

**Staff Report
Partition
Assessor's Map 19-01-14-22, Tax Lot 02201
Paul Fisher Park/City Hall Partition – City Property
LU 2022-07
Staff Report Date: August 31, 2022**

1. **Proposal.** The Planning Commission is being asked to review and render a decision on a partition for property located at Assessor's Map 19-01-14-21, Tax Lot 02201. The subject property is owned by the City of Lowell. The subject properties are zoned PL – Public Lands. The subject property currently consists of one parcel that is 1.71 acres in size and contains City Hall and Paul Fisher City Park. The applicant is proposing to create one additional parcel noted as “Parcel 2” on the tentative map. The newly created Parcel 2 will be 0.405 acres in size. City Hall, which currently occupies the land of proposed Parcel 2, will be demolished. The City will sell Parcel 2 for redevelopment. Paul Fisher Park and the existing parking lot adjacent to City Hall will remain as is. The efforts being conducted are envisioned in the Lowell Downtown Master Plan, in which City Hall is relocated to Downtown, and the area which now occupies City Hall is redeveloped for residential uses.
2. **Approval Criteria of the Lowell Development Code (LDC).** 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, Section 9.517 Street, Section 9.518 Sidewalks, 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

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

LDC 9.223. General Information.

Staff Response: 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.*

Staff Response: The proposed Parcel 2 is adjacent to 3rd Street and Pioneer Street. Currently, access is taken from 3rd Street. Following partition, Parcel 2 will have 151' of frontage on 3rd Street and 85' on Pioneer Street. Access to any future redevelopment will not be precluded. No additional right-of-way is necessary. The tentative plat contains the necessary items for land division.

(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.

Staff Response: The tentative plat for partition contains the necessary information for partition. See **Attachment A** for existing conditions maps.

Staff Response: 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.

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

Staff Response: There are no existing or proposed easements shown on the tentative plat.

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

Staff Response: The total acreage and the proposed land use for the land division is shown on the tentative plat and described in the applicant narrative.

(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.

Staff Response: The proposed partition will result in one additional parcel that is to be 17,651 square feet and the remainder parcel will be 56,963 square feet. The remainder parcel will remain as Paul Fisher Park. The proposed new Parcel 2 is expected to be rezoned for residential uses and developed for those uses. Proposed parcel 2 can be further partitioned. The application has shown in the application materials that further partition is possible.

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

Staff Response: Existing utilities are depicted on the existing conditions site plan (**Attachment A**). The properties contain city services and will have the ability to continue to receive city services after partition. Extension, relocation or upgrade of city utilities may be required upon actual site development of Parcel 2. Development is not precluded with the proposed partition.

(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.)

Staff Response: The proposed partition will not cause any development. Upon development of the site, drainage will be addressed as part of the site review or building permit process.

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

Staff Response: 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.

Staff Response: No future streets and easements are proposed.

(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.

Staff Response: No special improvements are proposed.

Staff Response: 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.*

Staff Response: No development is proposed as part of the proposed partition. Once Parcel 2 redevelops it will have city water and sewer services connected to it as a condition for

development.

(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.***

Staff Response: 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.

Staff Response: 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.

Staff Response: No public dedications or public improvements are proposed. Deferred urban street improvements may be required via a waiver of remonstrance or upon redevelopment of Parcel 2. Staff will offer a discussion of how the site fits in with the Lowell Downtown Plan and any possible urban public improvements that may be required as a condition of development.

Staff Response: 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 9.226 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.

Staff Response: The property owner shall submit the final plat in accordance with ORS 92.075. Criterion met with the following condition:

Condition of Approval #1: 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.

Staff Response: As this land use application is only for a proposed partition of a property, no grading will occur because 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.

Staff Response: No immediate public improvements are proposed or necessary for partition. Staff will offer a discussion of how the site fits in with the Lowell Downtown Plan and any possible urban public improvements that may be required as a condition of development.

The Regulating Plan shows the site which occupies City Hall is designated as Single-Family Attached Residential. The vision for this property is for townhouses/single-family attached dwellings or residential dwellings— other than traditional single-family. The Regulating Plan and Illustrative Plan show North Cannon Street pushing through this property and to the other end of the parcel in which the Fire Station currently sits. Such a street extension is not practical at such time as the Fire Department occupies the site. However, if in the future such extension of Cannon proposed and practical, the proposed partition does not preclude such extension.

As with any development in Lowell, development may be conditioned upon the addition of sidewalk, curb and gutter along the frontages of properties proposed for development. Such conditions for sidewalk, curb and gutter improvements would be addressed during the development proposal phase for any redevelopment on Parcel 2 and through securing a waiver of remonstrance upon sale of Parcel 2 for future urban improvements.

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

Staff Response: Staff have reviewed the Local Wetlands Inventory Map (LWI), and based on the map, there exists no mapped waterways, or wetlands.

Staff Response: 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.

Staff Response: The City is proposing the partition to achieve the goals and vision of the Lowell Downtown Master Plan. The proposed partition has been reviewed and discussed by City Council, with input from the Parks and Recreation Committee. Paul Fisher Park will remain as is. The

existing parking lot at City Hall will also remain and provide parking for users of Paul Fisher Park. 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.

Staff Response: 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.***

Staff Response: The applicant has shown in the application narrative that further partition is possible should Parcel 2 be further divided in the future.

- (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.***

Staff Response: 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.***

Staff Response: The proposed partition will not require any public improvements of streets. However, redevelopment of proposed Parcel 2 may require the addition of urban public improvements in the form of sidewalk, curb, and gutter and the extension of city service lines to serve proposed development.

Staff Response: 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.

Staff Response: The site contains existing city utilities. Upon redevelopment of Parcel 2, adequacy of public facilities will be evaluated. The proposed partition will not authorize any development activities.

Staff Response: The subject property currently receives city water and sewer. Upon redevelopment of either Parcel, the applicant/property owner/ developer 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.

Staff Response: Future land division of Parcel 2 is not precluded. 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.

Staff Response: Since no development is proposed stormwater runoff requirements will be reviewed upon a redevelopment plan being submitted to the City. Staff will include this as an informational item. Drainage and stormwater will be reviewed as part of the site review or building permit process and include review by the City Engineer. Criterion addressed.

(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).

Staff Response: The proposed partition is not expected to pose any significant or unreasonable risk to public health and safety. 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.

Staff Response: The proposed partition 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.

LDC 9.517 Streets. Urban public street improvements including curbs, gutters and storm drainage are required for all land divisions and property development in the City of Lowell. Urban street improvements may be deferred by the City if there is not existing sidewalk or storm drain system to which connection can be made, conditional upon the responsible party agreeing to an irrevocable waiver of remonstrance to a future assessment at the time of construction of a sidewalk which is otherwise required to be constructed.

Staff Response: Per the Lowell Development Code, all land divisions in Lowell require public sidewalk improvements to be made. The frontage along East 3rd Street, according to the Public Works Director, contains sidewalk, but no curb or gutter; the sidewalk is a satisfactory condition. The frontage along North Pioneer has sidewalk, curb and gutter that is in good condition. Since the applicant is not proposing development a waiver for future urban public improvements is not required to be signed at this time. However, future redevelopment of Parcel 2 may trigger the need for urban public improvements. Staff recommend the City place a plat note on the final plat that a waiver of remonstrance for future urban street improvements will be attached at time of sale of Parcel 2.

Criterion met with the following Condition of Approval #2:

Prior to finalizing and recording the final partition plat, a plat note shall be placed on the final plat indicating that a waiver of remonstrance for future urban street improvements may be required upon site development. Waiver of remonstrance shall be signed and executed concurrently with sale of Parcel 2.

4. Recommendation

Staff recommends the Planning Commission **APPROVE** as conditioned, a partition to create Parcel 1 and Parcel 2 as shown on the tentative partition plat.

5. Conditions of Approval

Condition of Approval #1: 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 finalizing and recording the final partition plat, a plat note shall be placed on the final plat indicating that a waiver of remonstrance for future urban street improvements may be required upon site development on Parcel 2. Waiver of remonstrance shall be signed and executed concurrently with sale of Parcel 2.

6. Informational items

- Upon redevelopment of Parcel 2 developer may be required to submit a drainage plan in conformance with the stormwater drainage standards of LDC 9.520. Review of the stormwater proposal/plan shall be reviewed by the City Engineer.
- Urban street improvements may be required upon redevelopment of Parcel 2.
- Redevelopment of Parcel 2 must go through the building permit process or site review process as appropriate and consistent with the LDC.
- 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.

7. Attachments

Attachment A: Applicant's application

Attachment B: Notice

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# 1901142202201 Lot # _____

Map# _____ Lot # _____

Map# _____ Lot # _____

Street Address (if applicable): 107 E. 3RD STREET, LOWELL OR 97452

Area of Request (square feet/acres): 17,651 SQ. FT.

Existing Zoning: PUBLIC LAND

Existing Use of the Property: COMBINED CITY HALL AND PAUL FISHER PARK

Proposed Use of the Property VACATE CURRENT CITY HALL TO PREPARE LOT FOR PRIVATE DEVELOPMENT

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

Submittal Requirements:

N/A 1. Copy of deed showing ownership or purchase contract with property legal description.

YES 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)

YES 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.

YES 4. Other submittals required by the City or provided by the applicant. Please List.

a. CURRENT CONDITIONS b. _____

c. _____ d. _____

e. _____ f. _____

N/A 5. Filing Fee: Amount Due: _____.

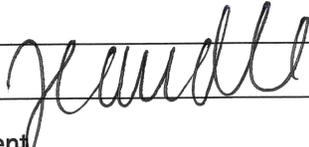
By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that incomplete applications may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application 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): JEREMY CAUDLE (FOR CITY OF LOWELL) Phone: 541-937-2157

Address: 107 E. 3RD STREET, LOWELL, OR 97452

City/State/Zip: _____

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 2022-07

Date Submitted: 8/18/2022 Received by: J CAUDLE Fee Receipt # N/A

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.

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

- N/A Water systems, drainage systems, sewage disposal systems and utilities.
- N/A Drainage ways, water courses, flood plain and wetlands.
- N/A The number of people that will occupy the site including family members, employees or customers.
- N/A The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
- N/A Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.
- N/A 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.
- N/A 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.

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# 1901142308800 Lot # _____

Map# _____ Lot # _____

Map# _____ Lot # _____

Street Address (if applicable): 101 N Shore Dr., Lowell OR 97452

Area of Request (square feet/acres): 20,945 sq. ft.

Existing Zoning: PUBLIC LAND

Existing Use of the Property: ROLLING ROCK PARK

Proposed Use of the Property VACATED TO PREPARE FOR SALE AND COMMERCIAL DEVELOPMENT

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

Submittal Requirements:

N/A 1. Copy of deed showing ownership or purchase contract with property legal description.

YES 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)

YES 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.

YES
N/A

4. Other submittals required by the City or provided by the applicant. Please List.

a. Current conditions b. _____

c. _____ d. _____

e. _____ f. _____

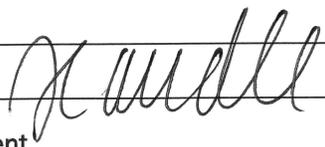
N/A 5. Filing Fee: Amount Due: _____

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): JEREMY CAUDLE (FOR CITY OF LOWELL) Phone: 541-937-2157
Address: PO BOX 490, LOWELL OR 97452

City/State/Zip: _____

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 2022-08

Date Submitted: 8/18/22 Received by: J Caudle Fee Receipt # _____

Date Application Complete: _____ Reviewed by: _____

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

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

- N/A Water systems, drainage systems, sewage disposal systems and utilities.
- N/A Drainage ways, water courses, flood plain and wetlands.
- N/A The number of people that will occupy the site including family members, employees or customers.
- N/A The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
- N/A Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.
- N/A 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.
- N/A Such other data as may be necessary to permit the deciding authority to make the required findings.

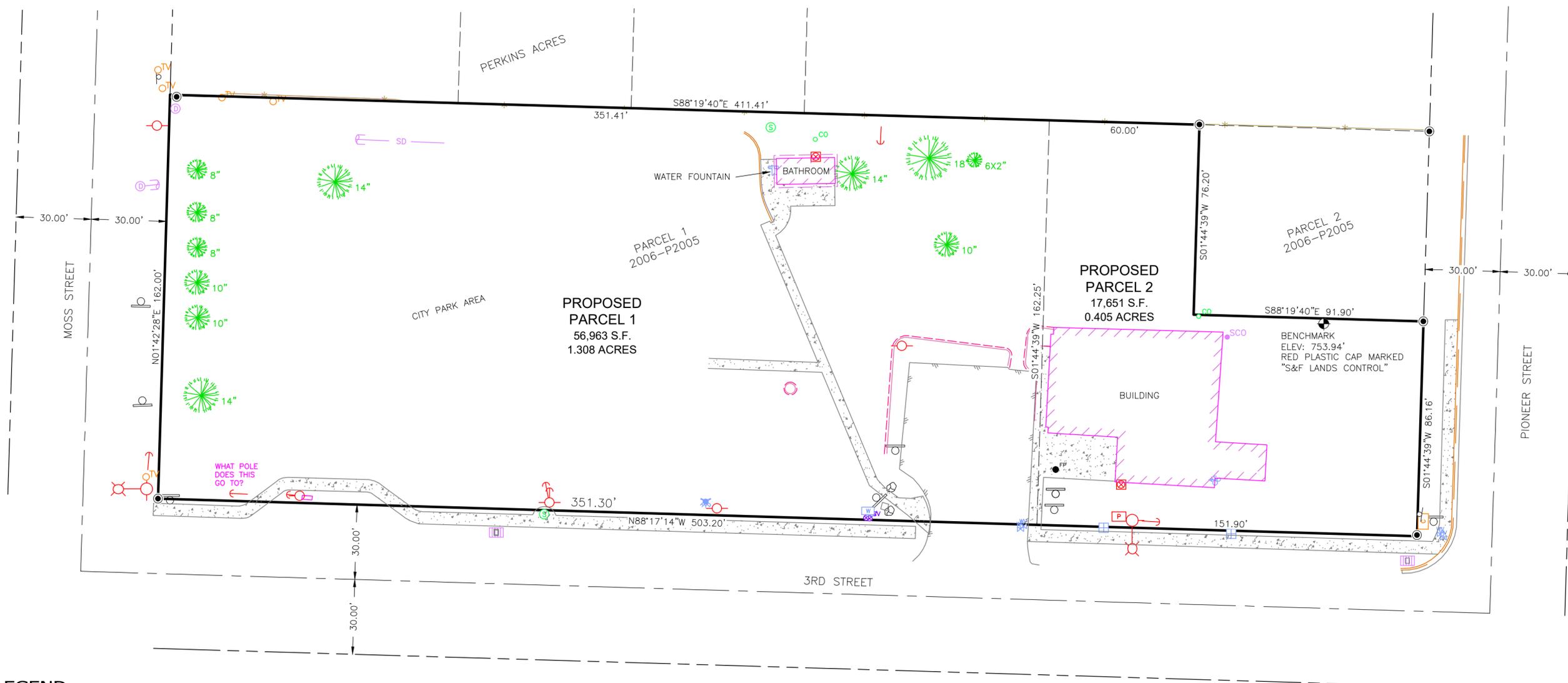
NOTE: Additional information may be required after further review in order to adequately address the required criteria of approval.

OWNER:
CITY OF LOWELL
P.O. BOX 490
LOWELL, OR 97452

ZONE:
PL, PUBLIC LAND

EXISTING CONDITIONS

FOR A PROPOSED PARTITION PLAT



LEGEND:

- | | | | |
|--|----------------------------------|--|-------------------------|
| | BOUNDARY LINE | | POWER METER |
| | CENTERLINE | | POWER POLE |
| | RIGHT OF WAY | | POWER POLE W/ LIGHT |
| | LOT/PARCEL LINE | | POWER VAULT |
| | STORM SEWER | | GUY ANCHOR |
| | FENCE-WIRE | | SANITARY SEWER CLEANOUT |
| | BUILDING HATCH | | SANITARY SEWER MANHOLE |
| | CONCRETE HATCH | | STORM MANHOLE |
| | BENCHMARK | | STORM CLEANOUT |
| | FOUND MONUMENT OF RECORD | | STORM CULVERT |
| | SIGN | | WATER SPIGOT - SHUTOFF |
| | ROCK-BOULDER | | FIRE HYDRANT |
| | SIGN-WARNING UNDERGROUND UTILITY | | WATER METER |
| | TREE - CONIFER | | WATER VALVE |
| | IRRIGATION CONTROL VALVE | | WATER VAULT |
| | | | CATV RISER |
| | | | COMMUNICATION VAULT |

HORIZONTAL DATUM (BASIS OF BEARINGS):

OREGON SOUTH STATE PLANE COORDINATE SYSTEM NAD 83 (2011)
BASED ON GPS OBSERVATIONS.
DISTANCES SHOWN HEREON ARE GROUND DISTANCES, INTERNATIONAL FEET,

VERTICAL DATUM:

NORTH AMERICAN VERTICAL DATUM OF 1988.
BASED ON STATIC GPS TIES, PROCESSED THROUGH OPUS-RS.



S&F Land Services

PORTLAND, VANCOUVER, BEND, SEASIDE

4858 SW SCHOLLS FERRY RD.
STE A, PORTLAND, OR 97225
(503) 345-0328

WWW.SFLANDS.COM	EMAIL: INFO@SFLANDS.COM
DATE: MAY 25, 2022	JOB NO.: 2021-472-01
FIELD: BV	DRAWN: BRD/TLB
CHECKED: CCS	

SURVEY FOR:
CITY OF LOWELL

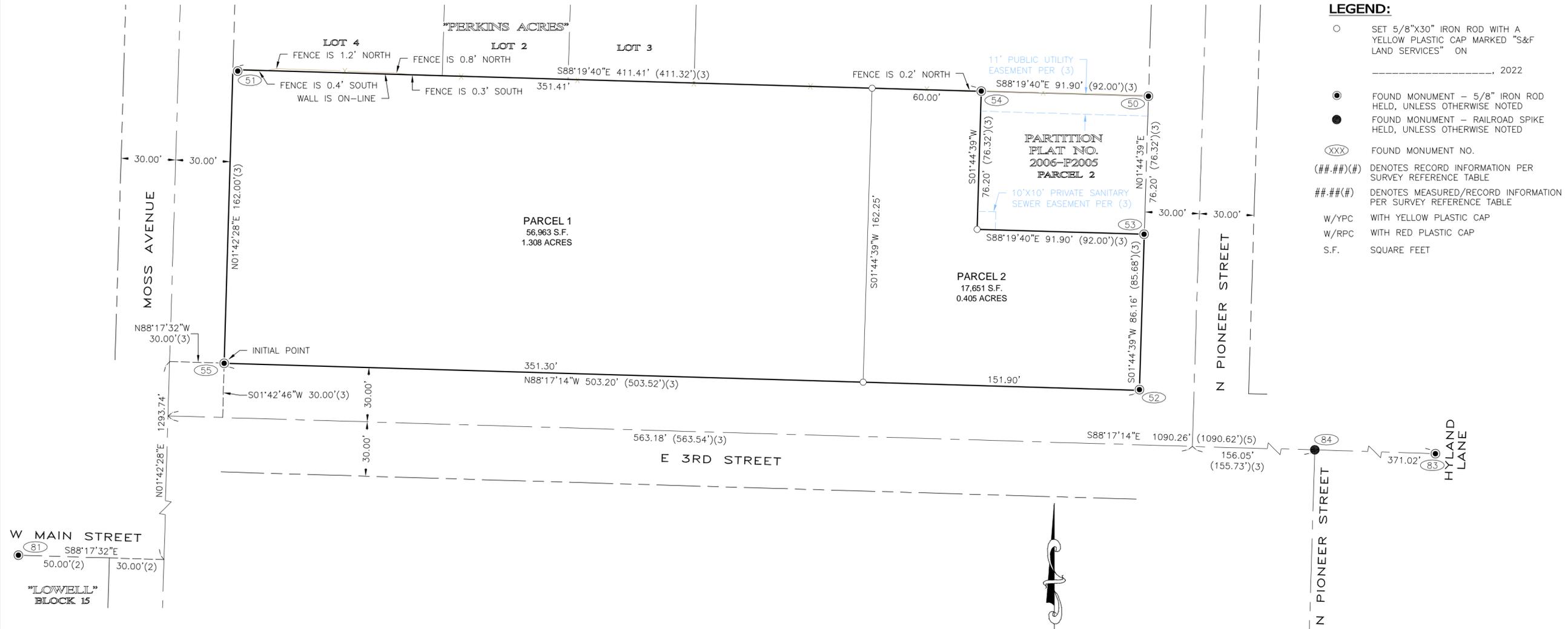
LOCATED IN THE NW 1/4 OF THE NW 1/4
OF SEC 14, T.19S, R.01W, W.M.
CITY OF LOWELL, LANE COUNTY,
OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Christopher C. Sherry
OREGON
JUNE 13, 2008
CHRISTOPHER C. SHERBY
74508PLS

LAND PARTITION PLAT NO. _____
A REPLAT OF PARCEL 1 OF PARTITION PLAT 2006-P2005
LOCATED IN THE NW QUARTER OF SECTION 14, TOWNSHIP 19 SOUTH,
RANGE 1 WEST OF THE WILLAMETTE MERIDIAN,
CITY OF LOWELL, LANE COUNTY, OREGON
CITY OF LOWELL PLANNING ACTION NO. ####-##-##

SURVEY REFERENCES:

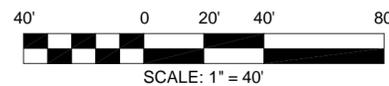
- (1) SURVEY NO. 28584
- (2) SURVEY NO. 32595
- (3) PARTITION PLAT NO. 2006-P2005
- (4) THE PLAT OF "PERKINS ACRES"
- (5) SURVEY NO. 21457



LEGEND:

- SET 5/8"X30" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "S&F LAND SERVICES" ON
- , 2022
- FOUND MONUMENT - 5/8" IRON ROD HELD, UNLESS OTHERWISE NOTED
- FOUND MONUMENT - RAILROAD SPIKE HELD, UNLESS OTHERWISE NOTED
- (XXX) FOUND MONUMENT NO.
- (###)(#) DENOTES RECORD INFORMATION PER SURVEY REFERENCE TABLE
- ###(##) DENOTES MEASURED/RECORD INFORMATION PER SURVEY REFERENCE TABLE
- W/YPC WITH YELLOW PLASTIC CAP
- W/RPC WITH RED PLASTIC CAP
- S.F. SQUARE FEET

FOUND MONUMENTS TABLE	
POINT NO.	DESCRIPTION
50	FOUND 5/8" IRON ROD W/RPC MARKED "GEOMAX INC" PER (3)
51	FOUND 5/8" IRON ROD W/RPC MARKED "BRANCH ENG INC" PER (4), FALLS S72°07'45"E 2.78'
52	FOUND 5/8" IRON ROD NO CAP PER (3), FALLS N01°44'39"E 0.49'
53	FOUND 5/8" IRON ROD NO CAP PER (3)
54	FOUND 5/8" IRON ROD W/RPC MARKED "GEOMAX INC" PER (3)
55	FOUND 5/8" IRON ROD NO CAP PER (3)
81	FOUND 5/8" IRON ROD W/YPC MARKED "DW BAKER PLS 1978" PER (2)
83	FOUND 5/8" IRON ROD NO CAP, UNKNOWN ORIGIN
84	FD_OTH FOUND RAILROAD SPIKE DOWN 0.3', SHOWN IN (1)



S&F LAND SERVICES MAKES NO WARRANTIES AS TO MATTERS OF UNWRITTEN TITLE SUCH AS ACQUIESCENCE, ESTOPPEL, ADVERSE POSSESSION, ETC.

 PORTLAND, VANCOUVER, BEND, SEASIDE 4858 SW SCHOLLS FERRY RD. STE A, PORTLAND, OR 97225 (503) 345-0328			SURVEY FOR: CITY OF LOWELL LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SEC 14, T.19S, R.01W, OF THE WILLAMETTE MERIDIAN CITY OF LOWELL, LANE COUNTY, OREGON	
SHEET 1 OF 2 2147201_P PLAT-Site C.dwg	WWW.SFLANDS.COM DATE: MAY 11, 2022 JOB NO.: 2021-472-01 FIELD: BV DRAWN: TLB/BRD CHECKED: BRD/CCS			

LAND PARTITION PLAT NO. _____
A REPLAT OF PARCEL 1 OF PARTITION PLAT 2006-P2005
LOCATED IN THE NW QUARTER OF SECTION 14, TOWNSHIP 19 SOUTH,
RANGE 1 WEST OF THE WILLAMETTE MERIDIAN,
CITY OF LOWELL, LANE COUNTY, OREGON
CITY OF LOWELL PLANNING ACTION NO. ####-##-##

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO PARTITION THAT TRACT OF LAND DESCRIBED IN DOCUMENT NUMBERS 73315 AND 2018-046558, LANE COUNTY DEED RECORDS, AS APPROVED BY CITY OF LOWELL PLANNING ACTION NO. ####-##-##.

N MOSS ST:
 HELD 30.00' FROM MONUMENT 55 AND 80.00' FROM MONUMENT 81 FOR CENTERLINE.

CENTERLINE E 3RD ST:
 HELD MONUMENT 83 AND 30.00' FROM MONUMENT 55.

PIONEER STREET (NORTH OF E 3RD ST):
 HELD MONUMENT 50 AND 52 FOR WEST RIGHT-OF-WAY LINE.

NORTH LINE OF SUBJECT:
 HELD MONUMENT 50 AND A DISTANCE OF 162.00' FROM MONUMENT 55 PER PLAT 2006-P2005.

MOST WESTERLY EAST LINE OF SUBJECT:
 HELD MONUMENT 54 AND A LINE PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF PIONEER ST (AS COMPUTED ABOVE).

MOST SOUTHERLY NORTH LINE OF SUBJECT:
 HELD MONUMENT 53 AND A LINE PARALLEL WITH THE NORTH LINE OF SUBJECT (AS COMPUTED ABOVE).

SURVEYOR'S CERTIFICATE

I BENJAMIN R. DUBIN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LANDS AS REPRESENTED ON THIS PARTITION PLAT, SITUATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 19 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, LANE COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT BEING A FOUND 5/8" IRON ROD NO CAP PER (3) MARKING THE SOUTHWEST CORNER OF PARCEL 1 OF PARTITION PLAT NO. 2006-P2005, LANE COUNTY PLAT RECORDS, THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF MOSS AVENUE (BEING 30.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO), NORTH 01°42'28" EAST, 162.00 FEET TO THE NORTHERLY LINE OF SAID PARCEL 1;

THENCE ALONG SAID NORTHERLY LINE, SOUTH 88°19'40" EAST, 411.41 FEET TO THE COMMON LINE OF SAID PARCEL 1 AND PARCEL 2 OF SAID PARTITION PLAT NO. 2006-P2005;

THENCE ALONG SAID COMMON LINE, SOUTH 01°44'39" WEST, 76.20 FEET;

THENCE SOUTH 88°19'40" EAST, 91.90 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF N PIONEER STREET (BEING 30.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO),

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 01°44'39" WEST, 86.16 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF E 3RD STREET (BEING 30.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO),

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 88°17'14" WEST, 503.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 74,614 SQUARE FEET OR 1.713 ACRES, MORE OR LESS.

DECLARATION

KNOW ALL PERSONS BY THESE PRESENT, THAT THE CITY OF LOWELL, OWNER OF THE LANDS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND DEPICTED HEREON, AND HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.
 CITY OF LOWELL

 DON BENNETT, MAYOR

 JEREMY CAUDLE, CITY ADMINISTRATOR

ACKNOWLEDGEMENTS

STATE OF OREGON)
)SS
 COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY DON BENNETT, AS MAYOR, AND JEREMY CAUDLE, AS CITY ADMINISTRATOR OF THE CITY OF LOWELL, A MUNICIPAL CORPORATION OF THE STATE OF OREGON, ON ITS BEHALF.

NOTARY SIGNATURE _____

NOTARY PUBLIC FOR OREGON _____

MY COMMISSION EXPIRES: _____

COMMISSION NO. _____

APPROVALS

 CITY OF LOWELL CITY ADMINISTRATOR DATE

 LANE COUNTY SURVEYOR DATE

 LANE COUNTY ASSESSOR DATE

HORIZONTAL DATUM (BASIS OF BEARINGS):

OREGON SOUTH STATE PLANE COORDINATE SYSTEM NAD 83 (2011)
 BASED ON GPS OBSERVATIONS.
 DISTANCES SHOWN HEREON ARE GROUND DISTANCES, INTERNATIONAL FEET,

VERTICAL DATUM:

NORTH AMERICAN VERTICAL DATUM OF 1988.
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PORTLAND, VANCOUVER, BEND, SEASIDE
 4858 SW SCHOLLS FERRY RD.
 STE A, PORTLAND, OR 97225
 (503) 345-0328

WWW.SFLANDS.COM	EMAIL: INFO@SFLANDS.COM			
DATE	JOB NO.	FIELD	DRAWN	CHECKED
MAY 11, 2022	2021-472-01	BV	TLB/BRD	BRD/CCS

SURVEY FOR:
 CITY OF LOWELL

LOCATED IN THE SW 1/4 OF
 THE NW 1/4 OF
 SEC 14, T.19S, R.01W,
 OF THE WILLAMETTE MERIDIAN
 CITY OF LOWELL, LANE COUNTY, OREGON





City Administrator's Office
P.O. Box 490 Lowell, OR 97452
Phone: 541-937-2157
Email: admin@ci.lowell.or.us

To: Planning Commission
From: Jeremy Caudle, City Administrator
Date: August 18, 2022
Re: Partition plat application

MEMO

This is to submit an "applicant's statement" with Land Use Applications 2022-07 and 2022-08. I will address each of these applications in turn.

1. LU #2022-07.

Description of the proposal

This is to add a property line between the current City Hall building and the parking lot. See the "Existing Conditions" survey associated with this property for detail.

The reason for the partition is to create a new tax lot where the current City Hall is located. The City is in the process of moving out of the current City Hall into the 70 N. Pioneer St. building. Once the City moves its operations out of the current building, the plan is to demolish the current structure. Then, we will prepare the property for sale. We will use the sale proceeds to pay off the loan that we used to finance the 70 N. Pioneer St. project.

On November 2, 2021, City Council held a joint meeting with the Parks and Recreation Committee to consider this issue. The City Council involved the Parks and Recreation Committee since this property includes Paul Fisher Park. After gaining input from the Parks and Recreation Committee on where to locate the partition line, the City Council approved a motion to "to reserve the current City Hall parking lot for parking at Paul Fisher Park from 60 Feet from West of lot 2200 property line straight across from the Fire Department property to 3rd Street." The reasoning behind this decision was to keep the parking lot for use for Paul Fisher Park.

The City Council has considered the sale of the current City Hall campus over several meetings. The City Council first discussed the idea at the September 7, 2021 meeting, where the City Administrator presented an "Analysis of Impact of Using Net Revenues from Property Sales to Fund 70 N. Pioneer St. Project." The analysis included an estimate of the net revenues from selling the current City Hall campus, along with the portion of Rolling Rock Park discussed below. At a September 27, 2021 Town Hall meeting to discuss the 70 N. Pioneer St. project with the community, the city had information boards identifying the current City Hall campus, as well as the Rolling Rock Park partition discussed below, as financing sources for

the new City Hall and library. Discussion of partitioning this property and selling a portion of it has occurred in public and with approval of City Council.

After deciding to prepare the two properties for sale, the City Council approved a contract with S&F Land Services on November 2, 2021 to start the surveying work. The surveys and partition plans in the land use applications are the result of the approved survey work.

How the proposal meets the decision criteria

This section addresses Sec. 2.228 “Decision Criteria” of the Lowell Revised Code regarding applications for partitions.

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

The city intends to rezone “Parcel 2” on the land partition plat that S&F Land Services prepared. We likely intend to rezone Parcel 2 R-3, “Multiple-family residential.” Parcel 2 will meet the requirements for the R-3 district (L.R.C. Sec. 9.412).

To elaborate, from the development standards associated with the R-3 district:

(1) Minimum lot area: 7,000 square feet.

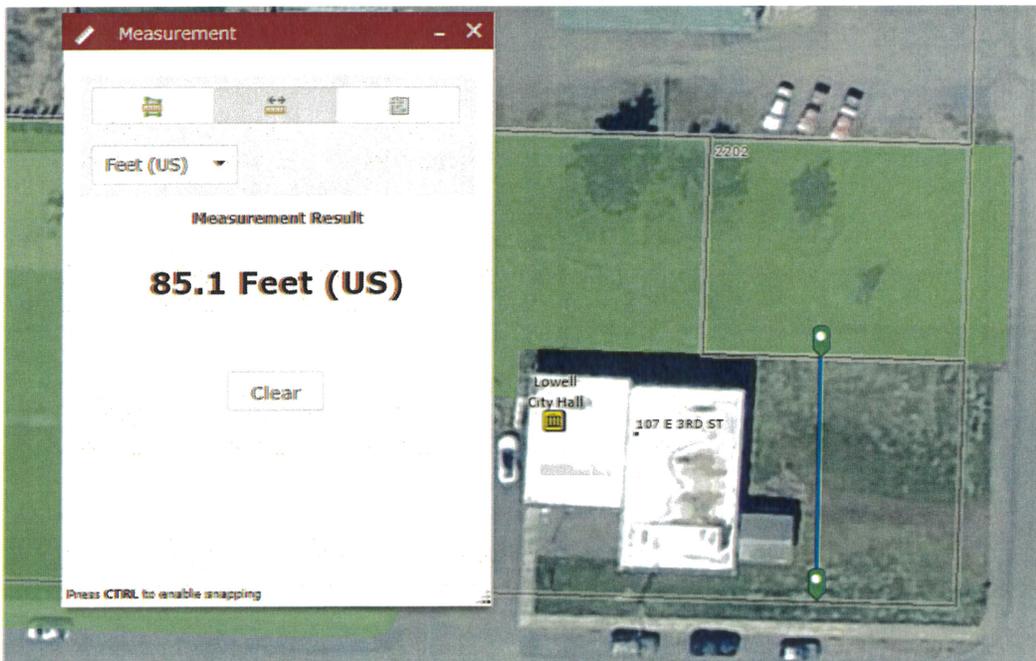
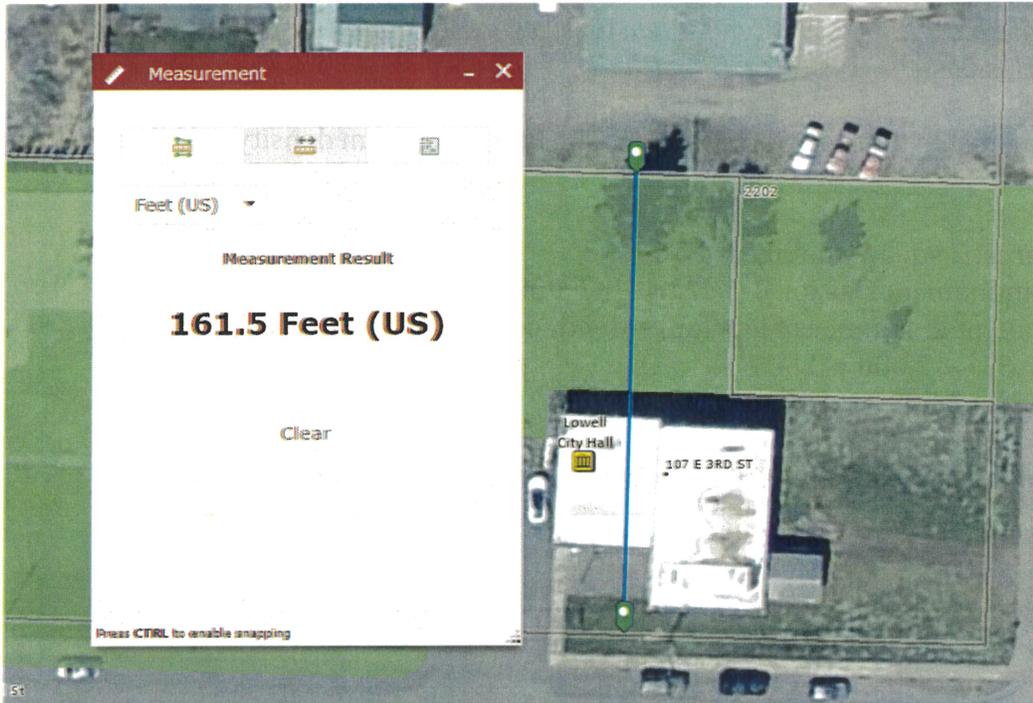
Parcel 2, once partitioned, will have a lot area of 17,651 square feet. It would be possible to partition Parcel 2 again into two lots. Each of the two possible lots would have an area greater than 7,000 square feet.

(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.

As shown on the “existing conditions” plan, the minimum lot width exceed 60 feet. If Parcel 2 were partitioned further into 2 properties, each of the two possible lots would have a lot width at or above the minimum of 60 feet.

(3) Minimum Lot Depth: 80 feet.

As shown on the illustrations below, Parcel 2—and potential further partitions of Parcel 2—will meet the minimum lot depth of 80 feet.

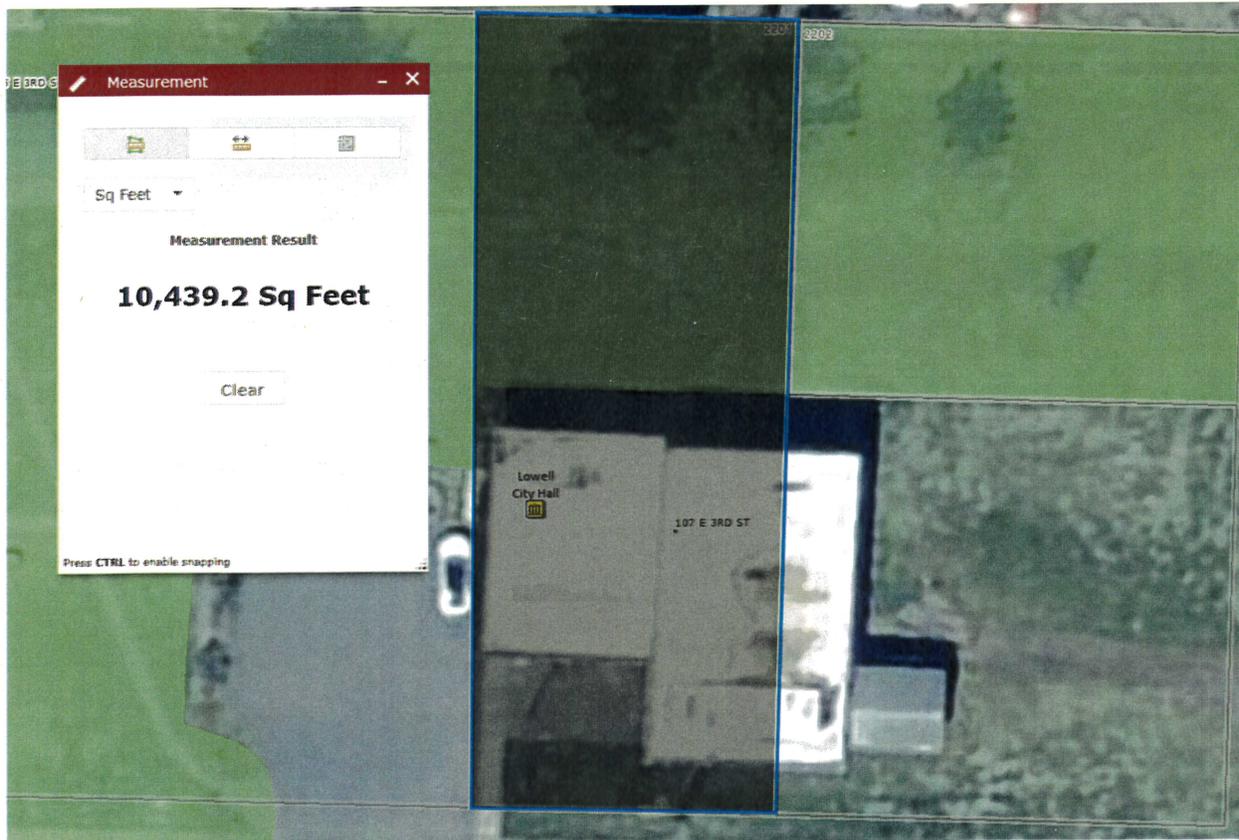


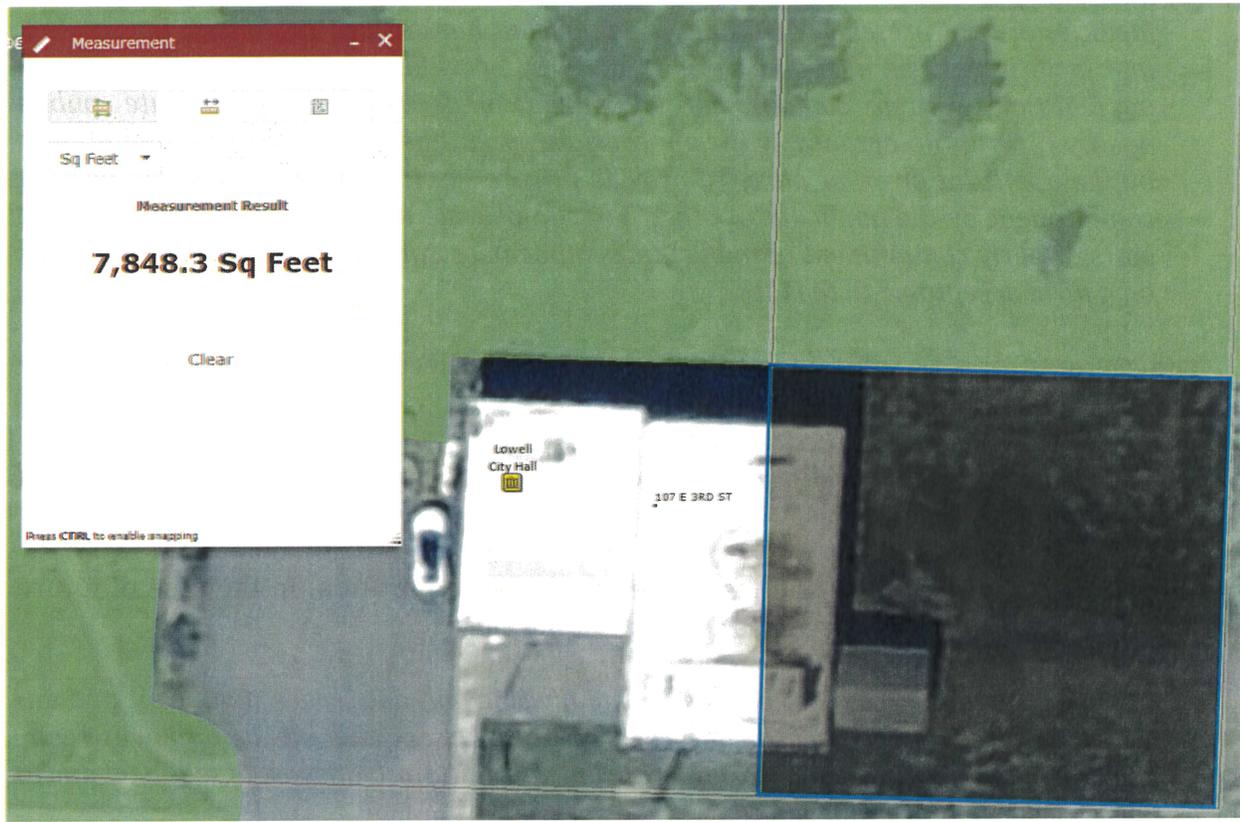
(b) Where the proposed land division results in any lots or parcels that are at least two and one half times the allowed minimum lot size, the applicant has demonstrated that all such lots or parcels may be re-divided in the future to at least 80 percent of maximum density possible within current minimum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

The partition plan meets this decision criterion. The 80% maximum density calculation is as follows:

1. Parcel 2 square footage = 17,651
2. Minimum lot size for R-3 district = 7,000 sq. ft.
3. Maximum number of lots for re-divided Parcel 2
 $17,651 \div 7,000 = 2.509$
4. $80\% \times 2.509 = 2.007 \approx 2$

As illustrated below, Parcel 2 can be further divided into the required 2 parcels.





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

This partition line isn't going to affect development on properties within the vicinity. The property to the north is the Lowell Fire District Fire Station, which is already developed to its fullest extent. To the west is Paul Fisher Park, which will remain a park with no further development. No properties border the property on the east or south.

(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.

This is a partition only and does not include street construction work. This criterion is not applicable.

(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.

The current City Hall is located at the site, which has electric, water, and sewer utility access. Public utilities are available at the site.

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

There are no proposed public utilities associated with the partition. In the case of future growth, city water and sewer access is available at the site.

(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.

This is a partition only and does not include construction work that will affect stormwater runoff. This criterion is not applicable.

(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).

This is a partition only and does not include construction work that will create health or safety risks. I marked "N/A" on the land use application for the Section 9.204(u) impacts because they are not applicable for this land partition. This criterion is not applicable.

2. LU #2022-08.

Description of the proposal

This is to add a property line to create a new tax lot on the northeastern area of Rolling Rock Park. The partition plan also includes a right-of-way dedication for the planned Cannon Street extension.

In the 2019 “Downtown Master Plan,” the regulating plan contemplates that this section of Rolling Rock Park will be rezoned Flex 1 for commercial, mixed-use, or residential development.

The 2019 “Parks Master Plan” also contemplates that this section of Rolling Rock Park will no longer be part of the park. That is because the city acquired the tax lots that now make up the southern half of Rolling Rock Park. The idea behind that was to consolidate the park into a community park the encompasses the area between the proposed Cannon Street, South Moss Street, North Shore Drive, and East Main Street. See the illustration below for more detail:



To implement the vision of the “Downtown Master Plan” and “Parks Master Plan,” this partition and right-of-way dedication will be required.

The City Council has also discussed using the sales proceeds from this property to offset the costs of the 70 N. Pioneer St. project, in the same manner as the parcel described in the preceding section.

How the proposal meets the decision criteria

This section addresses Sec. 2.228 “Decision Criteria” of the Lowell Revised Code regarding applications for partitions.

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

If the city rezones this parcel prior to the code updates being completed, then we will probably apply a C-1 “General Commercial District” designation to match the adjacent parcel (map and tax lot 1901142304901).

According to the development standards for this district, there are no setback or lot size requirements for the C-1 district. The partition would not affect any of the zoning district standards.

(b) Where the proposed land division results in any lots or parcels that are at least two and 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 percent of maximum density possible within current minimum lot sizes, existing site constraints, and requirements of this Code.

Since the intended zoning designation for this land division does not have minimum lot sizes, this criterion does not apply.

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

This partition line isn’t going to affect development on properties within the vicinity. To the west is Cannon Street. To the north is North Shore drive. To the east is Pioneer Street. To the south is a public right-of-way. When the city sells this parcel, we will sell it as one package with lot 4901. The intention would be for the buyer to either combine those two lots or further partition them as they see fit.

(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.

This is a partition only and does not include street construction work. This criterion is not applicable.

(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.

Rolling Rock Park is located the site, which has electric, water, and sewer utility access. Public utilities are available at the site.

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

There are no proposed public utilities associated with the partition. In the case of future growth, city water and sewer access are available at the site.

(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.

This is a partition only and does not include construction work that will affect stormwater runoff. This criterion is not applicable.

(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).

This is a partition only and does not include construction work that will create health or safety risks. I marked "N/A" on the land use application for the Section 9.204(u) impacts because they are not applicable for this land partition. This criterion is not applicable. Section 9.204(o) applies. ("Special site features including existing and proposed grades and trees, and plantings to be preserved and removed.") Special site features for this parcel include

forestry equipment exhibits. Prior to sale, we will move those exhibits to the southern part of Rolling Rock Park, in accordance with the site plan in the "Parks Master Plan."

Signed: Jeremy Caudle Date: 8/18/2022
Jeremy Caudle
City Administrator

CITY OF LOWELL
NOTICE OF PUBLIC HEARING
Mailing Date August 15, 2022
LU 2022-07

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a **Partition** of a City-owned property located at 19-01-14-22 Tax Lot 02201. The subject property is also known Paul Fisher Park.

The Hearing will occur on **September 7, 2022, at 7:00 P.M.** at the Lowell Rural Fire Protection District Fire Station 1 located at 389 Pioneer Street, Lowell, OR, 97452.

A remote option is also available via Zoom. To attend remotely, please sign up with the City Administrator by September 6 or access the link by visiting <https://www.ci.lowell.or.us/meetings>.

Requested Action: Partition of the subject property at create two parcels. The existing City Hall building will be on its own parcel. Paul Fisher Park will remain as is. See map on reverse.

Owner/Applicant: City of Lowell
Applicant's Representative: Chris Sherby, PLS, S & F Land Services
Property Location: 107 E. 3rd Street
Assessor Map: 19-01-14-22
Tax Lot: 02201
Existing Area: 1.17 acres
Existing Zone: PL, Public Lands

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. Please note that City Hall may be temporarily closed due repairs. Persons can always request the application materials by emailing the City Administrator at the email address provided below.

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.

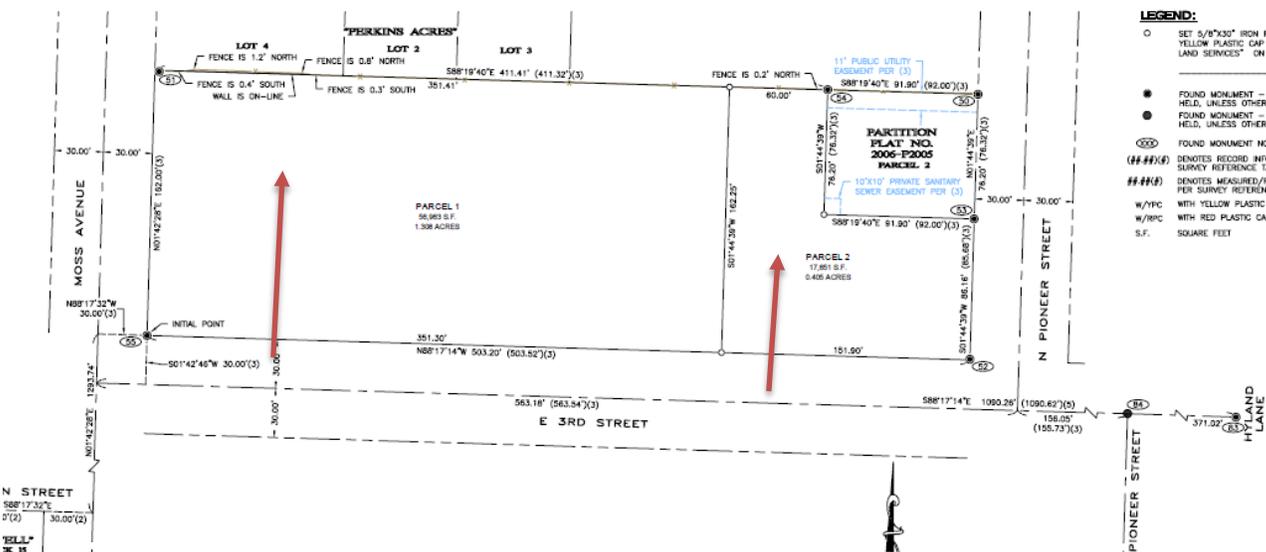
A Partition requires a Public Hearing. Oral testimony may be presented at the Hearing or written testimony may be delivered or mailed to the Lowell City Hall located at 107 East Third Street, Lowell, Oregon 97452 or emailed to Jeremy Caudle, City Administrator, at jcaudle@ci.lowell.or.us. Or to Henry Hearley, Lane Council of Governments, 859 Willamette Street, Suite 500, Eugene, OR, 97401, hhearley@lcog.org 541-682-3089.

To be included in the Staff Report, written testimony shall be received by the City no later than 4:00 p.m. on September 6, 2022.

For additional information please contact the City Administrator or Henry, at the contact information below.

Henry Hearley
 Associate Planner
hhearley@lcog.org
 541-682-3089

Jeremy Caudle
 City Administrator
jcaudle@ci.lowell.or.us
 541-937-2157



NAME	ADDR1	ADDR2
Betty R Whipple Revocable Living Trust	37265 Wheeler Rd	Pleasant Hill OR 97455
Martin William S	PO Box 288	Dexter OR 97431
Bos Sheryl A	408 40th St	Astoria OR 97103
Hampton Valerie A	3097 Wayside Loop	Springfield OR 97477
Neet Jacob C	PO Box 414	Lowell OR 97452
Anderson Nathanael E & Clarrissa C	PO Box 383	Lowell OR 97452
Owner Unknown	101 W 5th Ave	Eugene OR 97401
Asher Hali	PO Box 62	Lowell OR 97452
Norcutt Trevor & Kristin	401 D St	Lowell OR 97452
George Living Trust	PO Box 305	Lowell OR 97452
DeFord Travis C	347 N Moss St	Lowell OR 97452
Jones Heather A	308 N Pioneer St	Lowell OR 97452
Lowell Rural Fire	PO Box 519	Lowell OR 97452
City of Lowell	PO Box 490	Lowell OR 97452
Garlitz Richard L & Tamberlie A	10912 SW Parkview Dr	Wilsonville OR 97070
Springer Clay & Marites	PO Box 279	Lowell OR 97452
Dragt Lon & Samantha	306 N Damon St	Lowell OR 97452
Waler Andrew R	32568 Deberry Rd	Creswell OR 97426
DeHart Jeffery K	PO Box 335	Lowell OR 97452
Robinson Jean M Walters	PO Box 345	Lowell OR 97452
Wilson Daniel D & Marilee D	83393 Watership Way	Pleasant Hill OR 97455
Pew Tracy Dale	PO Box 51	Lowell OR 97452
Johnson Kylee Rene	114 E 3rd St	Lowell OR 97452
Kintzley Ronald G & Sharon L	PO Box 193	Lowell OR 97452
Kohanes Terry & Nancy	PO Box 401	Lowell OR 97452
Kelley William Vance & Margaret Mary	PO Box 244	Lowell OR 97452
Kintzley Mark R & Suzanne J	PO Box 81	Lowell OR 97452
O'Regan Hall Robert	PO Box 462	Lowell OR 97452
Nagel Thomas	265 N Cannon St	Lowell OR 97452
Ballenger Michael Ray	PO Box 113	Lowell OR 97452
Pelroy Carrie A	PO Box 26	Lowell OR 97452
Bailey Kenneth	75 E 2nd St	Lowell OR 97452
Stinson Dennis R & Idella L	PO Box 413	Lowell OR 97452
Armstrong Kevin L & Robin D	PO Box 71963	Springfield OR 97477
Stewart Benjamin & Brandy	PO Box 180	Lowell OR 97452
Lowell Grange #745	PO Box 47	Lowell OR 97452
Collins Shawn Brian	PO Box 254	Lowell OR 97452
Dilley Gerald & Shirley	85065 Renegade Ln	Fall Creek OR 97438
Valencia Jerry L & Julie E	PO Box 246	Lowell OR 97452
Asher Tommy A	40355 Jasper Lowell Rd	Lowell OR 97452
Miller Wayne R	PO Box 571	Walterville OR 97489
Fuller Justin Tyler	203 N Damon St	Lowell OR 97452
Parmenter Michael R & Kelly	PO Box 131	Lowell OR 97452
Howe Michele R	29 E 4th St	Lowell OR 97452
Henderson Alexander & Shayla	11 E 4th St	Lowell OR 97452
Shilaos Chloe & Kelly Joseph	17 E 4th St	Lowell OR 97452

Flock Barbara J
Ritz Neil Austin
Trudeau Zack
Perkins Brandie D
Croxen William T & Sabrina J

35 E 4th St
76573 W 2nd
23 E 4th
85388 Dillard Access Rd
PO Box 475

Lowell OR 97452
Oakridge OR 97463
Lowell OR 97452
Eugene OR 97401
Lowell OR 97452

AFFIDAVIT OF MAILING

LANE COUNCIL OF GOVERNMENTS
859 Willamette Street. Suite 500
Eugene, OR 97401

I, Henry Hearley, contracted planner, depose and state that I mailed, by regular first-class mail, on **August 15, 2022**, a notice of a public hearing for a PARTITION at Map and Tax Lot 19-01-14-22-002201, known as the **LU 2022 07** in the City of Lowell to the addresses contained herein.



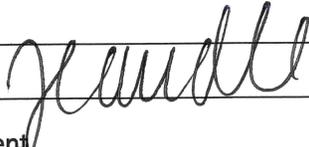
Signature



Print Name

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): JEREMY CAUDLE (FOR CITY OF LOWELL) Phone: 541-937-2157
Address: 107 E. 3RD STREET, LOWELL, OR 97452
City/State/Zip: _____
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 2022-07
Date Submitted: 8/18/2022 Received by: J CAUDLE Fee Receipt # N/A
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.

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

- N/A Water systems, drainage systems, sewage disposal systems and utilities.
- N/A Drainage ways, water courses, flood plain and wetlands.
- N/A The number of people that will occupy the site including family members, employees or customers.
- N/A The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
- N/A Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.
- N/A 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.
- N/A 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.

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# 1901142308800 Lot # _____
 Map# _____ Lot # _____
 Map# _____ Lot # _____

Street Address (if applicable): 101 N Shore Dr., Lowell OR 97452

Area of Request (square feet/acres): 20,945 sq. ft.

Existing Zoning: PUBLIC LAND

Existing Use of the Property: ROLLING ROCK PARK

Proposed Use of the Property VACATED TO PREPARE FOR SALE AND COMMERCIAL DEVELOPMENT

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

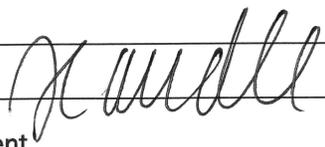
Submittal Requirements:

- N/A 1. Copy of deed showing ownership or purchase contract with property legal description.
- YES 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)
- YES 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.
- YES N/A 4. Other submittals required by the City or provided by the applicant. Please List.
 - a. Current conditions b. _____
 - c. _____ d. _____
 - e. _____ f. _____
- N/A 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): JEREMY CAUDLE (FOR CITY OF LOWELL) Phone: 541-937-2157
Address: PO BOX 490, LOWELL OR 97452

City/State/Zip: _____
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 2022-08
Date Submitted: 8/18/22 Received by: J Caudle 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

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- YES The property address or geographic location and the Assessor Map number and Tax Lot number.

- YES The date, scale and northpoint.

- YES A vicinity map showing properties within the notification area and roads. An Assessor Map, with all adjacent properties, is adequate.

- YES Lot dimensions.

- N/A The location, size, height and uses for all existing and proposed buildings.

- N/A Yards, open space and landscaping.

- N/A Walls and fences: location, height and materials.

- N/A Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.

- N/A Access: pedestrian, vehicular, service, points of ingress and egress.

- N/A Signs: location, size, height and means of illumination.

- N/A Loading: location, dimension, number of spaces, internal circulation.

- N/A Lighting: location and general nature, hooding devices.

- N/A Street dedication and improvements.

- ~~XXXXX~~
N/A Special site features including existing and proposed grades and trees, and plantings to be preserved and removed.
see narrative

- N/A Water systems, drainage systems, sewage disposal systems and utilities.
- N/A Drainage ways, water courses, flood plain and wetlands.
- N/A The number of people that will occupy the site including family members, employees or customers.
- N/A The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
- N/A Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.
- N/A 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.
- N/A Such other data as may be necessary to permit the deciding authority to make the required findings.

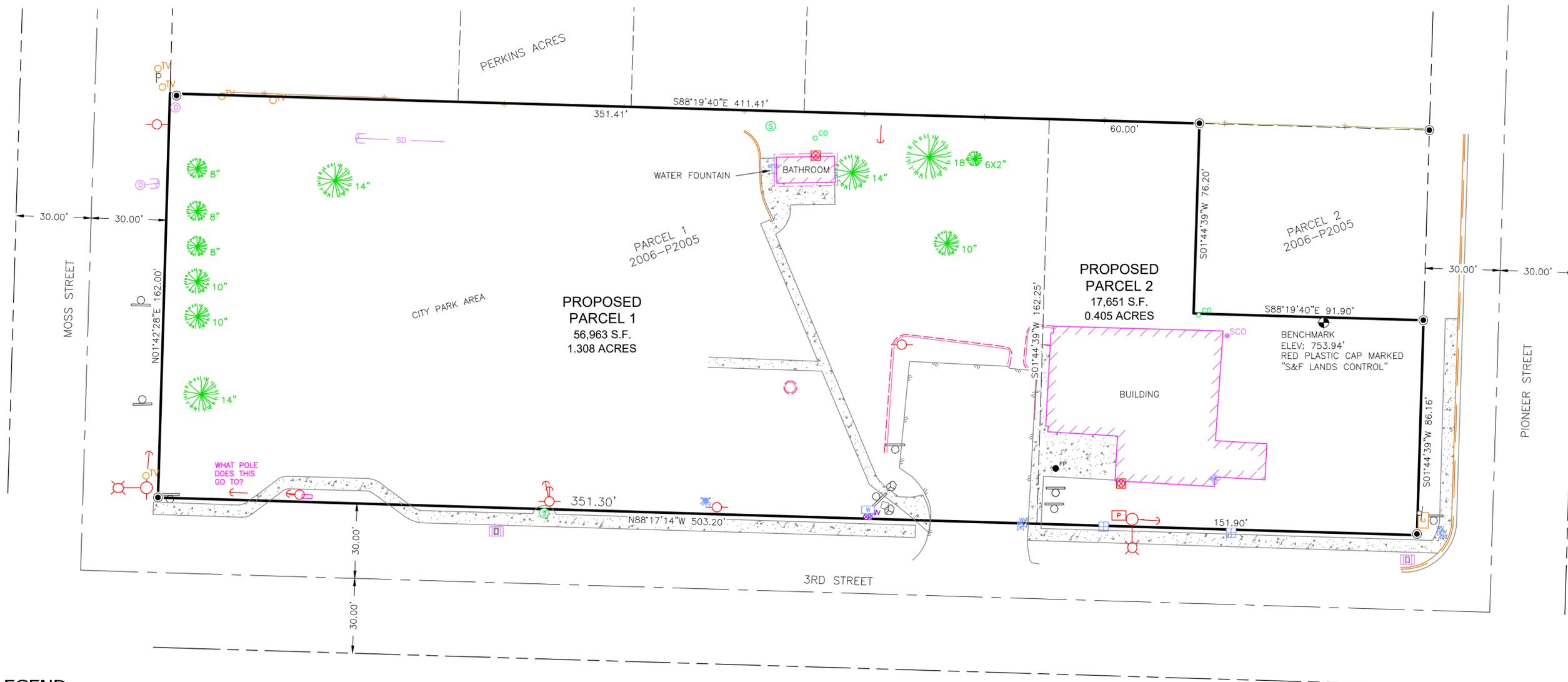
NOTE: Additional information may be required after further review in order to adequately address the required criteria of approval.

OWNER:
CITY OF LOWELL
P.O. BOX 490
LOWELL, OR 97452

ZONE:
PL, PUBLIC LAND

EXISTING CONDITIONS

FOR A PROPOSED PARTITION PLAT



LEGEND:

- | | | | |
|--|----------------------------------|--|-------------------------|
| | BOUNDARY LINE | | POWER METER |
| | CENTERLINE | | POWER POLE |
| | RIGHT OF WAY | | POWER POLE W/ LIGHT |
| | LOT/PARCEL LINE | | POWER VAULT |
| | STORM SEWER | | GUY ANCHOR |
| | FENCE-WIRE | | SANITARY SEWER CLEANOUT |
| | BUILDING HATCH | | SANITARY SEWER MANHOLE |
| | CONCRETE HATCH | | STORM MANHOLE |
| | BENCHMARK | | STORM CLEANOUT |
| | FOUND MONUMENT OF RECORD | | STORM CULVERT |
| | SIGN | | WATER SPIGOT - SHUTOFF |
| | ROCK-BOULDER | | FIRE HYDRANT |
| | SIGN-WARNING UNDERGROUND UTILITY | | WATER METER |
| | TREE - CONIFER | | WATER VALVE |
| | IRRIGATION CONTROL VALVE | | WATER VAULT |
| | | | CATV RISER |
| | | | COMMUNICATION VAULT |

HORIZONTAL DATUM (BASIS OF BEARINGS):

OREGON SOUTH STATE PLANE COORDINATE SYSTEM NAD 83 (2011)
BASED ON GPS OBSERVATIONS.
DISTANCES SHOWN HEREON ARE GROUND DISTANCES, INTERNATIONAL FEET.

VERTICAL DATUM:

NORTH AMERICAN VERTICAL DATUM OF 1988.
BASED ON STATIC GPS TIES, PROCESSED THROUGH OPUS-RS.



S&F Land Services

PORTLAND, VANCOUVER, BEND, SEASIDE

4858 SW SCHOLLS FERRY RD.
STE A, PORTLAND, OR 97225
(503) 345-0328

WWW.SFLANDS.COM

EMAIL: INFO@SFLANDS.COM

DATE	JOB NO.	FIELD	DRAWN	CHECKED
MAY 25, 2022	2021-472-01	BV	BRD/TLB	CCS

SURVEY FOR:
CITY OF LOWELL

LOCATED IN THE NW 1/4 OF THE NW 1/4
OF SEC 14, T.19S, R.01W, W.M.
CITY OF LOWELL, LANE COUNTY,
OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 13, 2008
CHRISTOPHER C. SHERBY
74508PLS

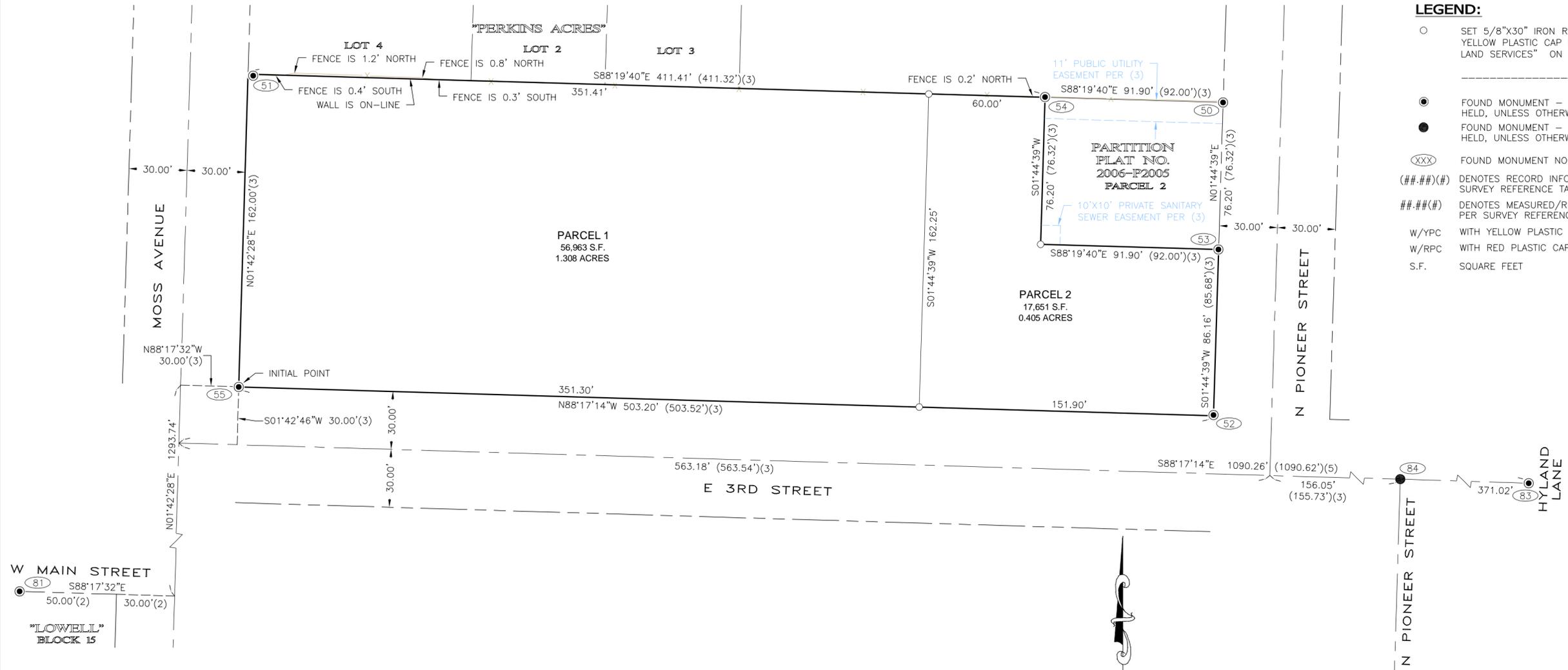
LAND PARTITION PLAT NO. _____
A REPLAT OF PARCEL 1 OF PARTITION PLAT 2006-P2005
LOCATED IN THE NW QUARTER OF SECTION 14, TOWNSHIP 19 SOUTH,
RANGE 1 WEST OF THE WILLAMETTE MERIDIAN,
CITY OF LOWELL, LANE COUNTY, OREGON
CITY OF LOWELL PLANNING ACTION NO. ####-##-##

SURVEY REFERENCES:

- (1) SURVEY NO. 28584
- (2) SURVEY NO. 32595
- (3) PARTITION PLAT NO. 2006-P2005
- (4) THE PLAT OF "PERKINS ACRES"
- (5) SURVEY NO. 21457

LEGEND:

- SET 5/8"X30" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "S&F LAND SERVICES" ON
- , 2022
- FOUND MONUMENT - 5/8" IRON ROD HELD, UNLESS OTHERWISE NOTED
- FOUND MONUMENT - RAILROAD SPIKE HELD, UNLESS OTHERWISE NOTED
- (XXX) FOUND MONUMENT NO.
- (##-##)(#) DENOTES RECORD INFORMATION PER SURVEY REFERENCE TABLE
- ##-##(##) DENOTES MEASURED/RECORD INFORMATION PER SURVEY REFERENCE TABLE
- W/YPC WITH YELLOW PLASTIC CAP
- W/RPC WITH RED PLASTIC CAP
- S.F. SQUARE FEET



FOUND MONUMENTS TABLE	
POINT NO.	DESCRIPTION
50	FOUND 5/8" IRON ROD W/RPC MARKED "GEOMAX INC" PER (3)
51	FOUND 5/8" IRON ROD W/RPC MARKED "BRANCH ENG INC" PER (4), FALLS S72°07'45"E 2.78'
52	FOUND 5/8" IRON ROD NO CAP PER (3), FALLS N01°44'39"E 0.49'
53	FOUND 5/8" IRON ROD NO CAP PER (3)
54	FOUND 5/8" IRON ROD W/RPC MARKED "GEOMAX INC" PER (3)
55	FOUND 5/8" IRON ROD NO CAP PER (3)
81	FOUND 5/8" IRON ROD W/YPC MARKED "DW BAKER PLS 1978" PER (2)
83	FOUND 5/8" IRON ROD NO CAP, UNKNOWN ORIGIN
84	FD_OTH FOUND RAILROAD SPIKE DOWN 0.3', SHOWN IN (1)

S&F Land Services
 PORTLAND, VANCOUVER, BEND, SEASIDE
 4858 SW SCHOLLS FERRY RD.
 STE A, PORTLAND, OR 97225
 (503) 345-0328

WWW.SFLANDS.COM EMAIL: INFO@SFLANDS.COM

DATE	JOB NO.	FIELD	DRAWN	CHECKED
MAY 11, 2022	2021-472-01	BV	TLB/BRD	BRD/CCS

SURVEY FOR:
 CITY OF LOWELL
 LOCATED IN THE SW 1/4 OF
 THE NW 1/4 OF
 SEC 14, T.19S, R.01W,
 OF THE WILLAMETTE MERIDIAN
 CITY OF LOWELL, LANE COUNTY, OREGON

DRAFT

S&F LAND SERVICES MAKES NO WARRANTIES AS TO MATTERS OF UNWRITTEN TITLE SUCH AS ACQUIESCENCE, ESTOPPEL, ADVERSE POSSESSION, ETC.

LAND PARTITION PLAT NO. _____
A REPLAT OF PARCEL 1 OF PARTITION PLAT 2006-P2005
LOCATED IN THE NW QUARTER OF SECTION 14, TOWNSHIP 19 SOUTH,
RANGE 1 WEST OF THE WILLAMETTE MERIDIAN,
CITY OF LOWELL, LANE COUNTY, OREGON
CITY OF LOWELL PLANNING ACTION NO. ####-##-##

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO PARTITION THAT TRACT OF LAND DESCRIBED IN DOCUMENT NUMBERS 73315 AND 2018-046558, LANE COUNTY DEED RECORDS, AS APPROVED BY CITY OF LOWELL PLANNING ACTION NO. ####-##-##.

N MOSS ST:
 HELD 30.00' FROM MONUMENT 55 AND 80.00' FROM MONUMENT 81 FOR CENTERLINE.

CENTERLINE E 3RD ST:
 HELD MONUMENT 83 AND 30.00' FROM MONUMENT 55.

PIONEER STREET (NORTH OF E 3RD ST):
 HELD MONUMENT 50 AND 52 FOR WEST RIGHT-OF-WAY LINE.

NORTH LINE OF SUBJECT:
 HELD MONUMENT 50 AND A DISTANCE OF 162.00' FROM MONUMENT 55 PER PLAT 2006-P2005.

MOST WESTERLY EAST LINE OF SUBJECT:
 HELD MONUMENT 54 AND A LINE PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF PIONEER ST (AS COMPUTED ABOVE).

MOST SOUTHERLY NORTH LINE OF SUBJECT:
 HELD MONUMENT 53 AND A LINE PARALLEL WITH THE NORTH LINE OF SUBJECT (AS COMPUTED ABOVE).

SURVEYOR'S CERTIFICATE

I BENJAMIN R. DUBIN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LANDS AS REPRESENTED ON THIS PARTITION PLAT, SITUATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 19 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, LANE COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT BEING A FOUND 5/8" IRON ROD NO CAP PER (3) MARKING THE SOUTHWEST CORNER OF PARCEL 1 OF PARTITION PLAT NO. 2006-P2005, LANE COUNTY PLAT RECORDS, THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF MOSS AVENUE (BEING 30.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO), NORTH 01°42'28" EAST, 162.00 FEET TO THE NORTHERLY LINE OF SAID PARCEL 1;

THENCE ALONG SAID NORTHERLY LINE, SOUTH 88°19'40" EAST, 411.41 FEET TO THE COMMON LINE OF SAID PARCEL 1 AND PARCEL 2 OF SAID PARTITION PLAT NO. 2006-P2005;

THENCE ALONG SAID COMMON LINE, SOUTH 01°44'39" WEST, 76.20 FEET;

THENCE SOUTH 88°19'40" EAST, 91.90 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF N PIONEER STREET (BEING 30.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO),

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 01°44'39" WEST, 86.16 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF E 3RD STREET (BEING 30.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO),

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 88°17'14" WEST, 503.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 74,614 SQUARE FEET OR 1.713 ACRES, MORE OR LESS.

APPROVALS

 CITY OF LOWELL CITY ADMINISTRATOR DATE

 LANE COUNTY SURVEYOR DATE

 LANE COUNTY ASSESSOR DATE

DECLARATION

KNOW ALL PERSONS BY THESE PRESENT, THAT THE CITY OF LOWELL, OWNER OF THE LANDS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND DEPICTED HEREON, AND HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.
 CITY OF LOWELL

 DON BENNETT, MAYOR

 JEREMY CAUDLE, CITY ADMINISTRATOR

ACKNOWLEDGEMENTS

STATE OF OREGON)
)SS
 COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY DON BENNETT, AS MAYOR, AND JEREMY CAUDLE, AS CITY ADMINISTRATOR OF THE CITY OF LOWELL, A MUNICIPAL CORPORATION OF THE STATE OF OREGON, ON ITS BEHALF.

NOTARY SIGNATURE _____

NOTARY PUBLIC FOR OREGON _____

MY COMMISSION EXPIRES: _____

COMMISSION NO. _____

HORIZONTAL DATUM (BASIS OF BEARINGS):

OREGON SOUTH STATE PLANE COORDINATE SYSTEM NAD 83 (2011)
 BASED ON GPS OBSERVATIONS.
 DISTANCES SHOWN HEREON ARE GROUND DISTANCES, INTERNATIONAL FEET,

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 (503) 345-0328

WWW.SFLANDS.COM EMAIL: INFO@SFLANDS.COM
 DATE JOB NO. FIELD DRAWN CHECKED
 MAY 11, 2022 2021-472-01 BV TLB/BRD BRD/CCS

SHEET 2 OF 2
 2147201_P PLAT-Site C.dwg

SURVEY FOR:
 CITY OF LOWELL

LOCATED IN THE SW 1/4 OF
 THE NW 1/4 OF
 SEC 14, T.19S, R.01W,
 OF THE WILLAMETTE MERIDIAN
 CITY OF LOWELL, LANE COUNTY, OREGON





City Administrator's Office
P.O. Box 490 Lowell, OR 97452
Phone: 541-937-2157
Email: admin@ci.lowell.or.us

To: Planning Commission
From: Jeremy Caudle, City Administrator
Date: August 18, 2022
Re: Partition plat application

MEMO

This is to submit an "applicant's statement" with Land Use Applications 2022-07 and 2022-08. I will address each of these applications in turn.

1. LU #2022-07.

Description of the proposal

This is to add a property line between the current City Hall building and the parking lot. See the "Existing Conditions" survey associated with this property for detail.

The reason for the partition is to create a new tax lot where the current City Hall is located. The City is in the process of moving out of the current City Hall into the 70 N. Pioneer St. building. Once the City moves its operations out of the current building, the plan is to demolish the current structure. Then, we will prepare the property for sale. We will use the sale proceeds to pay off the loan that we used to finance the 70 N. Pioneer St. project.

On November 2, 2021, City Council held a joint meeting with the Parks and Recreation Committee to consider this issue. The City Council involved the Parks and Recreation Committee since this property includes Paul Fisher Park. After gaining input from the Parks and Recreation Committee on where to locate the partition line, the City Council approved a motion to "to reserve the current City Hall parking lot for parking at Paul Fisher Park from 60 Feet from West of lot 2200 property line straight across from the Fire Department property to 3rd Street." The reasoning behind this decision was to keep the parking lot for use for Paul Fisher Park.

The City Council has considered the sale of the current City Hall campus over several meetings. The City Council first discussed the idea at the September 7, 2021 meeting, where the City Administrator presented an "Analysis of Impact of Using Net Revenues from Property Sales to Fund 70 N. Pioneer St. Project." The analysis included an estimate of the net revenues from selling the current City Hall campus, along with the portion of Rolling Rock Park discussed below. At a September 27, 2021 Town Hall meeting to discuss the 70 N. Pioneer St. project with the community, the city had information boards identifying the current City Hall campus, as well as the Rolling Rock Park partition discussed below, as financing sources for

the new City Hall and library. Discussion of partitioning this property and selling a portion of it has occurred in public and with approval of City Council.

After deciding to prepare the two properties for sale, the City Council approved a contract with S&F Land Services on November 2, 2021 to start the surveying work. The surveys and partition plans in the land use applications are the result of the approved survey work.

How the proposal meets the decision criteria

This section addresses Sec. 2.228 “Decision Criteria” of the Lowell Revised Code regarding applications for partitions.

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

The city intends to rezone “Parcel 2” on the land partition plat that S&F Land Services prepared. We likely intend to rezone Parcel 2 R-3, “Multiple-family residential.” Parcel 2 will meet the requirements for the R-3 district (L.R.C. Sec. 9.412).

To elaborate, from the development standards associated with the R-3 district:

(1) Minimum lot area: 7,000 square feet.

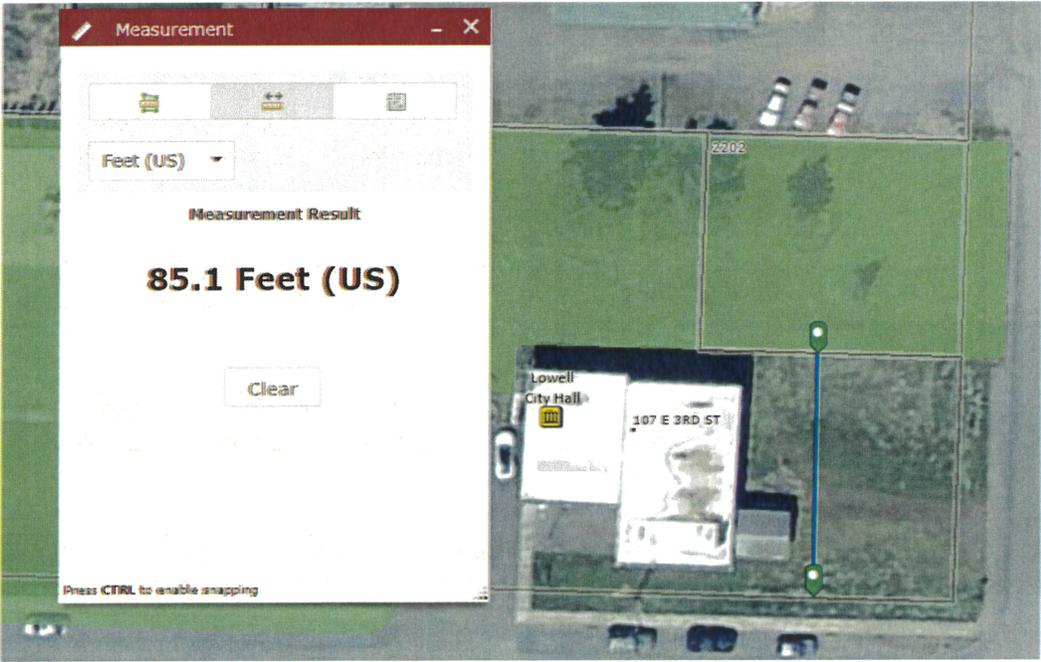
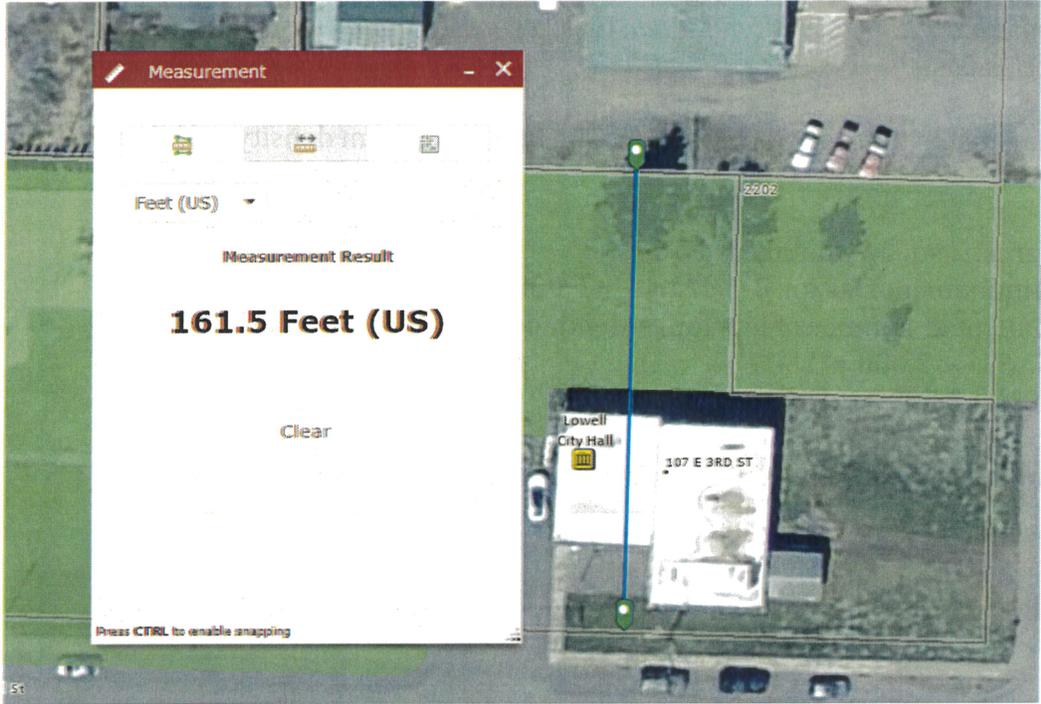
Parcel 2, once partitioned, will have a lot area of 17,651 square feet. It would be possible to partition Parcel 2 again into two lots. Each of the two possible lots would have an area greater than 7,000 square feet.

(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.

As shown on the “existing conditions” plan, the minimum lot width exceed 60 feet. If Parcel 2 were partitioned further into 2 properties, each of the two possible lots would have a lot width at or above the minimum of 60 feet.

(3) Minimum Lot Depth: 80 feet.

As shown on the illustrations below, Parcel 2—and potential further partitions of Parcel 2—will meet the minimum lot depth of 80 feet.

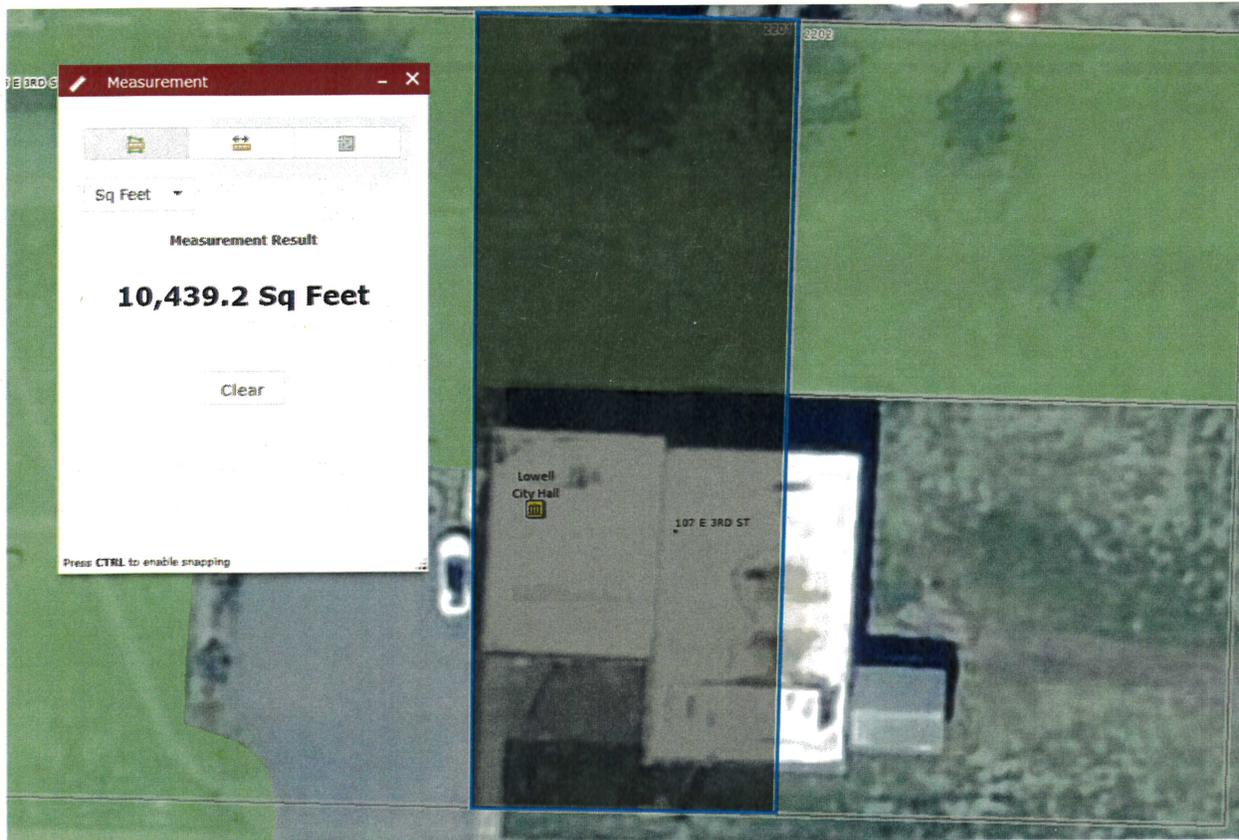


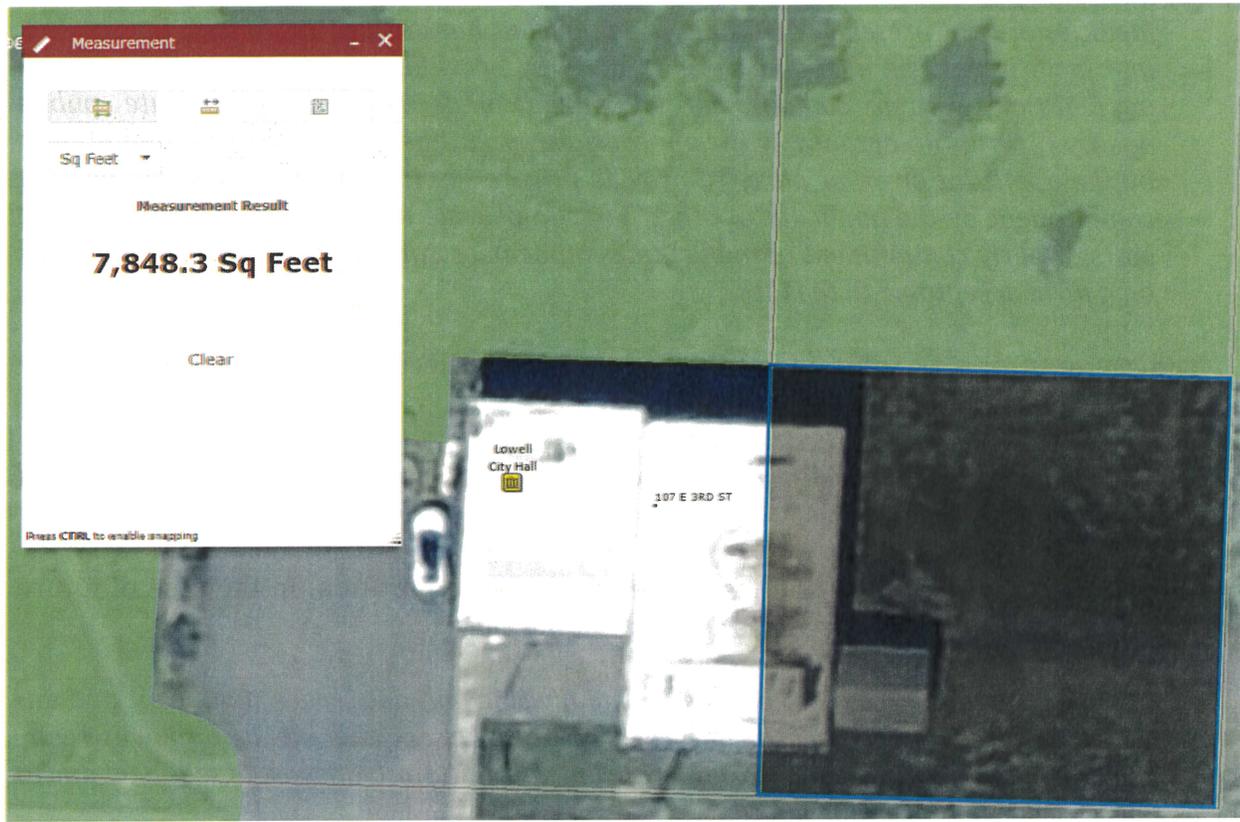
(b) Where the proposed land division results in any lots or parcels that are at least two and one half times the allowed minimum lot size, the applicant has demonstrated that all such lots or parcels may be re-divided in the future to at least 80 percent of maximum density possible within current minimum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

The partition plan meets this decision criterion. The 80% maximum density calculation is as follows:

1. Parcel 2 square footage = 17,651
2. Minimum lot size for R-3 district = 7,000 sq. ft.
3. Maximum number of lots for re-divided Parcel 2
 $17,651 \div 7,000 = 2.509$
4. $80\% \times 2.509 = 2.007 \approx 2$

As illustrated below, Parcel 2 can be further divided into the required 2 parcels.





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

This partition line isn't going to affect development on properties within the vicinity. The property to the north is the Lowell Fire District Fire Station, which is already developed to its fullest extent. To the west is Paul Fisher Park, which will remain a park with no further development. No properties border the property on the east or south.

(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.

This is a partition only and does not include street construction work. This criterion is not applicable.

(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.

The current City Hall is located at the site, which has electric, water, and sewer utility access. Public utilities are available at the site.

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

There are no proposed public utilities associated with the partition. In the case of future growth, city water and sewer access is available at the site.

(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.

This is a partition only and does not include construction work that will affect stormwater runoff. This criterion is not applicable.

(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).

This is a partition only and does not include construction work that will create health or safety risks. I marked "N/A" on the land use application for the Section 9.204(u) impacts because they are not applicable for this land partition. This criterion is not applicable.

2. LU #2022-08.

Description of the proposal

This is to add a property line to create a new tax lot on the northeastern area of Rolling Rock Park. The partition plan also includes a right-of-way dedication for the planned Cannon Street extension.

In the 2019 “Downtown Master Plan,” the regulating plan contemplates that this section of Rolling Rock Park will be rezoned Flex 1 for commercial, mixed-use, or residential development.

The 2019 “Parks Master Plan” also contemplates that this section of Rolling Rock Park will no longer be part of the park. That is because the city acquired the tax lots that now make up the southern half of Rolling Rock Park. The idea behind that was to consolidate the park into a community park the encompasses the area between the proposed Cannon Street, South Moss Street, North Shore Drive, and East Main Street. See the illustration below for more detail:



To implement the vision of the “Downtown Master Plan” and “Parks Master Plan,” this partition and right-of-way dedication will be required.

The City Council has also discussed using the sales proceeds from this property to offset the costs of the 70 N. Pioneer St. project, in the same manner as the parcel described in the preceding section.

How the proposal meets the decision criteria

This section addresses Sec. 2.228 “Decision Criteria” of the Lowell Revised Code regarding applications for partitions.

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

If the city rezones this parcel prior to the code updates being completed, then we will probably apply a C-1 “General Commercial District” designation to match the adjacent parcel (map and tax lot 1901142304901).

According to the development standards for this district, there are no setback or lot size requirements for the C-1 district. The partition would not affect any of the zoning district standards.

(b) Where the proposed land division results in any lots or parcels that are at least two and 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 percent of maximum density possible within current minimum lot sizes, existing site constraints, and requirements of this Code.

Since the intended zoning designation for this land division does not have minimum lot sizes, this criterion does not apply.

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

This partition line isn’t going to affect development on properties within the vicinity. To the west is Cannon Street. To the north is North Shore drive. To the east is Pioneer Street. To the south is a public right-of-way. When the city sells this parcel, we will sell it as one package with lot 4901. The intention would be for the buyer to either combine those two lots or further partition them as they see fit.

(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.

This is a partition only and does not include street construction work. This criterion is not applicable.

(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.

Rolling Rock Park is located the site, which has electric, water, and sewer utility access. Public utilities are available at the site.

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

There are no proposed public utilities associated with the partition. In the case of future growth, city water and sewer access are available at the site.

(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.

This is a partition only and does not include construction work that will affect stormwater runoff. This criterion is not applicable.

(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).

This is a partition only and does not include construction work that will create health or safety risks. I marked "N/A" on the land use application for the Section 9.204(u) impacts because they are not applicable for this land partition. This criterion is not applicable. Section 9.204(o) applies. ("Special site features including existing and proposed grades and trees, and plantings to be preserved and removed.") Special site features for this parcel include

forestry equipment exhibits. Prior to sale, we will move those exhibits to the southern part of Rolling Rock Park, in accordance with the site plan in the "Parks Master Plan."

Signed: Jeremy Caudle Date: 8/18/2022
Jeremy Caudle
City Administrator

CITY OF LOWELL
NOTICE OF PUBLIC HEARING
Mailing Date August 15, 2022
LU 2022-07

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a **Partition** of a City-owned property located at 19-01-14-22 Tax Lot 02201. The subject property is also known Paul Fisher Park.

The Hearing will occur on **September 7, 2022, at 7:00 P.M.** at the Lowell Rural Fire Protection District Fire Station 1 located at 389 Pioneer Street, Lowell, OR, 97452.

A remote option is also available via Zoom. To attend remotely, please sign up with the City Administrator by September 6 or access the link by visiting <https://www.ci.lowell.or.us/meetings>.

Requested Action: Partition of the subject property at create two parcels. The existing City Hall building will be on its own parcel. Paul Fisher Park will remain as is. See map on reverse.

- Owner/Applicant:** City of Lowell
- Applicant’s Representative:** Chris Sherby, PLS, S & F Land Services
- Property Location:** 107 E. 3rd Street
- Assessor Map:** 19-01-14-22
- Tax Lot:** 02201
- Existing Area:** 1.17 acres
- Existing Zone:** PL, Public Lands

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. Please note that City Hall may be temporarily closed due repairs. Persons can always request the application materials by emailing the City Administrator at the email address provided below.

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.

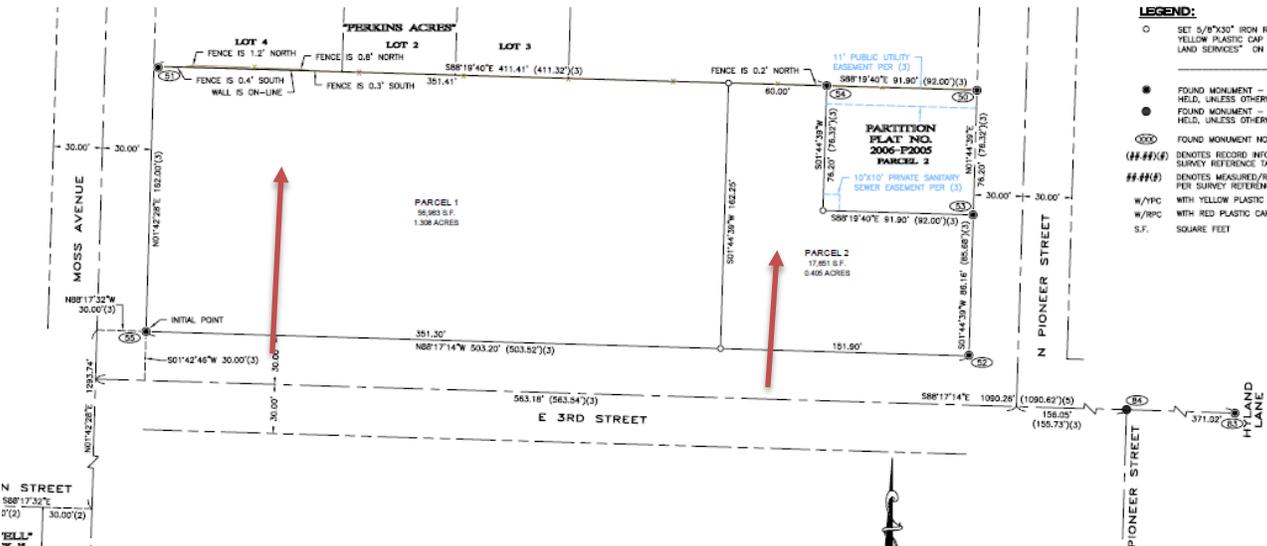
A Partition requires a Public Hearing. Oral testimony may be presented at the Hearing or written testimony may be delivered or mailed to the Lowell City Hall located at 107 East Third Street, Lowell, Oregon 97452 or emailed to Jeremy Caudle, City Administrator, at jcaudle@ci.lowell.or.us. Or to Henry Hearley, Lane Council of Governments, 859 Willamette Street, Suite 500, Eugene, OR, 97401, hhearley@lcog.org 541-682-3089.

To be included in the Staff Report, written testimony shall be received by the City no later than 4:00 p.m. on September 6, 2022.

For additional information please contact the City Administrator or Henry, at the contact information below.

Henry Hearley
 Associate Planner
hhearley@lcog.org
 541-682-3089

Jeremy Caudle
 City Administrator
jcaudle@ci.lowell.or.us
 541-937-2157



NAME	ADDR1	ADDR2
Betty R Whipple Revocable Living Trust	37265 Wheeler Rd	Pleasant Hill OR 97455
Martin William S	PO Box 288	Dexter OR 97431
Bos Sheryl A	408 40th St	Astoria OR 97103
Hampton Valerie A	3097 Wayside Loop	Springfield OR 97477
Neet Jacob C	PO Box 414	Lowell OR 97452
Anderson Nathanael E & Clarrissa C	PO Box 383	Lowell OR 97452
Owner Unknown	101 W 5th Ave	Eugene OR 97401
Asher Hali	PO Box 62	Lowell OR 97452
Norcutt Trevor & Kristin	401 D St	Lowell OR 97452
George Living Trust	PO Box 305	Lowell OR 97452
DeFord Travis C	347 N Moss St	Lowell OR 97452
Jones Heather A	308 N Pioneer St	Lowell OR 97452
Lowell Rural Fire	PO Box 519	Lowell OR 97452
City of Lowell	PO Box 490	Lowell OR 97452
Garlitz Richard L & Tamberlie A	10912 SW Parkview Dr	Wilsonville OR 97070
Springer Clay & Marites	PO Box 279	Lowell OR 97452
Dragt Lon & Samantha	306 N Damon St	Lowell OR 97452
Waler Andrew R	32568 Deberry Rd	Creswell OR 97426
DeHart Jeffery K	PO Box 335	Lowell OR 97452
Robinson Jean M Walters	PO Box 345	Lowell OR 97452
Wilson Daniel D & Marilee D	83393 Watership Way	Pleasant Hill OR 97455
Pew Tracy Dale	PO Box 51	Lowell OR 97452
Johnson Kylee Rene	114 E 3rd St	Lowell OR 97452
Kintzley Ronald G & Sharon L	PO Box 193	Lowell OR 97452
Kohanes Terry & Nancy	PO Box 401	Lowell OR 97452
Kelley William Vance & Margaret Mary	PO Box 244	Lowell OR 97452
Kintzley Mark R & Suzanne J	PO Box 81	Lowell OR 97452
O'Regan Hall Robert	PO Box 462	Lowell OR 97452
Nagel Thomas	265 N Cannon St	Lowell OR 97452
Ballenger Michael Ray	PO Box 113	Lowell OR 97452
Pelroy Carrie A	PO Box 26	Lowell OR 97452
Bailey Kenneth	75 E 2nd St	Lowell OR 97452
Stinson Dennis R & Idella L	PO Box 413	Lowell OR 97452
Armstrong Kevin L & Robin D	PO Box 71963	Springfield OR 97477
Stewart Benjamin & Brandy	PO Box 180	Lowell OR 97452
Lowell Grange #745	PO Box 47	Lowell OR 97452
Collins Shawn Brian	PO Box 254	Lowell OR 97452
Dilley Gerald & Shirley	85065 Renegade Ln	Fall Creek OR 97438
Valencia Jerry L & Julie E	PO Box 246	Lowell OR 97452
Asher Tommy A	40355 Jasper Lowell Rd	Lowell OR 97452
Miller Wayne R	PO Box 571	Walterville OR 97489
Fuller Justin Tyler	203 N Damon St	Lowell OR 97452
Parmenter Michael R & Kelly	PO Box 131	Lowell OR 97452
Howe Michele R	29 E 4th St	Lowell OR 97452
Henderson Alexander & Shayla	11 E 4th St	Lowell OR 97452
Shilaos Chloe & Kelly Joseph	17 E 4th St	Lowell OR 97452

Flock Barbara J
Ritz Neil Austin
Trudeau Zack
Perkins Brandie D
Croxen William T & Sabrina J

35 E 4th St
76573 W 2nd
23 E 4th
85388 Dillard Access Rd
PO Box 475

Lowell OR 97452
Oakridge OR 97463
Lowell OR 97452
Eugene OR 97401
Lowell OR 97452

AFFIDAVIT OF MAILING

LANE COUNCIL OF GOVERNMENTS
859 Willamette Street. Suite 500
Eugene, OR 97401

I, Henry Hearley, contracted planner, depose and state that I mailed, by regular first-class mail, on **August 15, 2022**, a notice of a public hearing for a PARTITION at Map and Tax Lot 19-01-14-22-002201, known as the **LU 2022 07** in the City of Lowell to the addresses contained herein.



Signature



Print Name

**Staff Report
Partition
Assessor's Map 19-01-14-22, Tax Lot 02201
Paul Fisher Park/City Hall Partition – City Property
LU 2022-07
Staff Report Date: August 31, 2022**

1. **Proposal.** The Planning Commission is being asked to review and render a decision on a partition for property located at Assessor's Map 19-01-14-21, Tax Lot 02201. The subject property is owned by the City of Lowell. The subject properties are zoned PL – Public Lands. The subject property currently consists of one parcel that is 1.71 acres in size and contains City Hall and Paul Fisher City Park. The applicant is proposing to create one additional parcel noted as “Parcel 2” on the tentative map. The newly created Parcel 2 will be 0.405 acres in size. City Hall, which currently occupies the land of proposed Parcel 2, will be demolished. The City will sell Parcel 2 for redevelopment. Paul Fisher Park and the existing parking lot adjacent to City Hall will remain as is. The efforts being conducted are envisioned in the Lowell Downtown Master Plan, in which City Hall is relocated to Downtown, and the area which now occupies City Hall is redeveloped for residential uses.
2. **Approval Criteria of the Lowell Development Code (LDC).** 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, Section 9.517 Street, Section 9.518 Sidewalks, 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

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

LDC 9.223. General Information.

Staff Response: 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.*

Staff Response: The proposed Parcel 2 is adjacent to 3rd Street and Pioneer Street. Currently, access is taken from 3rd Street. Following partition, Parcel 2 will have 151' of frontage on 3rd Street and 85' on Pioneer Street. Access to any future redevelopment will not be precluded. No additional right-of-way is necessary. The tentative plat contains the necessary items for land division.

(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.

Staff Response: The tentative plat for partition contains the necessary information for partition. See **Attachment A** for existing conditions maps.

Staff Response: 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.

Staff Response: There are no existing or proposed easements shown on the tentative plat.

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

Staff Response: The total acreage and the proposed land use for the land division is shown on the tentative plat and described in the applicant narrative.

(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.

Staff Response: The proposed partition will result in one additional parcel that is to be 17,651 square feet and the remainder parcel will be 56,963 square feet. The remainder parcel will remain as Paul Fisher Park. The proposed new Parcel 2 is expected to be rezoned for residential uses and developed for those uses. Proposed parcel 2 can be further partitioned. The application has shown in the application materials that further partition is possible.

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

Staff Response: Existing utilities are depicted on the existing conditions site plan (**Attachment A**). The properties contain city services and will have the ability to continue to receive city services after partition. Extension, relocation or upgrade of city utilities may be required upon actual site development of Parcel 2. Development is not precluded with the proposed partition.

(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.)

Staff Response: The proposed partition will not cause any development. Upon development of the site, drainage will be addressed as part of the site review or building permit process.

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

Staff Response: 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.

Staff Response: No future streets and easements are proposed.

(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.

Staff Response: No special improvements are proposed.

Staff Response: 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.*

Staff Response: No development is proposed as part of the proposed partition. Once Parcel 2 redevelops it will have city water and sewer services connected to it as a condition for

development.

(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.**

Staff Response: 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.

Staff Response: 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.

Staff Response: No public dedications or public improvements are proposed. Deferred urban street improvements may be required via a waiver of remonstrance or upon redevelopment of Parcel 2. Staff will offer a discussion of how the site fits in with the Lowell Downtown Plan and any possible urban public improvements that may be required as a condition of development.

Staff Response: 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 9.226 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.

Staff Response: The property owner shall submit the final plat in accordance with ORS 92.075. Criterion met with the following condition:

Condition of Approval #1: 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.

Staff Response: As this land use application is only for a proposed partition of a property, no grading will occur because 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.

Staff Response: No immediate public improvements are proposed or necessary for partition. Staff will offer a discussion of how the site fits in with the Lowell Downtown Plan and any possible urban public improvements that may be required as a condition of development.

The Regulating Plan shows the site which occupies City Hall is designated as Single-Family Attached Residential. The vision for this property is for townhouses/single-family attached dwellings or residential dwellings— other than traditional single-family. The Regulating Plan and Illustrative Plan show North Cannon Street pushing through this property and to the other end of the parcel in which the Fire Station currently sits. Such a street extension is not practical at such time as the Fire Department occupies the site. However, if in the future such extension of Cannon proposed and practical, the proposed partition does not preclude such extension.

As with any development in Lowell, development may be conditioned upon the addition of sidewalk, curb and gutter along the frontages of properties proposed for development. Such conditions for sidewalk, curb and gutter improvements would be addressed during the development proposal phase for any redevelopment on Parcel 2 and through securing a waiver of remonstrance upon sale of Parcel 2 for future urban improvements.

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

Staff Response: Staff have reviewed the Local Wetlands Inventory Map (LWI), and based on the map, there exists no mapped waterways, or wetlands.

Staff Response: 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.

Staff Response: The City is proposing the partition to achieve the goals and vision of the Lowell Downtown Master Plan. The proposed partition has been reviewed and discussed by City Council, with input from the Parks and Recreation Committee. Paul Fisher Park will remain as is. The

existing parking lot at City Hall will also remain and provide parking for users of Paul Fisher Park. 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.

Staff Response: 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.*

Staff Response: The applicant has shown in the application narrative that further partition is possible should Parcel 2 be further divided in the future.

- (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.*

Staff Response: 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.*

Staff Response: The proposed partition will not require any public improvements of streets. However, redevelopment of proposed Parcel 2 may require the addition of urban public improvements in the form of sidewalk, curb, and gutter and the extension of city service lines to serve proposed development.

Staff Response: 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.

Staff Response: The site contains existing city utilities. Upon redevelopment of Parcel 2, adequacy of public facilities will be evaluated. The proposed partition will not authorize any development activities.

Staff Response: The subject property currently receives city water and sewer. Upon redevelopment of either Parcel, the applicant/property owner/ developer 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.

Staff Response: Future land division of Parcel 2 is not precluded. 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.

Staff Response: Since no development is proposed stormwater runoff requirements will be reviewed upon a redevelopment plan being submitted to the City. Staff will include this as an informational item. Drainage and stormwater will be reviewed as part of the site review or building permit process and include review by the City Engineer. Criterion addressed.

(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).

Staff Response: The proposed partition is not expected to pose any significant or unreasonable risk to public health and safety. 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.

Staff Response: The proposed partition 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.

LDC 9.517 Streets. Urban public street improvements including curbs, gutters and storm drainage are required for all land divisions and property development in the City of Lowell. Urban street improvements may be deferred by the City if there is not existing sidewalk or storm drain system to which connection can be made, conditional upon the responsible party agreeing to an irrevocable waiver of remonstrance to a future assessment at the time of construction of a sidewalk which is otherwise required to be constructed.

Staff Response: Per the Lowell Development Code, all land divisions in Lowell require public sidewalk improvements to be made. The frontage along East 3rd Street, according to the Public Works Director, contains sidewalk, but no curb or gutter; the sidewalk is a satisfactory condition. The frontage along North Pioneer has sidewalk, curb and gutter that is in good condition. Since the applicant is not proposing development a waiver for future urban public improvements is not required to be signed at this time. However, future redevelopment of Parcel 2 may trigger the need for urban public improvements. Staff recommend the City place a plat note on the final plat that a waiver of remonstrance for future urban street improvements will be attached at time of sale of Parcel 2.

Criterion met with the following Condition of Approval #2:

Prior to finalizing and recording the final partition plat, a plat note shall be placed on the final plat indicating that a waiver of remonstrance for future urban street improvements may be required upon site development. Waiver of remonstrance shall be signed and executed concurrently with sale of Parcel 2.

4. Recommendation

Staff recommends the Planning Commission **APPROVE** as conditioned, a partition to create Parcel 1 and Parcel 2 as shown on the tentative partition plat.

5. Conditions of Approval

Condition of Approval #1: 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 finalizing and recording the final partition plat, a plat note shall be placed on the final plat indicating that a waiver of remonstrance for future urban street improvements may be required upon site development on Parcel 2. Waiver of remonstrance shall be signed and executed concurrently with sale of Parcel 2.

6. Informational items

- Upon redevelopment of Parcel 2 developer may be required to submit a drainage plan in conformance with the stormwater drainage standards of LDC 9.520. Review of the stormwater proposal/plan shall be reviewed by the City Engineer.
- Urban street improvements may be required upon redevelopment of Parcel 2.
- Redevelopment of Parcel 2 must go through the building permit process or site review process as appropriate and consistent with the LDC.
- 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.

7. Attachments

Attachment A: Applicant's application

Attachment B: Notice