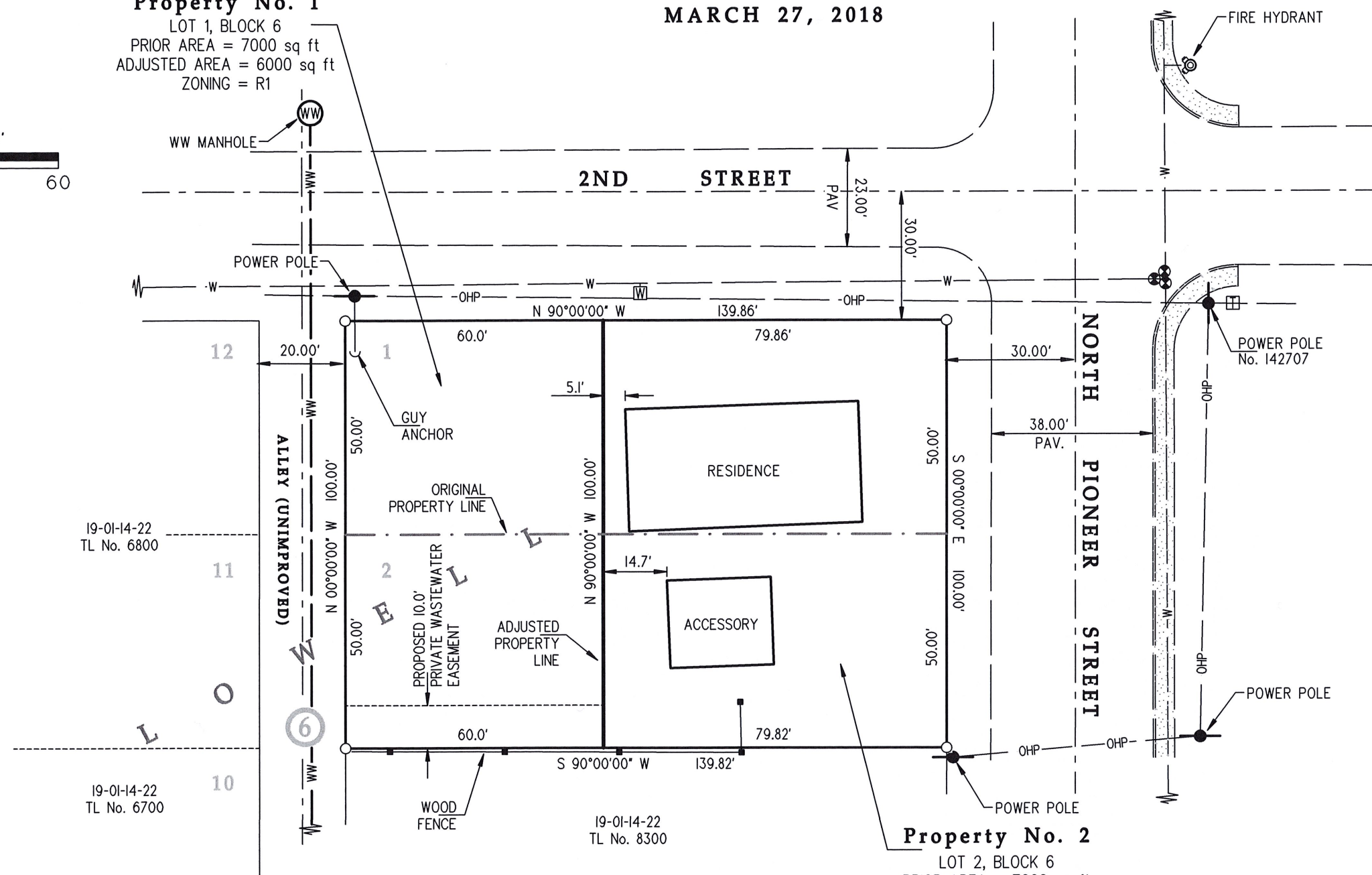
LEGEND

- PROPERTY CORNER
- EDGE A.C. PAVING
- CONCRETE CURB
- W WATER PIPE
- OHP OVERHEAD POWER
- WW WASTEWATER PIPE
- ⊙ WW WASTEWATER MANHOLE
- ⊙ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊙ WATER METER
- ⊙ TELEPHONE RISER
- POWER POLE CARRYING OVERHEAD POWER
- WOOD FENCE



Property No. 1

LOT 1, BLOCK 6
 PRIOR AREA = 7000 sq ft
 ADJUSTED AREA = 6000 sq ft
 ZONING = R1



Property No. 2

LOT 2, BLOCK 6
 PRIOR AREA = 7000 sq ft
 ADJUSTED AREA = 8000 sq ft
 ZONING = R1

POAGE ENGINEERING & SURVEYING, INC.

P.O. BOX 2527 • EUGENE, OREGON 97402 • (541) 485-4505
 JOB No. 4587, DWN. BY KSG/4587PLA.GXD, DATE: 03-18

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jonathan A. Oakes

OREGON
 JULY 13, 1984
 JONATHAN A. OAKES
 2105

EXPIRES: DECEMBER 31, 2018

ATTACHMENT C

CITY OF LOWELL
NOTICE OF PUBLIC HEARING
Mailing Date 4/12/2018

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a **Variance** from the 7,000-square foot lot size requirement established for a single-family residential lot and a **Property Line Adjustment** on property located at 188 East Second Street.

The Hearing will occur on May 2, 2018 at 7:00 pm in the Lowell City Hall located at 107 East Third Street.

Requested Action: A Variance from the 7,000-square foot lot size requirement to 6,000 square feet to allow for a property line adjustment at 188 East Second Street.

Owner/Applicant: Jared Cobb
Property Location 188 East Second Street
Assessor Map: 190114220
Tax Lot: 6500
Existing Area: 0.32 acres
Existing Zone: R-1 Single-Family Residential

The Lowell Land Use Development Code specifies the applicable procedures and criteria for evaluation of the requested action. Applicable Code Sections include Code Section 9.411 Single-Family Residential, Code Section 9.252 Variances, Code Section 9.304 Notification and Code Section 9.306 Quasi-Judicial Public Hearings. The specific criteria will be addressed in the Staff Report.

A copy of the Application, all documents and evidence relied upon by the Applicant and the Staff Report containing the applicable criteria will be available for inspection at the Lowell City Hall at least seven days prior to the public hearing meeting.

Failure of an issue to be raised in the Hearing or by letter, or failure to provide sufficient detail to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

A Variance request requires a Public Hearing. Oral testimony may be presented at the Hearing or written testimony may be delivered or mailed to the Lowell City Hall located at 107 East Third Street, Lowell, Oregon 97452 or emailed to Jacob Callister, City Planner, at jcallister@lcog.org.

Written Testimony shall be received by the City no later than 4:00 pm on April 30, 2018.

For additional information please write to City Hall at the above address or call City Hall at (541) 937-2157 or fax to 541-937-2066.

**Jacob Callister
City Planner
Lane Council of Governments**

**Planning Commission
2018 Work Plan**

Develop and recommend design standards for street lighting.	
Develop an update to the Land Development Code regarding conditions for marijuana facilities.	
Research policies and programs that encourage neighborhood reinvestment and provide recommendations to the City Council for review.	