

AGENDA
PLANNING COMMISSION MEETING
WEDNESDAY, MARCH 18, 2020
7:00 PM
Maggie Osgood Library
70 N. Pioneer Street, Lowell, Oregon

- 1. CALL TO ORDER/ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
 - a. January 15, 2020
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - a. Land Use File 2019-08 – Partition for Gerald Franklin (Map 19-01-11-33, Tax Lot 6703)
 - Public Hearing
 - Commission Deliberation
 - Commission Decision
- 6. OTHER BUSINESS**
- 7. 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
January 15, 2020**

The meeting was called to order at 7:00 PM by Commissioner Chair Dragt.

Members Present: Lon Dragt, John Myers, Mary Wallace, Suzanne Kintzley

Staff Present: CA Cobb, Henry Hearley – City Planner, LCOG

Administer Oath of Office: CA Cobb administered the Oath of Office to Suzanne Kintzley, John Myers and Lon Dragt.

Selection of Planning Commission Chair and Vice-Chair: Commissioner Myers nominated Lon Dragt for Commission Chair, second by Commissioner Kintzley. PASS 4:0
Commissioner Wallace nominated John Myers for Vice-Chair, second by Commissioner Kintzley. PASS 4:0

Approval of Planning Commission Minutes: Commissioner Kintzley moved to approve minutes from November 6, 2019, second by Commissioner Myers. PASS 4:0

Old Business: None

New Business:

- a. **Ordinance 300 – Adoption of the Parks and Recreation Master Plan and Comprehensive Plan Amendments.**

Close Public Meeting: 7:09 PM

Open Public Hearing: 7:09 PM

- a. **Ordinance 300 – Adoption of the Parks and Recreation Master Plan and Comprehensive Plan Amendments.** A Ordinance Adopting the Lowell Parks Master Plan as a Refinement Plan to the Lowell Comprehensive Plan, and Amendments to the Lowell Comprehensive Plan Related to Park and Recreation Inventory and Policies.
- **Staff Report** – Michael Howard – Institute for Policy Research and Engagement Team for the University of Oregon, Project Manager provided report. Henry Hearley provided explanation on Statewide Planning Goals. Michael continued with report on Park Concept Plans.
- **Applicant Comments** – None
- **Public Comments** – Pam Bryant , 117 S Alder Street, voiced concern on the impact to the Alder Street area citizens with the park connecting paths in the concept plan.

Public Hearing Closed: 8:00 PM

Reconvene Public Meeting: 8:00 PM

- **Commission Deliberation - None**
- **Commission Decision – Commissioner Myers moved that the Planning Commission approve recommendation to the City Council Ordinance 300 with the addition of Goal 6, the Parks Master Plan for adoption, second by Commissioner Kintzley. PASS 4:0**

Other Business: None

Adjourn: 8:03 PM

Approved: _____
Lon Dragt - Chair

Date: _____

Attest: _____
Jared Cobb, City Recorder

Date: _____

“SCRIPT FOR THE PLANNING COMMISSIONER CHAIR”

Knowing what to say and when you can make quasi-judicial public hearings run more smoothly. Following is a “script” that you may want to adapt for your use and sample motions for decisions.

1. Public Hearing is now open for the purpose of considering (read from agenda).



2. The procedure I would like follow tonight has is as follows:
 - a. Staff Report
 - b. Questions from the Planning Commission
 - c. Applicant Presentation
 - d. Public Testimony
 - e. General Public Comments
 - f. Applicant Rebuttal

3. Now does any commission member wish to disqualify him or herself for any personal or financial interest in this matter before us tonight, or does any commission member wish to report any significant ex parte or pre-hearing contacts?

Does any member of the audience wish to challenge the right of any commissioner to hear this matter?

Is there any member of the audience who wishes to question the jurisdiction of this body to act on behalf of the City Council in this matter?

4. Oregon Land Use Laws require that all issues be raised if the issues are to be appealed; failure to raise the issues at this hearing may invalidate their further appeal.
5. Will the staff please present their report....Any questions from the commission?
6. Is the applicant, or his representative, present?
 - A. Do you wish to add anything to the staff report?
 - B. Please stand and give your name and address for the record.
 - C. Testimony
 - D. Does the commission have any questions of the applicant?

7. Now is the time for public testimony. Are there any members of the audience who wish to speak in favor of this proposal?...Are there any questions of the applicant? Are there any members of the audience who wish to speak against the proposal? Any questions of the applicant?
8. Does the applicant have any further comments?
9. If there is no further testimony, the Public Hearing is now closed. What's the pleasure of the commission?
10. Discussion. Decision. Next item.

Motions to Approve or Disapprove a Proposal

1. No Changes or Additions. If the commission has no changes or additions to the staff report, the following motion is appropriate:

I move that the Planning Commission (approve/deny) this application for a development permit based on the standards, findings, conclusions and recommendation stated in the staff report.

2. Changes or Additions: If the Commission has changes or additions to the staff report, the following motion is appropriate:

I move that the Planning Commission (approve/deny) this application for a development permit based on the standards, findings, conclusions and recommendation stated in the staff report, except for the following items (or with the addition of the following items):

**Staff Report
Partition
Assessor's Map 19-01-11-33, Tax Lot 6703
Gerald Franklin
LU 2019-08
Staff Report Date: March 11, 2020**

1. **Proposal.** The Planning Commission is being asked to review and render a decision on a partition for property located at Assessor's Map 19-01-11-33, Tax Lot 6703. The subject property is owned by Gerald Franklin, the agent listed on the application is Jim McLaughlin, LS. The subject property is zoned R-1 Single Family Residential. The subject property currently consists of one parcel that is 1.75 acres in size and contains an existing home and secondary structure. The applicant is proposing to create one additional parcel noted as "Parcel 2" on the tentative map. The newly created parcel will be 0.49 acres in size and be located adjacent to East Sixth Street. An approval of a partition does not approve the construction or placement of a dwelling. Proper building permits will have to be applied for and secured by the applicants and/or respective property owners.
2. **Approval Criteria.** Section 9.223 General Information, Section 9.220 Subdivision or Partition Tentative Plan, Section 9.204 Application Site Plan, Section 9.224 Existing Conditions Information, Section 9.518 and Section 9.228 Decision Criteria. Notice of decision will be sent to the applicant, and parties of record.
3. **Staff review of applicable criteria for partition.**

LDC 9.204 Application Site Plan

Recommended FINDING for approval: The applicant has submitted the necessary information as required for an application site plan, and application narrative in order for Staff to make findings on the proposal. Criterion met.

LDC 9.223. General Information.

Recommended FINDING for approval: The applicant has submitted the necessary information as required for a partition as seen on the surveyor's tentative partition plan. Compliance with ORS 92 for final recording will be a condition of approval. Criterion met.

LDC 9.224 Existing Conditions Information.

(a) The location, widths and names of both opened and unopened streets within or adjacent to the land division, together with easements, other rights-of-ways and other important locational information such as section line, corners, city boundary lines and monuments.

Discussion: The proposed Parcel 2 is adjacent to East Sixth Street, which contains a 60-foot right

of way. Access to Parcel 2 will be off of East Sixth Street via a 40-foot access and utility easement through Parcel 2. The proposed tentative plan includes the necessary information.

(b) The location of all existing sewers, septic tanks and drain fields, water lines, storm drains, culverts, ditches and utilities, together with elevation data, on the site and on adjoining property or streets, if applicable.

Discussion: Parcel 1(the existing lot) is served by public city services currently. Parcel 2 is proposed to be connected to public services. As seen on the tentative partition map, Parcel 2 contains a ready water valve, and water meter that can make for the necessary connections to city services. The proposed tentative plan includes the necessary information.

Recommended FINDING for approval: The applicant has submitted the necessary information as required in Section 9.224 for a partition as seen on the surveyor’s tentative partition map and application narrative. Criterion met.

LCD 9.225 Proposed Plan Information.

...

(c) The location, width, and purpose of existing and proposed easements.

Discussion: As seen on the tentative partition map, a 40-foot proposed access and utility easement is required. There are no other proposed or existing easements. Staff will incorporate condition of approval that requires all easements be recorded and filed in accordance with ORS 92, and Lane County.

(d) The total acreage and the proposed land use for the land division including sites for special purposes or those allocated for public use.

Discussion: Parcel 1 is 1.75 acres in size before the proposed partition. Following the partition of Parcel 1 to create Parcel 2, it will be reduced to 1.25 acres. The newly created Parcel 2 will be 0.49 acres in area. The applicant has appropriately represented this information on the Tentative Plan.

(e) The location and approximate location dimensions of lots or parcels and the proposed lot or parcel numbers. Where the property division results in any lots or parcels that are larger than 2 and one-half times the minimum lot size, the applicant shall provide a sketch plan showing how the parcels may be re-divided in the future to provide for at least 80% of maximum density within current minimum lot sizes, existing site constraints and requirements of this Code.

Discussion: The applicant has identified the location and approximate dimensions of Parcel 1 and the proposed creation of Parcel 2. The property division will result in a lot that is larger than 2 and one-half times the minimum lot size. The applicant has not provided a sketch plan showing how the parcels may be re-divided in the future. However, the property owner does not intend to further subdivide Parcel 2, as it’s intended creation is for immediate family to reside in a single-family dwelling home to be constructed at a later date. Additionally, the applicant’s surveyor indicates given the physical site constraints which include topography, existing structures, and limitations of

additional utility extensions, the site is not practical or reasonable for any further development beyond Parcel 2. Staff does not believe the absence of a sketch plan showing further possible division of Parcel 2 is not basis for denial.

...

(g) a general layout of all public utilities and facilities to be installed including provisions for connections and extensions beyond the proposed land division.

Discussion: As seen on the tentative partition map, Parcel 2 contains a water valve, water meter, pedestal CTV and telephone box. Parcel 2 will be connected to city services at the appropriate location, which will be determined in the building permit process and further review by Lowell Public Works. Any earthwork construction occurring within the Lowell right of way will require a permit by Lowell Public Works. This is included as an informational item.

(h) The proposed method of connection to all drainage channels located outside of the proposed land division and the proposed method of flood control (retention ponds, swales.) and contamination protection (settling basins, separators, etc.)

Discussion: The applicant states that no connections to drainage channels outside of the proposed land division are required.

(i) Identification of all proposed public dedications including streets, pedestrian or bike ways, parks or open spaces.

Discussion: The proposed partition does not require the dedication of any streets, pedestrian or bike ways, parks or open space areas.

(j) Identification of any requirements for future streets and easements required for extension of public infrastructure beyond the development together with restrictions on building within those future streets and easements as well as future setback areas required by this Code.

Discussion: No future streets are proposed. Access to Parcel 2 is proposed via a 40-foot access and utility easement. Access to the easement will be via East Sixth Street. Parcel 1 and Parcel 2 will both be utilizing the same access.

(k) Identification and layout of all special improvements. Special improvements may include, but are not limited to, signs, lighting, benches, mailboxes, bus stops, greenways, bike or pedestrian paths.

Discussion: No special improvements are proposed.

Recommended FINDING for approval: The applicant has submitted the necessary information, as seen on the Tentative Plan, and in the application narrative, for staff to determine the necessary criteria contained in LDC 9.225 are met, or can be met conditionally, where applicable. Criterion met.

LDC 9.226 Accompanying Statements. The Tentative Plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters:

(a) Identify the adequacy and source of water supply including:

- (1) Certification that water will be available to the lot line of each and every lot depicted on The Tentative Plan for a subdivision, or;***
- (2) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan.***

Discussion: The proposed land use is a partition, not a subdivision. However, the applicant intends to connect the newly created Parcel 2 to the existing public water and sewer system within or near East Sixth Street right-of-way. Staff expect the City of Lowell Public Works to issue a statement certifying City water and sewer are available to Parcel 2.

(b) Identify the proposed method of sewage disposal including:

- (1) Certification that a sewage disposal system will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or;***
- (2) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan.***

Discussion: See Staff's discussion above in response to LDC 9.226(a).

(c) Protective covenants, conditions and deed restrictions (CC&R's) to be recorded, if any.

Discussion: No CC&Rs are proposed.

(d) Identify all proposed public dedications including streets, pedestrian or bike ways, parks or open space areas.

(e) Identify all public improvements proposed to be installed, the approximate time installation is anticipated and the proposed method of financing. Identify required improvements that are proposed to not be provided and the reason why they are not considered necessary for the proposed land division.

Discussion: No public dedications or public improvements are proposed, with the exception of sidewalks, curb and gutter, as discussed in this staff report under Section 9.518 below.

Recommended FINDING for approval (LDC 9.226 ((a)-(e)): The applicant has submitted the necessary information, as seen on the tentative partition map, and in the application narrative, for staff to determine the necessary criteria contained in LDC 9.226 are met, or can be met conditionally, where applicable. Criterion met.

(f) A statement that the declarations required by ORS 92.075 on the final plat can be achieved by the fee owner, vendor and/or the mortgage or trust deed holder of the property.

Recommended FINDING for approval: Prior to issuance of building permits, the property owner shall submit the final plat in accordance with ORS 92.075. Criterion met with the following condition:

Condition of Approval #1:

Prior to issuance of building permits, the property owner shall submit the final plat in accordance with ORS 92.075, and all state and county recording requirements.

LDC 9.227 Supplemental Information. Any of the following may be required by the City, in writing to the applicant, to supplement the Tentative Plan.

(d) If lot areas are to be graded, a plan showing the nature of cuts and fill and information on the character of the soil.

Discussion: As this land use application is only for a proposed partition of a property, no grading will occur as a result of approval. However, if grading is expected to disturb 1 acre or more of land, a National Pollutant Discharge Elimination System (NPDES) permit will be required of the property owner at the time of building permit review. Approval of a partition does not approve any construction activities. Appropriate building permits will have to be submitted, reviewed, and issued before any construction activities, including disturbance of soil, can occur. This will be made an informational item.

(e) Specifications and details of all proposed improvements.

Discussion: The applicant indicates in their application narrative that no improvements are required. However, the property owner is required to provide a non-remonstrance agreement waiving the right to file a remonstrance when the City undertakes sidewalk paving along East Sixth Street for the portion abutting the subject property. A further review of drainage, if necessary, will be undertaken by the City Engineer at the time of building permit submittal and design.

(f) Wetland delineation if identified as an existing condition in Section 9.224(f).

Discussion: Staff have reviewed the Local Wetlands Inventory Map (LWI), and based on the map, there exists a probable wetland on Parcel 1 at the far northeast corner of the property. As a result of a probable wetland existing on the subject property, staff submitted Wetland Land Use Notice to DSL. DSL looked into the subject property and surrounding area and found a newly delineated wetland that exists adjacent to the proposed Parcel 2 and that may spread over property lines onto the proposed Parcel 2, but Parcel 2 may contain sufficient upland area to develop away from the wetland. After further review and discussions with DSL and the applicant's agent it was decided that because the lot partition does not involve removal/fill or other disturbance, no state permit is needed.

The only way to know if a wetland is present at the site and the extent, is to complete a wetland delineation to DSL. If there are proposed buildings, grading, and other earth work activities that were not submitted as part of the partition application, they should be submitted to DSL for review. Staff will include an information item related to this matter.

Recommended FINDING for approval: The applicant has submitted the necessary information, as

seen on the Tentative Plan, and in the application narrative, for staff to determine the necessary criteria contained in LDC 9.227 are met, or can be met conditionally, where applicable. Criterion met.

LDC 9.228 Decision Criteria. A Partition Tentative Plan may be approved by the Planning Commission and a Subdivision Tentative Plan may be approved by the City Council. Approval shall be based upon compliance with the submittal requirements specified above and the following findings.

(a) That the proposed land division complies with applicable provision of City Codes and Ordinances, including zoning district standards.

Discussion: The applicant is proposing to partition a property to create a new parcel for the eventual placement of a single-family dwelling. A single-family dwelling is a permitted use in the underlying zoning district. During this phase of review for the proposed partition, staff are not able to address specific lot standards of the underlying zone, except that the proposed Parcel 2 will be above the minimum lot size, above the minimum lot width and depth. A determination on development standards relating to setbacks, maximum height and lot coverage will have to be made by the City at the time of building permit submittal.

Recommended FINDING for approval: Given the information contained in the current record, Staff can surmise the proposed land division complies with applicable provisions of City Codes and Ordinances, including zoning district standards, as discussed. Criterion met.

(b) Where the property division results in any lots or parcels that are larger than 2 and one-half times the minimum lot size, the applicant shall provide a sketch plan showing how the parcels may be re-divided in the future to provide for at least 80% of maximum density within current minimum lot sizes, existing site constraints and requirements of this Code.

Discussion: The proposed partition does exceed 2.5 times the minimum lot size. However, given the physical site constraints which include topography, existing structures, the presence of nearby wetlands and limitations of additional utility extensions, the site will not be considered for any further development past a single family home as further development is not practicable or reasonable.

Recommended FINDING for approval: As stated by the applicant, no further land divisions are proposed or anticipated due to physical site constraints. The proposed land division require no further land division by the proposed partition to create Parcel 2. Criterion met.

(c) The applicant has demonstrated that the proposed land division does not preclude development on properties in the vicinity to at least 80% of maximum density possible within current minimum lot sizes, existing site conditions and the requirements of this Code.

Recommended FINDING for approval: The proposed land division requires no further land division and will not preclude development on properties in the vicinity. Criterion met.

(d) The proposed street plan:

- (1) Is in conformance with City standards and with the Master Road Plan or other transportation planning document.***
- (2) Provides for adequate and safe traffic and pedestrian circulation both internally and in relation to the existing City street system.***
- (3) Will not preclude the orderly extension of streets and utilities on undeveloped and underdeveloped portions of the subject property or on surrounding properties.***

Discussion: The proposed partition will not require any public improvements of streets. However, the partition will require the addition of sidewalks adjacent to public right-of-way, and adjacent to the newly created Parcel 2, this will be a condition of approval. The proposed partition is not expected to preclude the orderly extension of streets or utilities on undeveloped portions of the property. Any utility work that is to take place within public right-of-way after the partition is recorded, and before an eventual dwelling is constructed, will first have to secure proper permits with the City to operate in public right-of-way.

Recommended FINDING for approval: The proposed land division will not preclude development of orderly extension of streets and utilities on undeveloped and underdeveloped portions of the subject property. Criterion met.

(e) Adequate public facilities and services are available to the site, or if public services and facilities are not presently available, the applicant has demonstrated that the services and facilities will be available prior to need, by providing at least one of the following:

- (1) Prior written commitment of public funds by the appropriate public agency.***
- (2) Prior acceptance of public funds by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.***
- (3) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the City.***

Discussion: The applicant proposes to connect to existing city water and sewer service. The proposed Parcel 2 contains an existing water valve and water meter as shown on the tentative map. Additional private services may be installed as part of the building permit process. The applicant will be responsible for costs and fees associated with connection to existing city and water service.

Recommended FINDING for approval: The subject property currently receives city water and sewer, and the proposed Parcel 2 can be added to city water and sewer without detriment to existing services. The applicant/property owner will be responsible for costs and fees associated with connection to existing city services. Criterion met.

(f) That proposed public utilities can be extended to accommodate future growth beyond the proposed land division.

Recommended FINDING for approval: No future land division is proposed. The newly created Parcel 2 can adequately connect to city services without detriment to future growth. Criterion met.

(g) Stormwater runoff from the proposed land division will not create significant and unreasonable negative impacts on natural drainage courses either on-site or

downstream, including, but not limited to, erosion, scouring, turbidity, or transport of sediment due to increased peak flows and velocity.

Discussion: The City Engineer has reviewed the Tentative Plan and application and found that, since the application is only requesting a partition, and there are no physical changes to the drainage area, a partition does not require any drainage improvements, however, when the lot becomes developed with an eventual single family dwelling, a drainage plan and improvements to deal with stormwater run-off may be required. Staff will include this as an informational item.

Recommended FINDING for approval: The proposed partition to create Parcel 2 is not expected to create significant and unreasonable negative impacts on natural drainage courses either on-site or downstream. Stormwater drainage will be revisited by the City Engineer during the building permit process for the eventual placement of a single-family dwelling. Criterion met.

(h) The proposed land division does not pose a significant and unreasonable risk to public health and safety, including but not limited to fire, slope failure, flood hazard, impaired emergency response or other impacts identified in Section 9.204(u).

Discussion: The proposed partition to create Parcel 2 is not expected to pose any significant or unreasonable risk to public health and safety. The Lowell Fire Department Fire Chief has received referral comment on this application, and to date, has not issued a comment. The subject property is contained within the City Limits of Lowell and is covered in terms of fire protection by the Lowell Rural Fire Protection District. The subject property is not located near any steep slopes, nor flood hazards.

Recommended FINDING for approval: The proposed partition to create Parcel 2 does not pose any significant or unreasonable risk to public health and safety. Criterion met.

LDC 9.518 Sidewalks. 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 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.

Discussion: As per LDC all land divisions in Lowell require public sidewalk improvements to be made. As such, as a result of the proposed partition (which is a division of land) the property owner will be required to install public sidewalks, including curb and gutter, in accordance with Section 9.518. The City will require the property owner to sign and record a waiver of remonstrance along East Sixth Street to install public sidewalks (to include curb and gutter) at the City's request. Therefore, the City requires a waiver of remonstrance for the property owner of the newly created Parcel 2 to participate monetarily when the City does install sidewalks along East Sixth Street.

Recommended FINDING for approval: The creation of Parcel 2 is a land division that requires the installation of public sidewalks, curb and gutter. Prior to final plat recording, the property owner shall include a recorded irrevocable Waiver of Remonstrance on the final plat guaranteeing

compliance with LDC Section 9.518. Criterion met with the following condition:

Criterion met with the following Condition of Approval #2:

Prior to final plat approval, the property owners shall include an irrevocable Waiver of Remonstrance to be recorded on the final plat guaranteeing compliance with LDC Section 9.518 to participate monetarily, at the City's request to install public sidewalks, curb and gutter along the frontage of the newly created Parcel 2.

4. Recommendation

Staff recommends the City Administrator **APPROVE** as conditioned, a partition to create Parcel 2 as shown on the tentative plan.

5. Conditions of Approval

Condition of Approval #1: Prior to issuance of building permits, the property owner shall submit the final plat in accordance with ORS 92.075, and all state and county recording requirements.

Condition of Approval #2: Prior to final plat approval, the property owners shall include an irrevocable Waiver of Remonstrance to be recorded on the final plat guaranteeing compliance with LDC Section 9.518 to participate monetarily, at the City's request to install public sidewalks along the frontage of the newly created Parcel 2.

Condition of Approval #3: The 40-foot Access and Utility Easement as seen on the Tentative Map and required for access to Parcel 2 shall be written, filed and recorded in accordance with local and state law.

6. Informational items

- When Parcel 2 becomes developed with an eventual single-family dwelling, a drainage plan and improvements to deal with stormwater run-off may be required for review and approval by the City Engineer.
- As this land use application is only for a proposed partition of a property, no grading will occur as a result of approval. However, if grading is expected to disturb 1 acre or more of land, a National Pollutant Discharge Elimination System (NPDES) permit will be required of the property owner at the time of building permit review. Approval of a partition does not approve any construction activities. Appropriate building permits will have to be submitted, reviewed, and issued before any construction activities, including disturbance of soil, can occur. This will be made an informational item.
- Appropriate permits to perform work within City of Lowell rights-of-way will have to be obtained by the property owner/applicant/contractor before any work in public rights-of-way can be undertaken. For questions related to performing work within City rights of way, please contact the Lowell Public Works department at 541-937-2776.
- Because a lot partition does not involve removal/fill or other disturbance, no state permit is

needed. The proposed Parcel 2 as seen in the applicant's initial application (P-2, 14,425 square feet), may have a wetland extending per WD2019-0066 mapping on the adjacent lot. However, Parcel 2 may still have sufficient space for future development that is upland from the wetland that spills over from the adjacent lot. Please note that P-1 as seen in the applicant's application (P-1, 62,078) contains an existing home and accessory structure, but located near the northern boundary of the property is a probable wetland. P-1 is not the subject of this particular land use application. P-1 is an existing lot; Parcel 2 is the only newly created lot. Because this land use application is only a partition and does not authorize any movement of earth, DSL has no issues with the proposal. However, the applicant and property owner should be in close contact with DSL once building plans, grading and other earth work activities are considered as this may impact the nearby wetland. Please contact the Lane County Jurisdiction Coordinator at 503-986-5262 with any further questions.

7. Attachments

Attachment A: Applicant's application

Attachment B: Notice

Attachment C: DSL Correspondence and Notice

Attachment D: Applicant's Supplemental Submittal

EX. 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# 19-01-11-33 Lot # 6703

Map# _____ Lot # _____

Map# _____ Lot # _____

Street Address (if applicable): 105 E. 6th Street, Lowell OR 97452

Area of Request (square feet/acres): 1.75 AC / 76,230 Sq. Ft.

Existing Zoning: R1 - Single-Family Residential

Existing Use of the Property: Single-Family Residence

Proposed Use of the Property Single-Family Residence

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: _____.

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): Gerald Franklin Phone: (541) 501-2950

Address: Post Office Box 811

City/State/Zip: Pleasant Hill, Oregon 97455

Signature: _____

APPLICANT, If Different

Name (print): Gerald Franklin Phone: (541) 501-2950

Company/Organization: _____

Address: Post Office Box 811

City/State/Zip: Pleasant Hill, Oregon 97455

Signature: _____

E-mail (if applicable): gerald@fcitreeservice.com

APPLICANTS REPRESENTATIVE, if applicable

Name (print): Jim McLaughlin PLS Phone: (541) 338-9483

Company/Organization: Johnson Broderick Engineering

Address: 325 West 13th Ave

City/State/Zip: Eugene, OR 97401

E-mail (if applicable): jim@JBE.us.com

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 _____

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.
- _____ The location, size, height and uses for all existing and proposed buildings.
- _____ Yards, open space and landscaping.
- _____ Walls and fences: location, height and materials.
- _____ Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.
- _____ Access: pedestrian, vehicular, service, points of ingress and egress.
- _____ Signs: location, size, height and means of illumination.
- _____ 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.
 - _____ The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
 - _____ 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.

GRANTOR'S NAME:

Gerald Franklin

GRANTEE'S NAME:

Gerald R. Franklin, Jr. and Trina D. Franklin, as husband and wife

AFTER RECORDING RETURN TO:

Order No.: 60221802124-SJ
Gerald R. Franklin, Jr. and Trina Franklin
PO Box 811, Pleasant Hill, OR 97455

Lane County Clerk
Lane County Deeds and Records

2018-020229



\$52.00

01717795201800202290020025

05/02/2018 09:57:31 AM

RPR-DEED Cnt=1 Stn=40 CASHIER 01

\$10.00 \$11.00 \$21.00 \$10.00

SEND TAX STATEMENTS TO:

Gerald R. Franklin, Jr. and Trina Franklin
PO Box 811, Pleasant Hill, OR 97455

APN: 1485497

Map: 19-01-11-33-06703

105 E 6th Street, Lowell, OR 97452

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Gerald Franklin, Grantor, conveys and warrants to Gerald R. Franklin Jr. and Trina D. Franklin, as husband and wife, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lane, State of Oregon:

A portion of Parcels 2 and 3, LAND PARTITION PLAT NO. 92-P0290, filed November 13, 1992, in the Lane County Oregon Plat Records, in the City of Lowell, Lane County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of Parcel 2 of LAND PARTITION PLAT NO. 92-P0290, filed November 13, 1992, in Lane County, Oregon; thence along the West line of said Parcel 2, North 00°01'00" West 478.05 feet to the Northwest corner of said Parcel 2; thence along the North line of said Parcel 2, East 169.51 feet to the Northeast corner thereof; thence along the East line of said Parcel 2, South 00°01'00" East 150.60 feet; thence leaving said East line, South 75°40'33" East 26.47 feet; thence South 14°37'14" West 101.48 feet; thence South 27°08'10" West 72.31 feet; thence South 00°01'00" East 158.35 feet to the North margin of 6th Street, being the South line of said Parcel 2; thence along said South line, West 136.51 feet to the Point of Beginning, all in Lane County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS to Correct vesting (See ORS 93.030).

Subject to:

- 1. Easements, as disclosed in Quitclaim Deed

Recording Date: December 9, 1957
Recording No.: 27354

- 2. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: The United States of America
Purpose: as mentioned in said document
Recording Date: December 9, 1957
Recording No: 27354

- 3. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the Plat of Country Highlands, now vacated.

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.

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 4-23-18

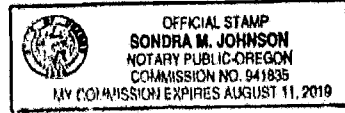
Gerald Franklin
Gerald Franklin

State of OR

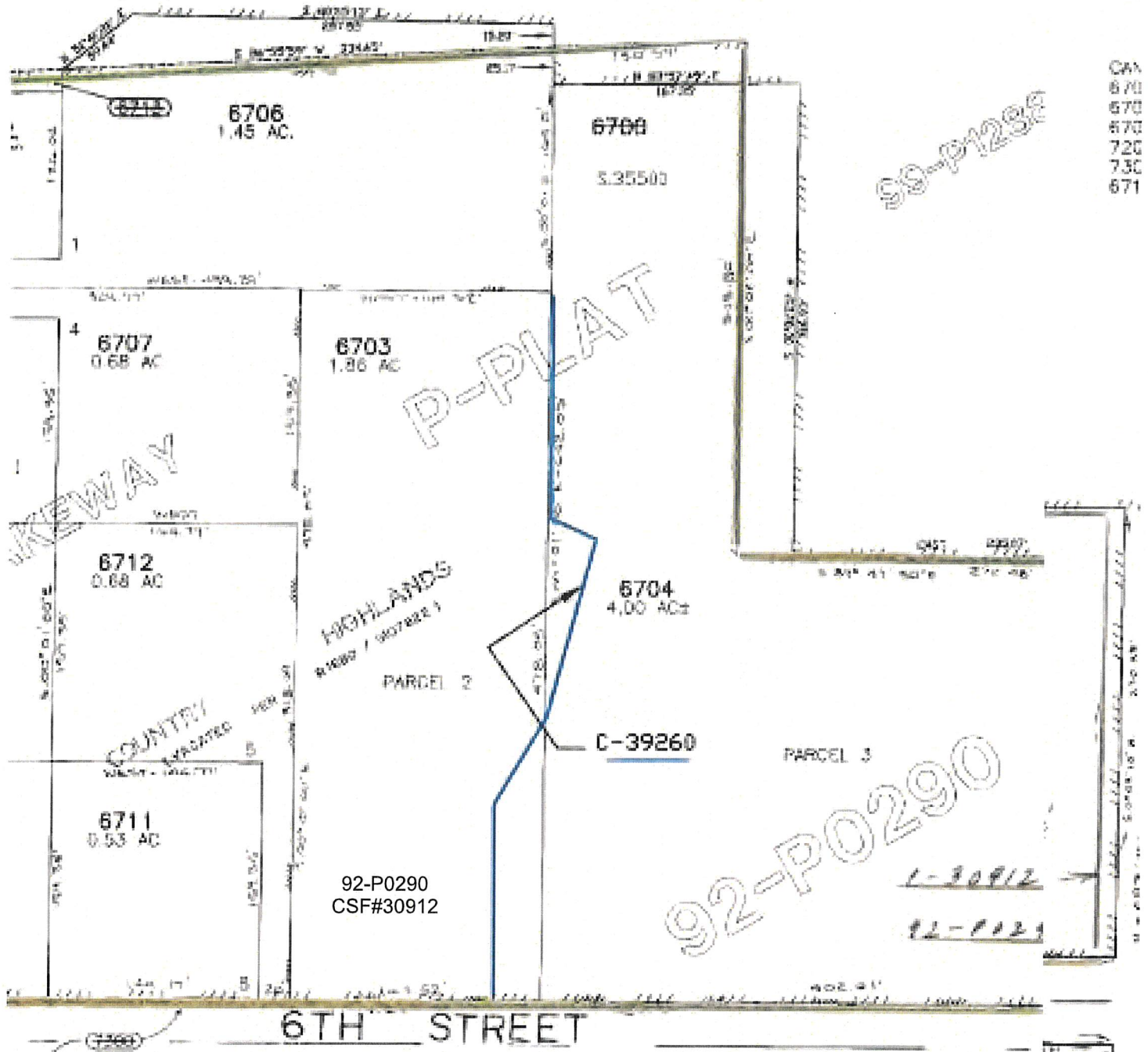
County of Lane

This instrument was acknowledged before me on 4-23-18 by Gerald Franklin

Sondra M. Johnson
Notary Public - State of Oregon
My Commission Expires 8/11/2019



19 01 11 33



- 670
- 670
- 670
- 720
- 730
- 671



19-01-11-33 6703
105 E. 6th Lowell 97452
Lowell Code
Section 9.411 R-1 district

P-1
62,078 sf
(1.42 acres)

91.80

24.50

175.0

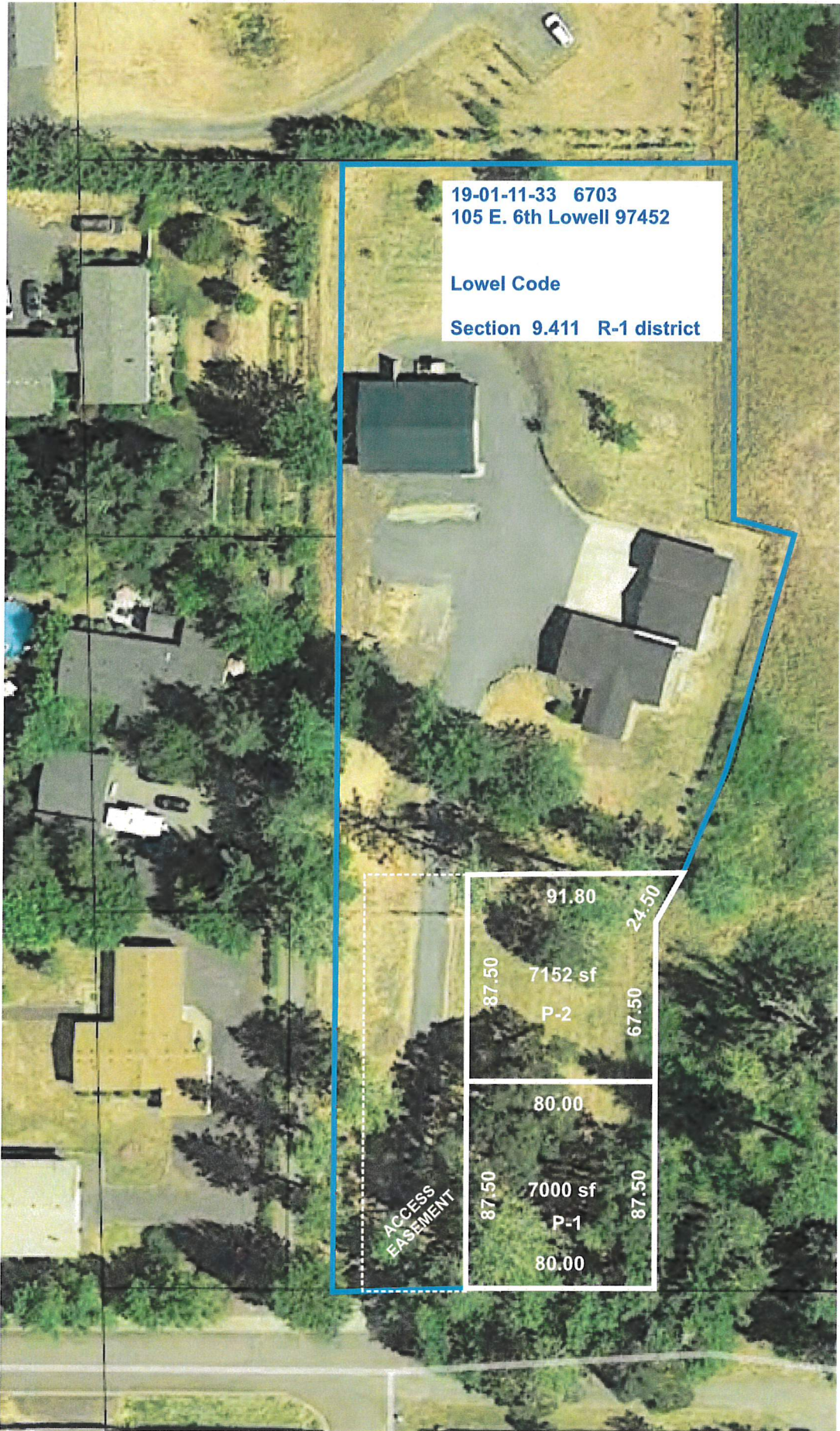
155.0

P-2
14,152 sf

80.00

ACCESS
EASEMENT

E 6th Street



19-01-11-33 6703
105 E. 6th Lowell 97452

Lowel Code
Section 9.411 R-1 district

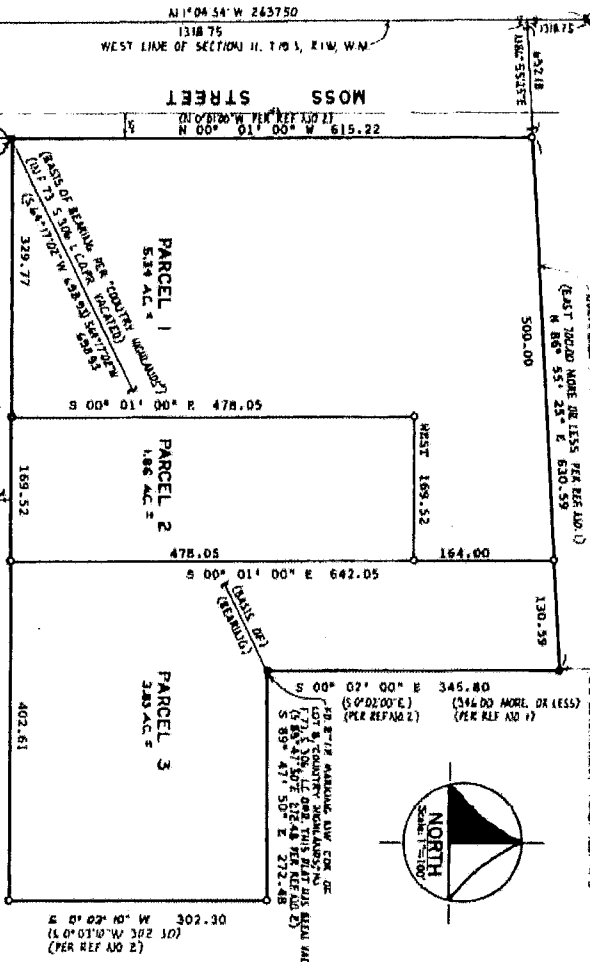
91.80
24.50
7152 sf
P-2
67.50
87.50

80.00
7000 sf
P-1
87.50
80.00

ACCESS
EASEMENT

LANE COUNTY SURVEYORS OFFICE
CS FILE NO. 30012
FILING DATE 11-23-92

FILED
NOV 13 1992
COUNTY CLERK
CASEY L. JONES, REBECCA A. JONES
& GERMAINE R. MOCK
MINOR PARTITION FOR
CITY OF LOWELL
SW 1/4 OF SEC. 11 IN T19S, R01W, W.M.
LANE COUNTY, OREGON



DECLARATION:
Know all men that Germaine R. Mock, Casey L. Jones and Rebecca A. Jones are the owners of the herein described property and they do hereby lay out and partition the same as shown hereon.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
MAVIN S. KUSH
1988

Witness:
Germaine R. Mock
Casey L. Jones
Rebecca A. Jones

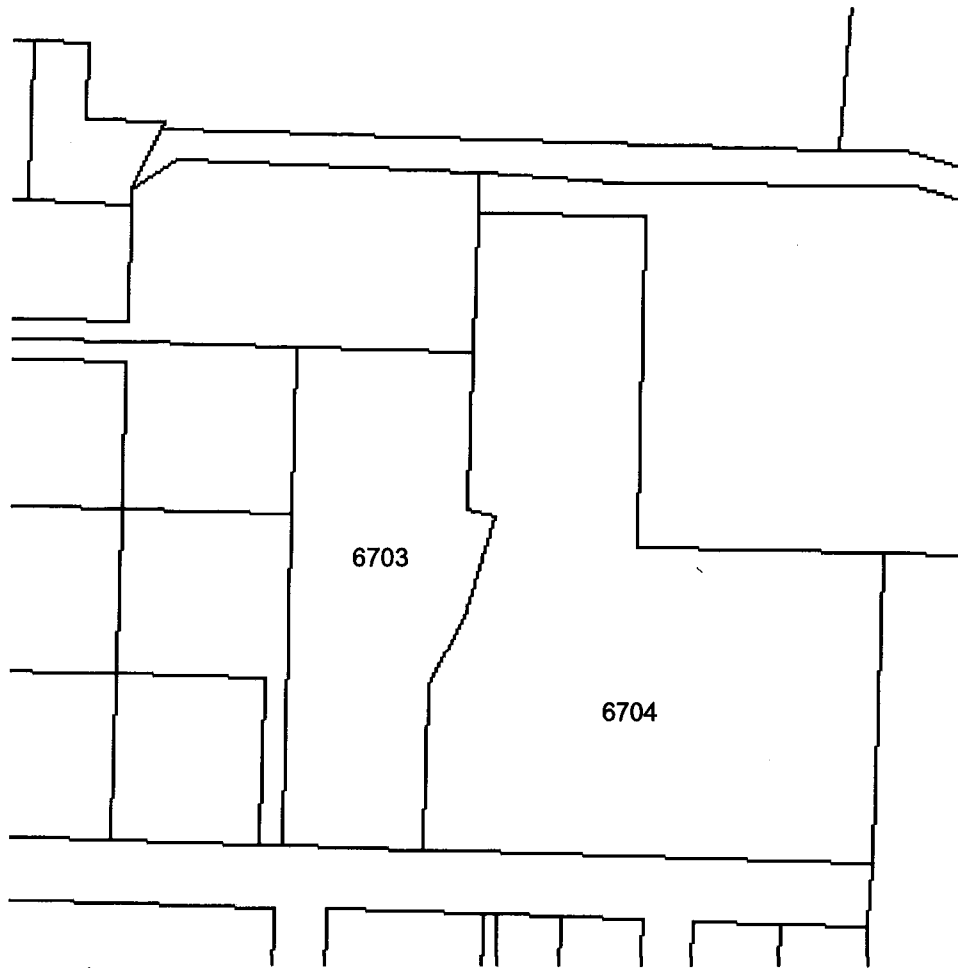
Casey L. Jones
City of Lowell Resident
City of Lowell Engineer
Date 11-10-1992

ACKNOWLEDGMENT: State of Oregon
County of Lane
Personally appeared Germaine R. Mock, Casey L. Jones and Rebecca A. Jones, who being known to me to be the identical individuals who signed the foregoing instrument and they acknowledge said instrument to be their voluntary acts and deeds.
Acknowledged before me this 25 day of August, 1992.

SWMR/PARTITIONER
Casey & Rebecca Jones
1115 Interstate NW
Pleasant Hill, Oregon 97455
BARBARA ANN
LOWELL, OREGON 97452
Prints & Associates
54 West Commercial
Eugene, Oregon 97402
(503) 585-9211

19-01-11-3-5 *6700 & 6701

\$33143



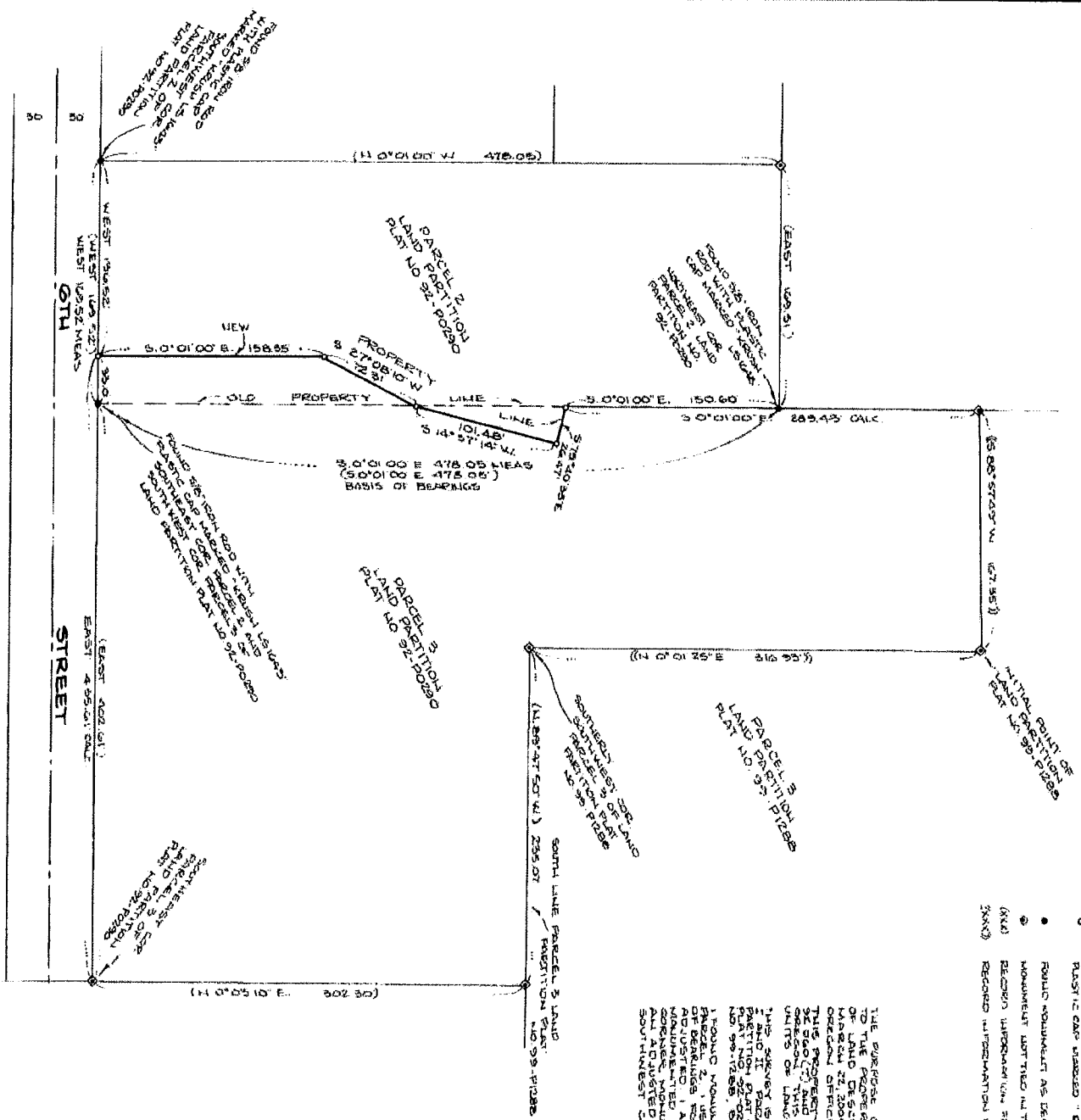
Prior to this PROPERTY LINE ADJUSTMENT the legal description for PARCEL II is contained in that Warranty Deed recorded on March 22, 2005, as Document No. 2005-019766 of the Lane County Oregon Official Records.

After this PROPERTY LINE ADJUSTMENT, the legal description for PARCEL II is described as follows, with the adjusted line being underlined:

TL 6704

BEGINNING at a 5/8 inch iron rod with a plastic cap marked "HANKINS LS 687" marking the Initial Point of Land Partition Plat No. 99-P1288, Lane County Oregon Plat Records; and running thence South 88°57'49" West 167.35 feet to a 5/8 inch iron rod with a plastic cap marked "HANKINS LS 687" located on the West line of Parcel 3 of Land Partition Plat No. 92-P0290, Lane County Oregon Plat Records; thence southerly along said West line, South 0°01'00" East 289.43 feet; thence leaving said West line, South 75°40'33" East 26.47 feet; thence South 14°37'14" West 101.46 feet; thence South 27°08'10" West 72.31 feet; thence South 0°01'00" East 159.35 feet to the North margin of 6th Street, being the South line of said Parcel 2 and 3; thence along said south line, EAST to the Southeast corner of said Parcel 3; thence northerly along the East line of said Parcel 3 to a 5/8 inch iron rod with a plastic cap marked "HANKINS LS 687" located on the South line of Parcel 3 of said Land Partition Plat No. 99-P1288; thence along said South line, North 69°47'50" West 235.07 feet to a 5/8 inch iron rod with a plastic cap marked "HANKINS LS 687" marking the most Southerly Southwest corner of said Parcel 3 of said Land Partition Plat No. 99-P1288; thence North 00°01'00" West 316.93 feet to the point of beginning, all in the City of Lowell, Lane County, Oregon.

The true consideration for this conveyance is other than monetary.



- LEGEND**
- SET 5/27 FROM 800, 30' WIDE, WITH TIE TO RUSTIC CAR MARKED "E" SURVEILED 1900
 - FOUND MONUMENT AS DESCRIBED
 - ⊙ MONUMENT LOTTED IN THIS SURVEY
 - (XXX) RECORD INFORMATION FROM LAND SECTION PLAT NO. 92-10230
 - (XXX) RECORD INFORMATION FROM LAND SECTION PLAT NO. 92-10238

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SET MONUMENTS FOR AN ADJUSTMENT TO THE PROPERTY LINE BETWEEN PARCELS 2 AND 3 OF SAID SECTION 11, T.19S, R.14W, W.1M, AS DESCRIBED IN CERTAIN VAGUELY DED RECORDED ON MARCH 27, 2005, AS DOCUMENT NO. 2005-0195, OF THE CLATSOP COUNTY RECORDS.

THIS PROPERTY LINE ADJUSTMENT AGREES TO THE PROVISIONS OF ORS 30.010 THROUGH 30.015, AND TO THE STRADDLES OF THE CITY OF LANE COUNTY. THIS AGREEMENT LINE ADJUSTMENT DOES NOT CREATE ANY PORTION OF UNITS OF LAND.

THIS SURVEY IS BASED UPON RECORDS AND THE BENCHMARK AND PARCEL 2 AND PARCEL 3 OF SAID SECTION 11, T.19S, R.14W, W.1M, AS DESCRIBED IN CERTAIN VAGUELY DED RECORDED ON MARCH 27, 2005, AS DOCUMENT NO. 2005-0195, OF THE CLATSOP COUNTY RECORDS.

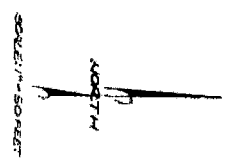
I FOUND MONUMENTS AT THE SOUTHWEST AND NORTHEAST CORNERS OF SAID PARCEL 2. I USE THE LINE BETWEEN SAID PARCEL 2 AND PARCEL 3 OF SAID SECTION 11, T.19S, R.14W, W.1M, AS DESCRIBED IN CERTAIN VAGUELY DED RECORDED ON MARCH 27, 2005, AS DOCUMENT NO. 2005-0195, OF THE CLATSOP COUNTY RECORDS, AS THE BASIS OF BEARING.

THE MONUMENTS I SET AT THE SOUTHWEST CORNER OF SAID PARCEL 2 AND THE MONUMENTS I SET AT THE NORTHEAST CORNER OF SAID PARCEL 2 AND THE MONUMENTS I SET AT THE SOUTHWEST CORNER OF SAID PARCEL 3 AND THE MONUMENTS I SET AT THE NORTHEAST CORNER OF SAID PARCEL 3 ARE THE MONUMENTS I SET AT THE SOUTHWEST CORNER OF SAID PARCEL 2 AND THE MONUMENTS I SET AT THE NORTHEAST CORNER OF SAID PARCEL 3 OF SAID SECTION 11, T.19S, R.14W, W.1M, AS DESCRIBED IN CERTAIN VAGUELY DED RECORDED ON MARCH 27, 2005, AS DOCUMENT NO. 2005-0195, OF THE CLATSOP COUNTY RECORDS.

**RECORD OF SURVEY
PROPERTY LINE ADJUSTMENT
FOR
MICHAEL KAROTKO**

SITUATED IN SW/4, SECTION 11, T.19S, R.14W, W.1M,
CITY OF LOWELL, LANE COUNTY, OREGON

DATE OF SURVEY: MARCH 25, 2005



**REGISTERED
LAND SURVEYOR**

**015024
MICHAEL KAROTKO**

DATE OF RENEWAL: 6/30/06



ALL OREGON LAND SURVEYING

PO BOX 38, JUNCTION CITY, OR 97130
503-598-5800 FAX 503-598-5810

LANE COUNTY SURVEYOR'S OFFICE

CL. PL. NO. 30260

PLAT DATE 2/18/05

EX . B

CITY OF LOWELL
NOTICE OF PUBLIC HEARING
Mailing Date FEBURARY 24, 2020

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a **Partition** of a property located at 19-01-11-33 Tax Lot 6703; Address: 105 E. 6th Street, Lowell, OR, 97452.

The Hearing will occur on March 18, 2020 at 7:00 pm in the Maggie Osgood Library at 70 North Pioneer Street in Lowell, Oregon.

Requested Action: Partition of the subject property at create one additional parcel (creation of Proposed Parcel #2)

Owner/Applicant: Gerald Franklin
Applicant's Representative: Jim McLaughlin, L.S.
Property Location: 105 East 6th Street
Assessor Map: 19-01-11-33
Tax Lot: 6703
Existing Area: 1.72 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: **Section 9.223 General Information**, **Section 9.220 Subdivision or Partition Tentative Plan**, and **Section 9.228 Decision Criteria**. The specific criteria will be addressed in the Staff Report. See map on reverse.

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 Partition 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. Or to Henry Hearley, Lane Council of Governments, 859 Willamette Street, Suite 500, Eugene, OR, 97401, hhearley@lcog.org 541-682-3089.

Written Testimony shall be received by the City no later than 4:00 pm on March 18, 2020.

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, or to Henry Hearley at the address listed in this notice.

Henry Hearley
LCOG
hhearley@lcog.org
541-682-3089



Subject Property



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2020-0170

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Henry Hearley	City	Lowell
Local case file #	County	
LU 2019 08	Lane	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
19S	01W	11	AD	6703

Street Address

105 E 6th St

Address Line 2

City

Lowell

Postal / Zip Code

97452

State / Province / Region

OR

Country

Lane

Latitude

43.926165

Longitude

-122.781489

Wetland/Waterway/Other Water Features



- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- Local Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity



- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Because a lot partition does not involve removal/fill or other disturbance, no state permit is needed. Proposed P-2 lot on page 8 of the submitted land use application (P-2, 14,152 sf), may have wetland extending per WD2019-0066 mapping on adjacent lot, which has been sent to city and landowner agent, but may have upland sufficient to develop. Please note that this does not apply to the 7000 sf partition (P-1) that appears to be proposed on page 9 of the submitted land use application - this proposed lot may be largely wetland and difficult to develop. The only way to know if a wetland is present on the site, and the extent, is a wetland delineation submitted to DSL for review. If there are proposed buildings, grading, and other earth work activities that were not submitted with the materials in this land use notice, they should be submitted to DSL as a new land use notice. Please call me at 503-986-5262 with any further questions.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

3/10/2020

Response by:

Matthew Unitis

Response Phone:

503-986-5262



Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS

775 Summer Street NE, Suite 100, Salem, OR 97301-1279

Phone: (503) 986-5200

This form is to be completed by planning department staff for mapped wetlands and waterways.

Responsible Jurisdiction



*

City of County of

Municipality*

LOWELL

Date*

2/28/2020

Staff Contact

First Name*

Henry

Last Name*

Hearley

Phone*

5416823089

Email*

hhearley@lco.org

Applicant



First Name*

Gerald

Last Name*

Franklin

Mailing Address*

Street Address

PO BOX 811

Address Line 2

City

pleasant hill

Postal / Zip Code

97401

State

or

Country

USA

Phone

541-501-2950

Email (?)

gerald@fcitreeservice.com

Is the Property Owner name and address the same as the Applicant?*

No Yes

Activity Location



Township* (?)

19S

Range* (?)

01W

Section* (?)

11

Quarter-quarter Section (?)

AD

Tax Lot(s) *

6703

You can enter multiple tax lot numbers within this field. i.e. 100, 200, 300, etc.

To add additional tax map and lot information, please click the "add" button below.

Address

Street Address

105 East 6th street

Address Line 2

City

lowell

State

OR

Postal / Zip Code

97452

Country

USA

County *

Lane

Adjacent Waterbody

dexter lake

Proposed Activity**Local Case File # ***

LU 2019 08

Zoning

R-1

Proposed Building Permit (new structures) Grading Permit Site Plan Approval Other (please describe)

PARTITION

 Conditional use Permit Planned Unit Development Subdivision**Project ***

Partition to create 1 additional parcel. based on the LWI it looks like there's a probable wetland on the subject property, but it appears to be quite a ways away from the proposed parcel 2.

Required attachments with site marked: Tax map and site plan(s). (?)

MX-3570N_20191016_082031.pdf

2.09MB

Required attachments with site marked: Tax map and site plan(s). (?)

Franklin_LCOG_memo01102020_02.pdf

580.68KB

Required attachments with site marked: Tax map and site plan(s). (?)

Franklin_LCOG_memo01142020.pdf

136.39KB

Required attachments with site marked: Tax map and site plan(s). (?)

Lowell Tentative Draft01212020_02.pdf

476.08KB

Required attachments with site marked: Tax map and site plan(s). (?)

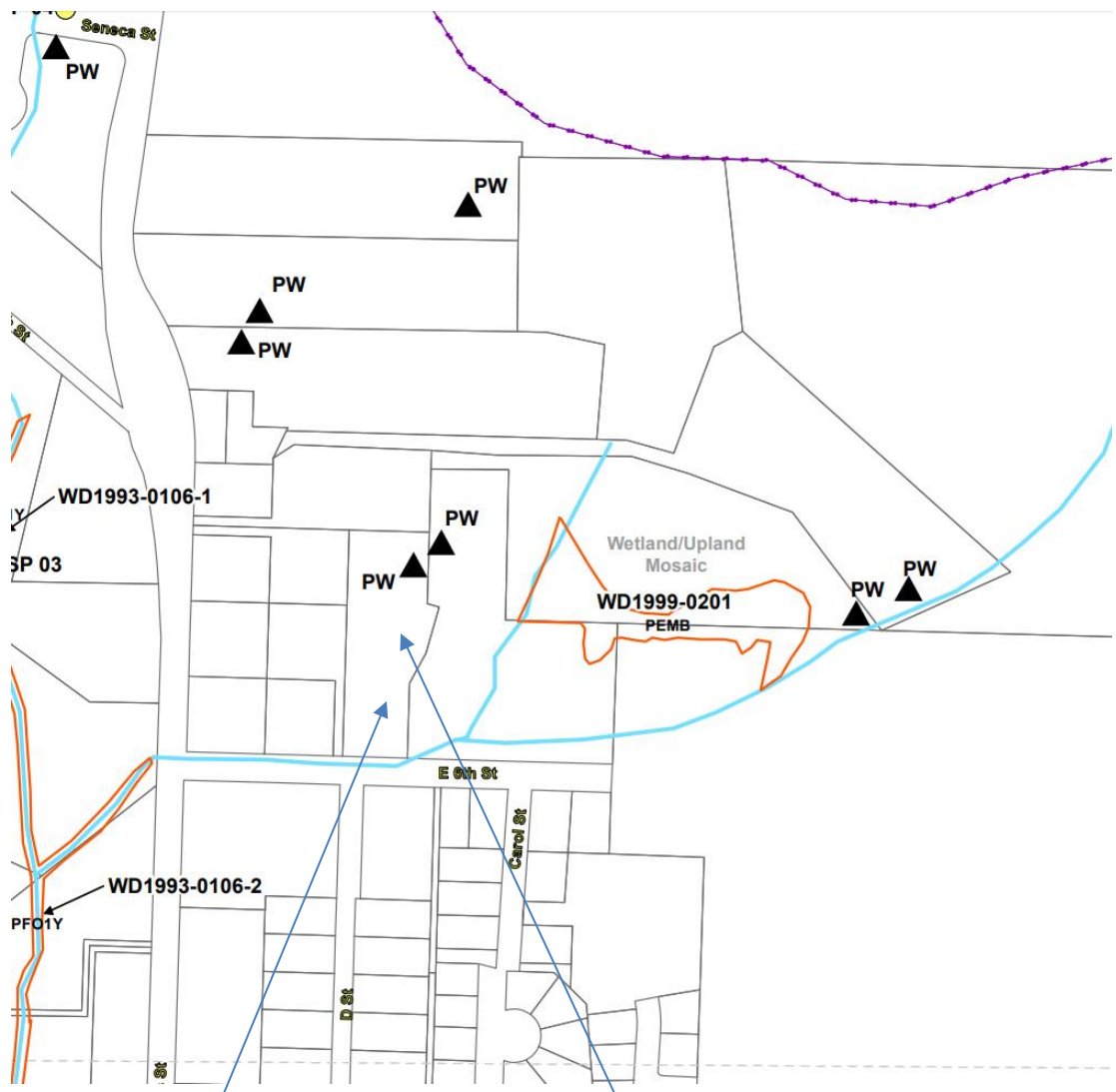
wetland_map_for_notice.pdf

128.34KB

Additional Attachments

Date

2/28/2020



Approximate extent of the proposed Parcel 2. (not located near the PW)

Subject Property (contains existing home – not near PW)

EX. D

memo

To: Henry Hearly LCOG
From: James McLaughlin PLS
Date: 1/10/2020

Partition Application for 105 East 6th Street, Lowell, Oregon

Supplemental Information in support of Partition Application for 105 East 6th Street, Lowell, Oregon
Lane County Map 19-01-11-33 Tax lot 6703.

Narrative:

The current parent parcel is 1.75 acres, zoned R1 (SFR) and has an address associated with it of 105 East 6th Street, Lowell OR. An abundance of additional site-specific data has been provided on the attached TENTATIVE PARTITION PLAN, dated December 12, 2019 which was prepared by Ryan Erickson.

This application seeks approval to partition an existing parcel. In to 2 separate legally created parcels.

Parcel 1 is the North Parcel as shown on the tentative plan, proposed to be 1.25 acres. Access to East 6th Street will be provided by a 40-foot access and utility easement across Parcel 2. An existing single-family residence with an additional detached garage is on site. All Utilities, including wastewater, potable water, and power are existing to Parcel 1

Parcel 2 is the South Parcel as shown on the tentative plan, proposed to be 0.5 acres. East 6th Street, a 60' dedicated public right-of-way which contains a paved section of roadway, is adjacent to the Southern boundary of Parcel 2, and will provide access.

As proposed, both parcels appear to meet the development standards as noted in Lowell Land Development - 9.411(d)

(d) Development Standards.

- (1) Minimum lot area: 7,000 square feet.*
- (2) Minimum lot width: 60 feet, except for corner lots which must have no less than 65 feet on any property line adjoining a street*
- (3) Minimum Lot Depth: 80 feet*
- (4) Maximum Building coverage including accessory buildings, provided that any patio structure used solely for open space and swimming pool not structurally covered shall not be counted as a structure for ascertaining coverage: 35%*
- (5) Maximum building height – 2 stories, excluding basements/daylight basements, or 30 feet, whichever is lower. Accessory buildings are limited to one story.*
- (6) Yards (all measurements are from the property line unless indicated otherwise):*
 - A. 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.

B. Side yard setbacks:

1. Interior side yard:

5 feet for single story and 7 ½ 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.

C. Rear yard: 10 feet

Specific information for the subject parcel:

Tax map / Lot: 19-01-11-33 / 6703

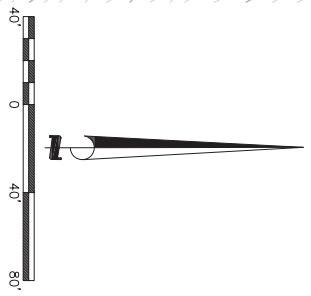
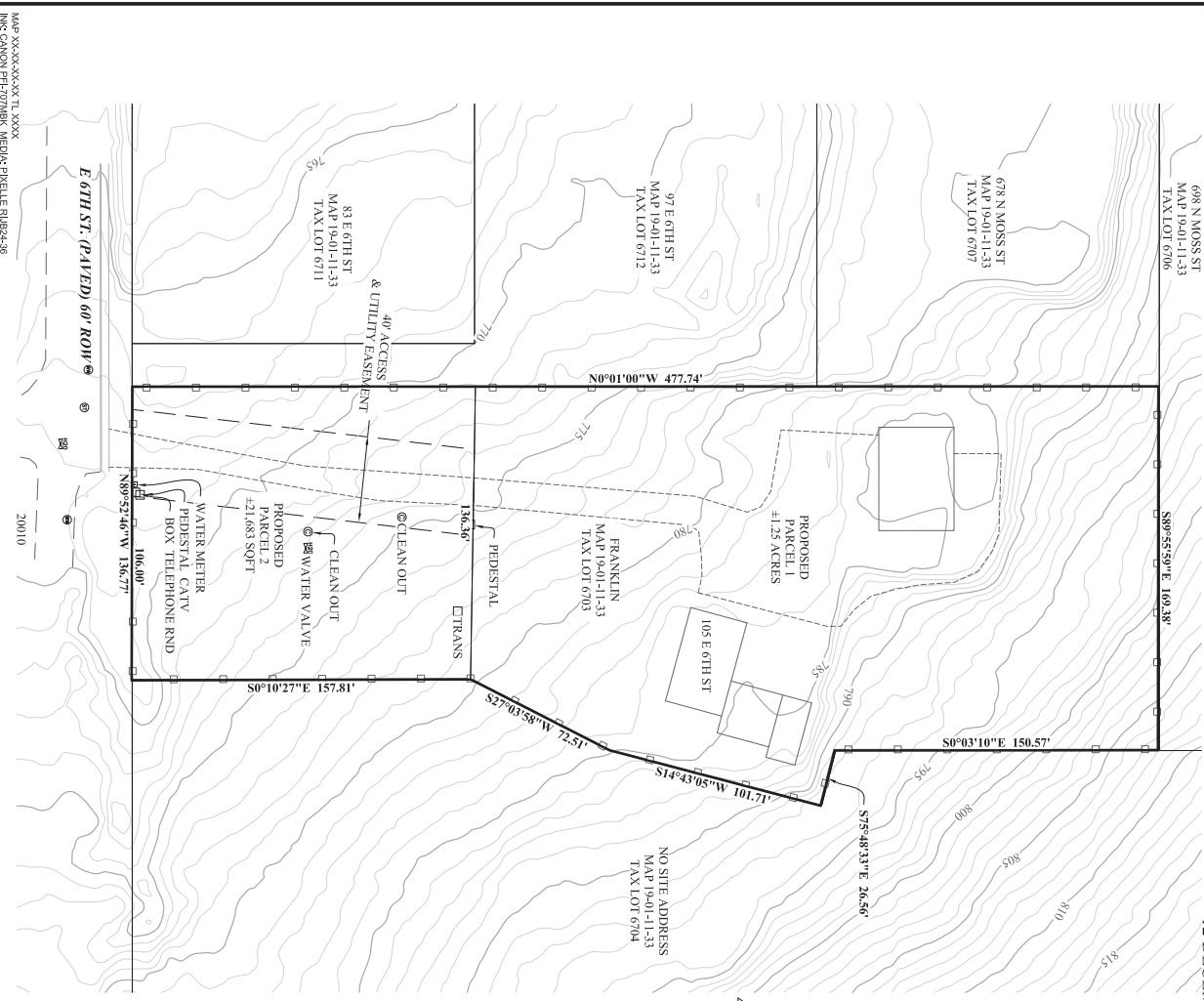
Zoning: R1 (SFR)

Area: 1.75 Acre

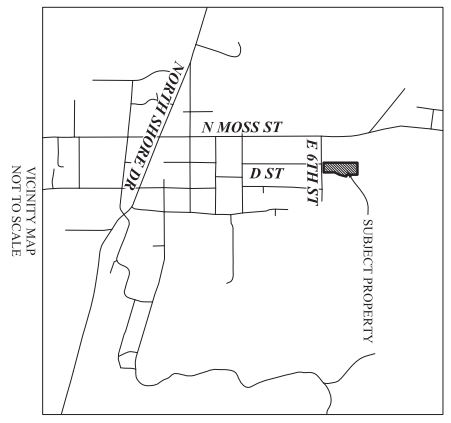
- (a) Names
 - (i) Owner
 1. Gerald & Trina Franklin
 - (ii) Applicant
 1. Jim McLaughlin / Ryan Erickson
- (b) Date Scale
 - (i) Jan 2020
 - (ii) 1" =40'
- (e) Lot Dimension
 - (i) As shown on map
- (f) Buildings
 - (i) Footprints on map – no heights
- (g) Open Space
 - (i) Not currently labeled on map
- (h) Fences
 - (i) Perimeter wood fence (5' tall) shown on map
- (i) Off Street Parking N/A
- (j) Access N/A
- (k) Signs N/A
- (l) Loading N/A
- (m) Lighting N/A
- (n) Dedications – none
- (o) Special Site features N/A
- (p) Water System – City of Lowell Muni system
- (q) Drainageway
- (r) Number of occupants N/A
- (s) Number of generated trips N/A
- (t) Time of Operation N/A
- (u) Emissions, potential hazards N/A

TENTATIVE PARTITION PLAN

FOR
FRANKLIN
 SW 1/4, SECTION 11, TOWNSHIP 19 SOUTH, RANGE 01 WEST
 OF THE WILLAMETTE MERIDIAN,
 LOWELL, OREGON
 12 DECEMBER 2019



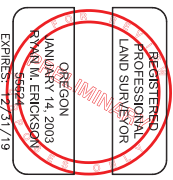
NOTES:
 CONTOUR DATA FROM DOGAMI LIDAR.
 CONTOUR ELEVATION DATUM: NAVD88
 PROPERTY & ADJACENT ZONING: R1
 UTILITIES SERVING PROPOSED PARCEL 1 ARE LOCATED OR WILL BE RELOCATED AND THE 40' ACCESS & UTILITY EASEMENT.



PROPERTY OWNER:
 GERALD & TRINA FRANKLIN
 PO BOX 811
 PLEASANT HILL, OR 97455

APPLICANT:
 JIM McLAUGHLIN, PLS
 JOHNSON BRODRICK ENGINEERING, LLC
 325 W 13TH AVE
 EUGENE, OR 97401

SURVEYOR:
 RYAN ERICKSON, PLS
 EGR & ASSOCIATES, INC.
 2535 PRARIE RD, SUITE B
 EUGENE, OR 97402



EGR & Associates, Inc.
 Engineers, Geodesists, and Surveyors
 2535 Prairie Road
 Eugene, Oregon 97402
 (541) 688-8322
 Fax (541) 688-8087

memo

To: Henry Hearly LCOG
From: James McLaughlin PLS
Date: 1/14/2020

Partition Application for 105 East 6th Street, Lowell, Oregon

Supplemental Information in support of Partition Application for 105 East 6th Street, Lowell, Oregon
Lane County Map 19-01-11-33 Tax lot 6703.

NARRATIVE

The current parent parcel is 1.75 acres, zoned R1 (SFR) and has an address associated with it of 105 East 6th Street, Lowell OR. An abundance of additional site-specific data has been provided on the attached TENTATIVE PARTITION PLAN, dated December 12, 2019 which was prepared by Ryan Erickson.

This application seeks approval to partition an existing parcel. In to 2 separate legally created parcels.

Parcel 1 is the North Parcel as shown on the tentative plan, proposed to be 1.25 acres. Access to East 6th Street will be provided by a 40-foot access and utility easement across Parcel 2. An existing single-family residence with an additional detached garage is on site. All Utilities, including wastewater, potable water, and power are existing to Parcel 1

Parcel 2 is the South Parcel as shown on the tentative plan, proposed to be 0.5 acres. East 6th Street, a 60' dedicated public right-of-way which contains a paved section of roadway, is adjacent to the Southern boundary of Parcel 2, and will provide access.

SECTION 9.411 (d) DEVELOPMENT STANDARDS

(d) Development Standards.

- (1) Minimum lot area: 7,000 square feet.*
- (2) Minimum lot width: 60 feet, except for corner lots which must have no less than 65 feet on any property line adjoining a street*
- (3) Minimum Lot Depth: 80 feet*
- (4) Maximum Building coverage including accessory buildings, provided that any patio structure used solely for open space and swimming pool not structurally covered shall not be counted as a structure for ascertaining coverage: 35%*
- (5) Maximum building height – 2 stories, excluding basements/daylight basements, or 30 feet, whichever is lower. Accessory buildings are limited to one story.*
- (6) Yards (all measurements are from the property line unless indicated otherwise):*
 - A. 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.

B. Side yard setbacks:

1. Interior side yard:

5 feet for single story and 7 ½ 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.

C. Rear yard: 10 feet

Specific information for the subject parcel:

Tax map / Lot: 19-01-11-33 / 6703

Zoning: R1 (SFR)

Area: 1.75 Acre

(a) Names

(i) Owner

1. *Gerald & Trina Franklin*

(ii) Applicant

1. *Jim McLaughlin / Ryan Erickson*

(b) Date Scale

(i) *Jan 2020*

(ii) *1" =40'*

(e) Lot Dimension

(iii) *As shown on map*

(f) Buildings

(iv) *Footprints on map – no heights*

(g) Open Space

(v) *Not currently labeled on map*

(h) Fences

(vi) *Perimeter wood fence (5' tall) shown on map*

(i) Off Street Parking *N/A*

(j) Access *N/A*

(k) Signs *N/A*

(l) Loading *N/A*

(m) Lighting *N/A*

(n) Dedications – *none*

(o) Special Site features *N/A*

(p) Water System – *City of Lowell Muni system*

(q) Drainageway

(r) Number of occupants *N/A*

- (s) Number of generated trips *N/A*
- (t) Time of Operation *N/A*
- (u) Emissions, potential hazards *N/A*

SECTION 9.228 DECISION CRITERIA

- (a) That the proposed land division complies with applicable provisions of City Codes and Ordinances, including zoning district standards.

The proposal complies with the Master Road Plan (Ordinance No. 194)

- (b) Where the proposed land division results in any lots or parcels that are at least two one half times the allowed minimum lot size, the applicant has demonstrated that all such lots or parcels may be re-divided in the future to at least 80% of maximum density possible within current minimum lot sizes, existing site constraints, and requirements of this Code.

The proposed partition does exceed 2.5 times the minimum lot size. However, given the physical site constraints which include topography, existing structures, and limitations of additional utility extensions this site any consider for will not be further development of this site is not practical or reasonable.

- (c) The applicant has demonstrated that the proposed land division does not preclude development on properties in the vicinity to at least 80% of maximum density possible within current minimum lot sizes, existing site conditions and the requirements of this Code.

The proposed partition does exceed 2.5 times the minimum lot size. However, given the physical site constraints which include topography, existing structures, and limitations of additional utility extensions this site any consider for will not be further development of this site is not practical or reasonable.

- (d) The proposed street plan:

- (1) Is in conformance with City standards and with the Master Road Plan or other transportation planning document
- (2) Provides for adequate and safe traffic and pedestrian circulation both internally and in relation to the existing City street system.
- (3) Will not preclude the orderly extension of streets and utilities on undeveloped and underdeveloped portions of the subject property or on surrounding properties.

- (e) Adequate public facilities and services are available to the site, or if public services and facilities are not presently available, the applicant has demonstrated that the services and facilities will be available prior to need, by providing at least one of the following:

- (1) Prior written commitment of public funds by the appropriate public agency.
- (2) Prior acceptance by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.

(3) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the City.

An improvement agreement for future public improvements in and along 6th Avenue is anticipated as a final condition of approval for this application

(f) That proposed public utilities can be extended to accommodate future growth beyond the proposed land division.

(g) Stormwater runoff from the proposed land division will not create significant and including, but not limited to erosion, scouring, turbidity, or transport of sediment due to increased peak flows and velocity.

Any additional stormwater runoff created by this proposed development will be managed in fashion that will not create any additional downstream impacts including erosion, flows and velocities.

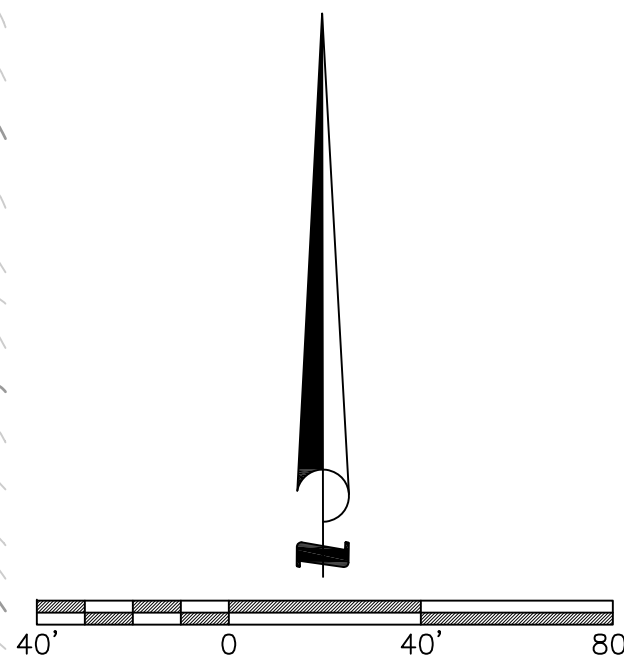
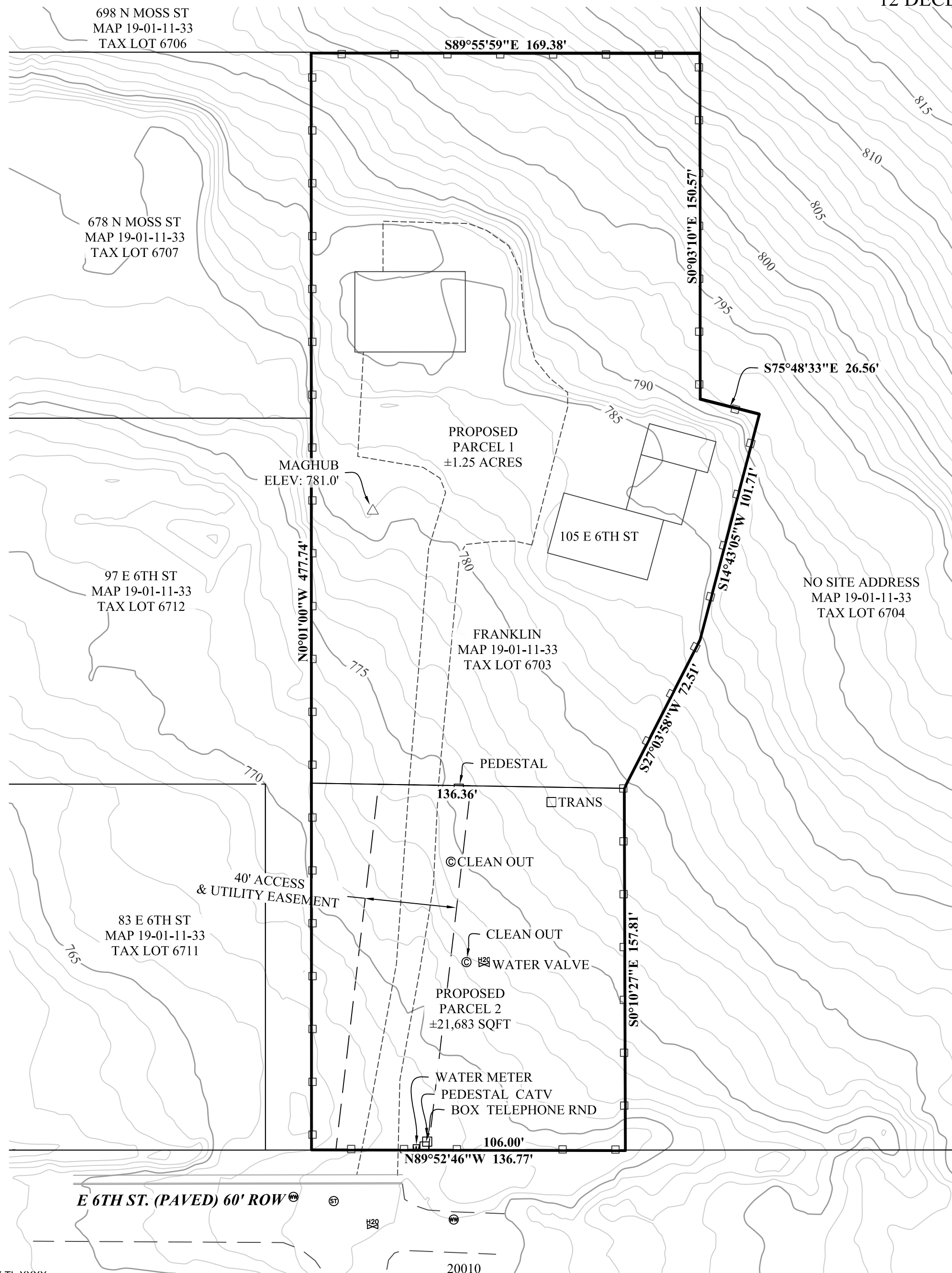
(h) The proposed land division does not pose a significant and unreasonable risk to public health and safety, including but not limited to fire, slope failure, flood hazard, impaired emergency response or other impacts identified in Section 9.204 (u).

No risks or other impacts to the public safety are anticipated to be associated with this proposed development

TENTATIVE PARTITION PLAN

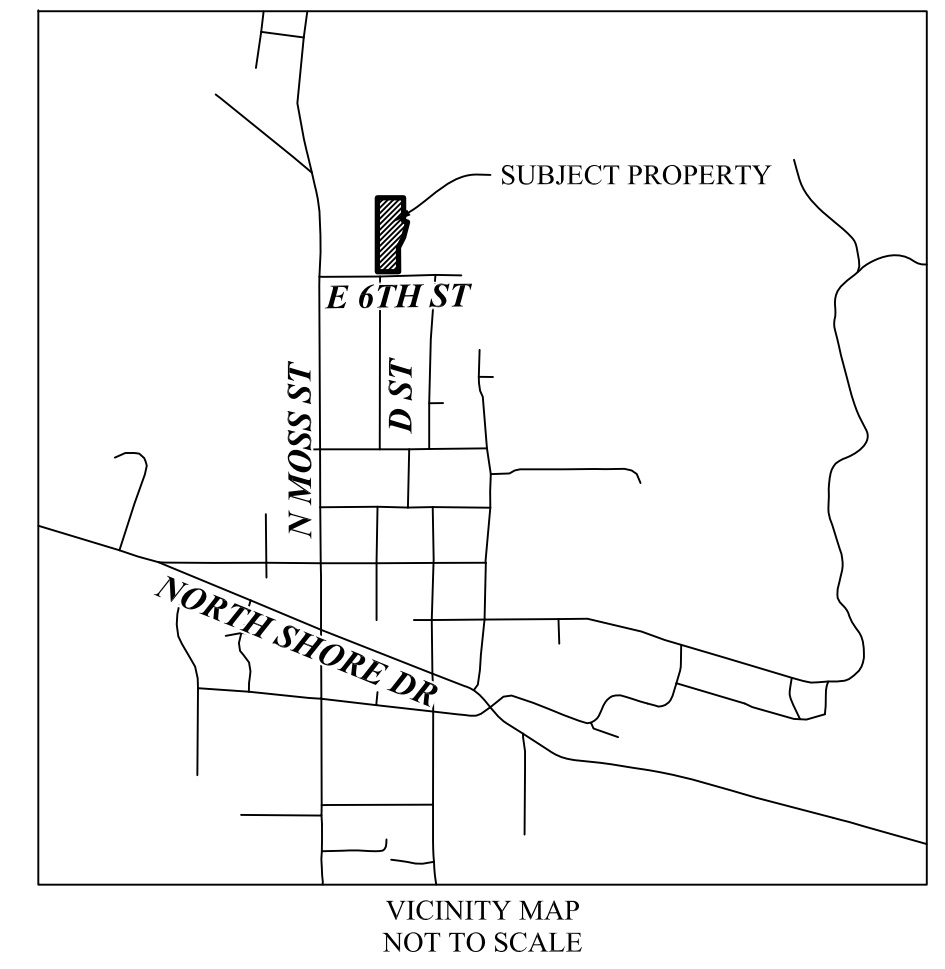
FOR FRANKLIN

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NOTES:

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- CONTOUR ELEVATION DATUM: NAVD88
- PROPERTY & ADJACENT ZONING: R1
- UTILITIES SERVING PROPOSED PARCEL 1 ARE LOCATED OR WILL BE RELOCATED INTO THE 40' ACCESS & UTILITY EASEMENT.
- ACCESS TO BOTH PARCELS SHALL BE LIMITED TO THE 40' ACCESS & UTILITY EASEMENT, NO OTHER ACCESS TO 6TH AVENUE IS ALLOWED.



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PLEASANT HILL, OR 97455

APPLICANT:
JIM MCLAUGHLIN, PLS
JOHNSON BRODERICK ENGINEERING, LLC
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SURVEYOR:
RYAN ERICKSON, PLS
EGR & ASSOCIATES, INC.
2535 PRAIRIE RD. SUITE B
EUGENE, OR 97402



EGR & Associates, Inc.
Engineers, Geologists, and Surveyors

2535B Prairie Road
Eugene, Oregon 97402

(541) 688-8322
Fax (541) 688-8087

Jan 15, 2020 - 9:37am
S:\Projects\5646 Franklin\19-01-11-33 6th St Lowell\Lowell Base Rotated.dwg LAYOUT=Survey

MAP XX-XX-XX-TL XXXX
INK: CANON PFI-707MBK MEDIA: PIXELLE RIJB24-36

City of Lowell
107 E 3rd St
PO Box 490
Lowell OR 97452 (541) 937-2157

Receipt No: 2.002175 Oct 30, 2019

Franklin Contracting

Licenses & Permits
Franklin Land Use Permit 875.00
110-335-4352
Land Use & Development

Total: 875.00

Gen - Check
Check No: 31933 875.00
Total Applied: 875.00

Change Tendered: .00

10/30/2019 3:22 PM