LYONS PLANNING COMMISSION

STAFF REPORT

HEARING DATE: August 14, 2019 at 6:30 p.m.

STAFF REPORT DATE: July 23, 2019

FILE NUMBER: 2019-03

APPLICANT/OWNER: Thomas and Lisa Hurt
7812 Saint Charles Street NE, Keizer, OR 97303

PROPERTY: 519 Juniper Street, Lyons, OR

Assessor’s Map Tax Lot Account Acres Zoning Address
09S 02E 18CB 02102 853109 2.81 SFR 519 Juniper St

Partition #: PP 2017-045, Parcel 1

EXHIBITS: EXHIBIT A Application & Supplemental Materials
EXHIBIT B Lyons-Mehama Water District comments dated _________
EXHIBIT C Notice of Public Hearing

REQUEST: Minor Partition

CRITERIA: Lyons Municipal Code

Zoning: Section 18.20.010 Single Family Residential (SFR) Zone

Land Divisions
- Section 17.40 Partitioning
- Section 17.50 Design Standards
- Section 17.55 Improvements
I. APPLICANT’S PROPOSAL

The City has received a land use application from Thomas and Lisa Hurt, requesting approval of a Minor Partition to enable the applicant to replat a 2.81-acre parcel into three lots.

Table 1

<table>
<thead>
<tr>
<th>Assessor’s Map</th>
<th>Tax Lot #</th>
<th>Size (Acres)</th>
<th>Current Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>09 2E 18CB</td>
<td>02102</td>
<td>2.81</td>
<td>Vacant</td>
</tr>
<tr>
<td>Total Acreage</td>
<td></td>
<td>2.81</td>
<td></td>
</tr>
</tbody>
</table>

The applicant proposes to divide the 2.81-acre tract into three parcels as shown on Figure 2. Two 1/2-acre home sites and a 1.81-acre parcel will be created. All parcels will have access to a joint driveway to Juniper Street. The new lots may be developed as single family home sites. All parcels are located in the Single Family Residential (SFR) zone.

Figure 1- Existing Tax Lots – 519 Juniper St., Lyons, OR
Figure 2- Proposed Lots – 519 Juniper St., Lyons, OR
Table 2
Proposed Minor Partition into Three Lots
Replat of Parcel 1, PP 2017-045

<table>
<thead>
<tr>
<th>Proposed Parcels</th>
<th>Size (Acres)</th>
<th>Proposed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel 1</td>
<td>0.50</td>
<td>Vacant – Proposed SFR home site</td>
</tr>
<tr>
<td>Parcel 2</td>
<td>1.81</td>
<td>Vacant – Proposed SFR home site</td>
</tr>
<tr>
<td>Parcel 3</td>
<td>0.50</td>
<td>Vacant – Proposed SFR home site</td>
</tr>
<tr>
<td><strong>Total Acreage</strong></td>
<td><strong>2.81</strong></td>
<td></td>
</tr>
</tbody>
</table>

II. BACKGROUND INFORMATION

A. Pre-Application Information and Application Submittals:

In June and early July 2019 prior to submittal of an applicant, the applicant’s planning consultant Norm Bickell reviewed the proposed partition with the City Planner and communicated with staff at the Linn County Environmental Health Department.

The applicant filed an application with the City on July 12, 2019. The application was deemed complete on July 22, 2019. Therefore, the final local decision must be made by November 19, 2019 to comply with the “120 Day Rule”.

B. Application, Land Use Procedure and Review Requirements:

Chapter 17 of the Lyons Municipal Code outlines the application, notice and review requirements for land division applications. The Lyons Planning Commission will hold a public hearing on August 14, 2019 and at the conclusion of the hearing will deliberate and make a decision to approve or deny the proposal. The Planning Commission decision may be appealed to the City Council.

C. Public Hearing and Notices of Public Hearing:

A public hearing will be held before the Planning Commission on August 14, 2019 beginning at 6:30 p.m. at the City Hall, 449 5th Street in Lyons, Oregon. The Planning Commission will make its decision based on criteria found in the Lyons Municipal Code (LMC), Chapter 17 – Subdivisions. The City Code can be viewed under “Codes and Permits” at the City of Lyons website: [City of Lyons](#).

Notice of any public hearings must be provided to affected governmental agencies and adjacent property owners. Written notice shall be mailed to owners of property abutting the subject property at least 20 days prior to the initial evidentiary hearing. Notice of the initial evidentiary hearing was mailed on July 24, 2019.
D. Existing Conditions:

The property at 519 Juniper Street is vacant. The 2.81-acre tract is served by a long driveway south to Juniper Street. The tract has a stand of fir trees that cover the south 2/3rds of the site.

EAST: Single family homes at 601 Juniper St. and 1231 Juniper Court
NORTH: Single family home and shop at 605 Juniper St. (Access to applicant’s driveway).
WEST: Single family home at 1246 & 1348 5th Street with driveway access to Hwy 226.
SOUTH: Single family home at 517 Juniper Street.

E. Utilities: The site can be served with water from the Lyons-Mehama Water District, the site has an approved septic evaluation report for Parcel 1 and can be served by private utilities from Juniper Street via the 40’ wide access driveway.

F. Streets: Juniper Street is a local city street. Juniper Street is a turnpike style street with a 24’-26’ AC pavement width, no curbs or sidewalks. The applicants have a paved driveway that will serve all three parcels.

G. Agency Comments and Public Testimony:

1. Agency Comments. Agency comments were solicited from the Lyons Fire District, the Lyons-Mehama Water District, Oregon Department of Forestry and private utilities. Any agency comments received prior to or during the public hearing will be made part of the record.

   a) Lyons-Mehama Water District: Bill Grimes, manager for the Lyons-Mehama Water District, responded on ______________, 2019. The water district will require the applicant to connect to the 6” water main on the south side of Juniper Street, including extension of water service lines and installation of 3 water meters to the parcels. All work shall comply with water district design and construction standards.

2. Public Testimony. The City sent notices of the public hearing to surrounding property owners. As of July 23, 2019, the City had not received any written testimony. Any written public testimony received prior to or during the public hearing will be made a part of the record. Oral testimony will be included in the meeting minutes.

III. FINDINGS

The application was reviewed to determine whether the proposal complies with the applicable standards and criteria in the Lyons Municipal Code.

A. Chapter 18.20.010 – Single Family Residential (SFR) District

18.20.010 Permitted Uses: A single family dwelling is a permitted use in the SFR residential zone. The minimum lot size is one-half acre for a single-family dwelling or other outright
permitted uses. Lots larger than one-half acre may be required after the septic tank soil tests are completed on the site.

The buildable areas for each of the proposed lots were estimated after removing the flag lot driveway for Parcel 2 and assuming 0.50 acre is sufficient to comply with septic tank installation requirements.

Paragraph 1: 0.50 acres Vacant Entire 0.50-acre lot is buildable.
Paragraph 2: 1.81 acres Vacant Buildable area is 1.31 acres. Does not include 1.31 acres of a building site plus 0.50-acre joint access driveway.
Paragraph 3: 0.50 acres Vacant Entire 0.50-acre lot is buildable.

Findings & Conclusions: The applicant proposes to replat the existing 2.81 acres into three parcels. Each new parcel will meet the minimum lot size requirement and will have a buildable area that equals or exceeds the 0.50-acre minimum lot size requirement. The proposal complies with Section 18.20.010.

B. Chapter 17.40 – Partitioning

The purpose of this chapter is to ensure developments comply with city land division requirements and legal requirements for the surveying and recording of partitions.

17.40.020 General Requirements: The City requires an applicant to file an application on city forms, pay an application fee, comply with city public improvement requirements (Section 17.50) and comply with city partitioning requirements.

Findings and Conclusions: The applicant has filed the application, paid required fees and is following City requirements for a land partition. The proposal complies with Section 17.40.020.

17.40.030 Partitioning Procedure: This section identifies the information which must be included in the preliminary (tentative) partition plat. This section also requires notification of affected agencies and property owners prior to a public hearing.

Findings and Conclusions: The proposed preliminary plan complies with the mapping requirements in Section 17.40.030. The City has complied with the agency and public hearing notice requirements. The proposal complies with procedural requirements in Section 17.40.030.

17.40.030.E Partition Approval Criteria: At the conclusion of the public hearing, the planning commission is required to make a decision within 35 days and determine if the proposal complies with the following approval criteria.

E. The planning commission shall either approve the tentative plat as submitted, approve it with modifications or conditions, or deny it. The decision shall be based on findings related to the following criteria:

1. The partition is consistent with the provisions of this title and LMC Title 18.
2. Vehicular access to the property is adequate.
3. All necessary public utilities can be provided to the proposed parcels.
4. No landlocked parcels shall be created. Full and orderly development of the surrounding area can be assured.
5. Drainage within the proposed development will not result in problems for the development of the surrounding area.
6. The physical characteristics of the property, such as potential soil erosion or landslides, drainage, flood plains, and potential natural hazards, have been considered and will not be detrimental to the surrounding area.

17.40.030.E.1 Consistent with LMC Title 17 – Subdivisions & LMC Title 18 - Zoning:

This section requires a partition to comply with applicable sections of the Lyons Code.

Findings and Conclusions: Section III – Findings in this staff report reviews the specific criteria and standards in LMC Chapters 17 & 18 that apply to the proposed partition.

17.40.030.E.2 Vehicle Access to the Property:

Section 17.50.040.B requires each lot in a partition to have a minimum 25’ access to a street.

Findings and Conclusions: The applicant’s proposal shows street frontage and driveway access to the proposed parcels. The driveway access easement was approved as part of Partition Plat 2010-21 and is shown on Partition Plat 2017-045. A driveway access easement and maintenance agreement that applies to all 3 parcels was signed and recorded in 2017 (LC Deed Records # 2017-16315).

- **Parcel 1:** Parcel 1 does not have street frontage on Juniper Street. It will be served by the existing 40’-wide access easement and paved driveway within the easement.
- **Parcel 2:** Parcel 2 has 42.24’ frontage on Juniper Street. The parcel will also be served by the existing 40’-wide access easement and paved driveway within the easement.
- **Parcel 3:** Parcel 3 does not have street frontage on Juniper Street. It will be served by the existing 40’-wide access easement and paved driveway within the easement.

Because the driveway is longer than 150’ the applicant must comply with the Lyons Fire District access requirements including a minimum 12’-wide hard surface driveway, a 20’-wide clear area for fire apparatus and a fire access turnaround at the end of the driveway.

The proposed lots can comply with the access requirements in Section 17.40.030.E2 if the existing 0’ wide access easement and driveway are used and the required fire access turnaround is provided for each parcel. The Planning Consultant recommends the following conditions be placed on the plan approval:
1. **Driveway Easement on Partition Plat**: The existing 40’ driveway access easement, public utility easement (PUE) and the fire turnaround area shown on PP 2017-045 will be shown on the final partition plan.

2. **Driveway Access Maintenance Agreement**: The applicant will verify that the driveway access and maintenance agreement 2017-16315 applies to Parcels 1, 2 & 3.

3. **Fire Turnaround Area** will be provided for each parcel at the time a building permit is issued.

Subject to completion of the recommended conditions of approval, the proposal can comply with Section 17.40.030.E.2.

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**Figure 3 - Proposed Utilities & Driveway Access Easement to Parcel 1**

New water services and private utilities will be installed along the driveway.
17.40.030.E.3 Adequate Public Utilities Are Available:

The City requires each lot to be served by public and private utilities including: water, on-site sewage disposal, power, telecommunications and natural gas.

Findings and Conclusions: The City reviewed the partition proposal to determine if public facilities are currently available or can be made available to each parcel. The applicant submitted a map showing proposed water, phone/cable & gas service lines next to driveway from Juniper Street to all of the new parcels, as shown in Figure 2.

Prior to or concurrently with the issuance of a building permit for each parcel, the applicant shall either install or obtains permits for:

- On-site Sewage Disposal: A permit from Linn County for the installation of an on-site sewage disposal system.
- Water: A permit from the Lyons-Mehama Water District for a water meter, water service line and related improvements.
- Private Utilities: Permits from NWNG, Pacific Power and telecommunication utilities for the extension of gas, power and phone/cable services.

Subject to installation of identified public and private utility services, the proposal can comply with Section 17.40.030.E.3.

17.40.030.E.4 No Landlocked Parcels & Future Orderly Development of Area:

The City requires no land-locked parcels and the assurance that adjacent undeveloped sites can be developed in an orderly manner.

Findings and Conclusions:

1. No landlocked parcels. All lots have access to a public street via the existing 40’-wide driveway access easement and existing paved driveway.

2. Future Development-Parcel 2: Parcel 2 is large enough that it may be divided again, if septic permits can be obtained and the City/Fire District concur with the use of the driveway for one additional lot. The Lyons-Mehama Water District may also require water system upgrades, including but not limited to a fire hydrant installation, to serve additional lots.

3. Future Development- Parcels 1 & 3: Parcels 1 & 3 are not large enough to be partitioned again.

The proposal complies with Section 17.40.030.E.4.

17.40.030.E.5 No Negative Drainage Impacts:

Drainage from the development may not create any negative impacts on surrounding development.

Findings and Conclusions: Storm drainage facilities have been installed in Juniper Street. Linn County’s GIS maps shows the 2.81-acre tract slopes toward the North Santiam River, from an
elevation of 635’+ down to 630’ at the north end of the site. Since the tract is undeveloped, there is potential for storm water impacts from any fill, new building construction and/or site improvements.

In order to protect water quality, the Planning Consultant recommends a condition of approval to require the builder to submit a drainage plan including low-impact storm drainage facilities to retain/detain storm water on site. The City must review and approve the drainage plan for the building site prior to issuance of a building permits for a new home on each parcel.

Subject to compliance with the recommended condition, the proposal complies with Section 17.40.030.E.5.

17.40.030.E.6 Natural Hazards

In reviewing any proposed partition, the City must consider for soil erosion, drainage impacts, potential flood damage, or impacts from other natural hazards. Drainage is addressed in 17.40.030.E.5 above.

Findings and Conclusions: The primary concerns of the City for this partition are:

- Avoidance of development in the 100-year flood hazard area.
- No negative water quality impacts from soil erosion or storm drainage into the North Santiam River.

In order to protect the water quality of the river, the staff recommends the planning commission include the following conditions of approval:

1. Submit and obtain city approval for a drainage plan (see above comments under Section 17.40.030.E5).

Subject to compliance with the recommended condition, the proposal complies with Section 17.40.030.E.6.

C. Chapter 17.50 – Design Standards

The purpose of this chapter is to ensure all lots meet minimum size and shape standards and that the needed public facilities serving a development are designed in compliance with city, county and/or state design standards. This section reviews the criteria in Chapter 17.50 that apply to this partition proposal.

STREETS:

Section 17.50.020 includes design standards for streets within or adjacent to a partition or subdivision. Juniper Street was constructed to city standards at the time of prior subdivisions.

EASEMENTS AND ACCESS
Section 17.50.030 identifies requirements for utility, drainage and/or access easements.

17.50.030.D Residential Access Easements. The driveway for Parcel 1 at 519 Juniper Street serves more than one parcel. A residential access easement is required. The existing 40’-wide driveway easement and public utility easement (PUE) from Juniper Street comply with the city standards.

**LOT SIZE AND SHAPE**

Section 17.50.040 identifies the lot dimension requirements. The following subsections of Section 17.50.040 apply to this partition.

17.50.040.A Lot Size. A minimum lot size of one-half acre or larger if needed to comply with Linn County lot size requirements for a subsurface sewage disposal system. The proposed lots comply with the minimum lot size requirements.

17.50.040.B Access. Each lot shall have a minimum 25’ frontage on a street or a residential vehicle access easement. The proposed lots comply with the access requirement.

17.50.040.E Flag Lots. The 2.81-acre parcel is a pre-existing flag lot. The proposal does create two additional lots along a flag driveway. The Planning Consultant concludes a flag driveway is necessary to serve new lots on this 2.81-acre site. There is no other lot configuration or development alternative to provide street frontage.

**BUILDING LINES AND SPECIAL SETBACKS**

Section 17.50.050 requires the surveyor to show special building areas or setbacks on the final subdivision or partition plat. Any building shall be set back at least twenty-five from the access driveway in order to comply with front yard setback requirements in Section 18.20.010.E of the Lyons Zoning Code.

**LAND FOR PUBLIC PURPOSES**

Section 17.50.060 sets standards for dedication of land for public purposes. No land is proposed for public purposes as part of the partition.

Conclusions: Subject to compliance with the recommended condition to meet minimum front yard building setbacks from the driveway easement, the proposal complies with the design standards in Chapter 17.50.

**D. Chapter 17.60 – Improvements**

The purpose of this chapter is to ensure the needed public facilities serving a development are designed and constructed in compliance with city, county and/or state requirements and that private utilities are installed concurrently with the development.
Public facilities include streets, storm drainage, sidewalks, bicycle facilities, water, sewer and private utilities. No partition or subdivision may be approved unless the public facilities related to the development comply with the City’s public works design standards and are either in place or guaranteed as part of the project. This section reviews the criteria in Chapter 17.50 that apply to this partition proposal.

Sections 17.55.010 to 17.55.030 and the City of Lyons Public Works Design Standards and Construction Specifications apply to this project.

17.55.010 Engineering Plans Review & Approval. Engineering plans for required public improvements must be submitted to, reviewed by and approved by the City Engineer prior to construction of the public improvements.

Construction Permit for Work in Public Right-of-Way: Work within the public right-of-way requires approval of a construction permit from the City before work commences. All work shall be inspected and approved by the City Engineer or his designated representative.

17.55.030 Improvements Required in a Partition.

1) Streets. No street improvements are required for this project.

2) Driveway Access. A driveway access must be a minimum of 25’ wide and be constructed in accordance with city and fire code requirements. The existing driveway complies with city requirements. The recorded driveway access and maintenance agreement obligates the property owner of Proposed Parcel 2 to provide driveway access to the entire 2.81 and maintain the driveway.

3) Sidewalks and Bikeways. No sidewalks or bikeways are required for this project.

4) Water System. The Lyons-Mehama Water District has reviewed the proposal. New water meters and service lines are required for each parcel. The applicant shall apply for service from the water district at the time a building permit is issued.

5) On-site Sewage Disposal. An on-site sewage disposal (septic) system is required for each parcel. The applicant shall complete a site investigation for each parcel and provide evidence of Linn County’s approval for an on-site sewage disposal system on each lot prior to City approval of the final plat.

6) Storm Drainage. In order to protect adjacent sites from drainage impacts and water quality, the applicant’s builder or engineer will need to submit a plan for drainage on the site including low-impact storm drainage facilities to retain/detain storm water on site. The City must review and approve the drainage plan prior to issuance of a building permit for each parcel.
7) Private Utility Service. The developer shall make necessary arrangements for private utilities (Pacific Power, NWNG, WAVE Broadband and telecommunications) for the extension of service to Parcels 1 & 3. If any work occurs within the public right-of-way, the applicant or utility shall obtain required permits from the City.

Conclusions: Subject to compliance with the recommended conditions for public and private improvements, the proposal complies with the improvement requirements in Chapter 17.55.

IV. CITY PLANNER CONCLUSION AND RECOMMENDATION

Based on the findings contained in this report, the City Planner concludes that the application a Minor Partition can comply with the applicable criteria, if conditions of approval are imposed.

The City Planner recommends the Planning Commission impose several conditions of approval.

1. **Approved Map & Time Limit of Partition Approval.** The partition is approved as shown on the attached map, dated & stamped approved by the City of Lyons. Approval is granted subject to the completion of the minor partition survey plat within one year and compliance with all conditions of approval. The minor partition approval will expire August 31, 2020 at 4:00 p.m. if the applicant has not filed the final plat with the Linn County Surveyor.

2. **Final Partition Plat - Survey.** A final partition plat survey map must be recorded with the Linn County Surveyor within one year. The survey must be prepared by a registered professional surveyor and comply with state law and Linn County survey requirements. The partition plat map must show:

   A. **Parcels:** Parcels 1, 2 & 3 as shown on the approved partition map.

   B. **Easements:**

      1. Show the existing 40’ driveway access easement, PUE and fire turnaround on the final plat.

      2. Reference the existing driveway access and maintenance agreement Linn County Deed Records 2017-16315 on the final partition plat.

3. **Improvements Required Prior to the Recording of the Final Partition Plat.** The City requires the following improvements be completed prior to the recording of the final plat:

   A. **Water Service:** Install water service lines from the water main to a meter box for Parcels 1 & 3 and comply with requirements of the Lyons-Mehama Water District.

   B. **On-site Sewer Disposal System:** The applicant shall provide the City of Lyons with evidence showing that Linn County has approved an on-site sewage disposal system for Parcels 1 & 3.
2. **Improvements Required Prior to or Concurrently with a Building Permit.** Prior to City approval of a building permit, the property owner/builder shall comply with the following requirements:

   A. **On-site Sewer Disposal System:** The applicant/builder shall install an on-site sewage disposal system or obtain a plumbing permit for the installation of the system concurrently with the issuance of a building permit for a new home on Parcels 1 & 3.

   B. **On-site Storm Drainage System:** The applicant’s/builder’s engineer will submit a plan for drainage on the site based on low-impact development standards for storm drainage facilities to retain/detain storm water on site. The City must review and approve the drainage plan prior to the City approval of any building permit for each parcel and the drainage system shall be installed before a certificate of occupancy is approved.

   C. **Private Utilities:** Install natural gas, power and telecommunications service line extensions to each parcel.

   D. **Driveway:** Driveway turnarounds shall be provided for each parcel in compliance with the Lyons Fire District requirements for access driveways.

3. **City of Lyons Construction Permit for Work in the Public Right-of-Way:** The applicant, builder or private utilities are required to obtain a right-of-way construction permit from the City of Lyons for any construction work within the city’s right-of-way, including the driveway approach, storm drainage or private utility work. The City’s public works superintendent may require the applicant to submit engineering plans for approval by the City Engineer and a financial guarantee/performance bond assuring the improvements are constructed, inspected and approved by the City.

**V. PLANNING COMMISSION OPTIONS**

A. Approval of the Minor Partition for Thomas and Lisa Hurt, 519 Juniper Street, File No. 2019-03 and adoption of the proposed findings and the recommended conditions of approval.

B. Approval of the Minor Partition for Thomas and Lisa Hurt, 519 Juniper Street, File No. 2019-03 and adoption of amended findings and conditions of approval to reflect the Planning Commission deliberations.

C. Denial of the Minor Partition proposal, File No. 2019-03, and to direct the City Planner to modify the findings to reflect the Planning Commission’s deliberations that the proposal does not meet the applicable approval criteria.

D. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are addressed.
VI. MOTIONS

Approval: To approve the Minor Partition for Thomas and Lisa Hurt at 519 Juniper Street, adopt the findings of fact, conclusions and recommended conditions of approval for File No. 2019-03.

Approval (modified): To approve the Minor Partition for Thomas and Lisa Hurt at 519 Juniper Street, to direct the staff to modify the findings of fact and conclusions to reflect the Planning Commission’s deliberations and adopt the conditions of approval for File No. 2019-03.

Continue: To continue deliberations to the next meeting of the Planning Commission on (insert DATE and TIME) so the parties may submit additional information.

Denial: To deny the application for a Minor Partition because the applicant has not demonstrated the proposal complies with all of the Lyons Municipal Code criteria and to direct the staff to modify the findings and prepare a final order to reflect the Planning Commission’s deliberations and conclusions.

VII. FINAL ORDER AND NOTICE OF DECISION

A FINAL ORDER and a written NOTICE OF DECISION will be issued to the applicant and all participants of record within five (5) business days of the Planning Commission’s decision.

VIII. APPEAL PERIOD

Any person aggrieved by the Planning Commission decision may appeal the decision to the City Council by filing a written appeal with the City of Lyons within fourteen (14) calendar days of the date the Notice of Decision is mailed by the City.
PARTITION APPLICATION

Name of applicant: Thomas & Lisa Hurt

Applicant’s Address and phone number: 7412 Saint Charles St NE
Keizer OR 97303  Ph (503) 581-1054

Address of subject property: 7412 Juniper St

TWP: 9S  RANGE: 2E  SEC: 19CB  TAX LOT: 2102

Zoning on property: SFR  Number of parcels to be partitioned: 1

Size and dimensions of property to be partitioned:

Current uses of property to be partitioned: Vacant

Proposed uses on property: THREE LOT PARTITION - TWO 1/2 ACRES
LOTS + 1 .81 ACRE PARCELS - SEE ATTACHED MAP

Describe the vehicular access to the property: Private Drive off Juniper St

Is there currently water hook-up to the property? Yes

Has Environmental Health approved the proposed partition(s) for septic system(s)?

Yes:  No:  Pending:  Copy of approval attached:

Describe the physical features of the property (i.e. slope, drainage, etc.): LOT IS WOODED SLOPES N TOWARDS WEST TO EAST SEE ATTACHED TOPOGRAPHIC MAP

Contact Person: Norm Bickell
(503) 510-1742
nbickell0027@aol.com
Describe the physical features on the properties surrounding the land to be partitioned:

All surrounding parcels are developed with dwellings. The land is relatively flat with 10' or less of elevation change, south to north.

Provide ten copies of the tentative plat which includes the following information:

1. A map of the property from which the parcels are to be partitioned. This shall include the date, north point, scale of drawing and sufficient description to define the location, boundaries and dimensions of the parcel to be partitioned. Revisions of a tentative plat shall be submitted with a revised date and submittal number.

2. Name and address of the owner(s) of record and of the partition preparer.

3. The parcel layout, showing dimensions and size of parcels.

4. Location of existing buildings (including septic and drain fields) to remain in place, drainage ways and other features of the land which are significant to its development.

5. Identification of adjacent streets and the type and location (if any) of all accesses serving the property. Identification shall include location, widths and names of streets.

6. Identification of existing and proposed utilities to serve the property, including location, width and purpose of easements; location and size of water lines; location of fire hydrants; proposals for the handling of drainage; street lighting and location of power, cable, gas, and telephone lines.

7. Vicinity map showing the street and lot pattern in the area.

- I have read and understand Title 17 - Subdivisions, Chapter 17.10.
- I have received a copy of Chapter 17.40 explaining the partitioning process.
- I understand that it will be at least 30 days from the submission of the completed application before it will be reviewed before the Planning Commission.

SIGNATURE OF APPLICANT: ___________ DATE: 7-2-2019

PLANNING COMMISSION APPROVAL: ___________________________ DATE: ___________
NOTE: All dimensions are scaled off the proposed partitioning map and may vary with the final survey.

NOTE: All parcels are vacant and the land is largely covered with trees.

Note: Proposed Parcel #1 has an approved septic site evaluation from Linn County.

Map and application prepared by:

Norman Bickell
2232 42nd Avenue SE #771
Salem, Oregon 97317
Phone: (503) 510-1742
This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
APPLICANT STATEMENT

Thomas and Lisa Hurt own a 2.81 acre parcel of land located at 519 Juniper Street that is zoned Residential, Single Family (SFR) and was created through the review and approval of Partitioning Plat 2017-045. It is also identified as Linn County Account # 583109 and is located in Township 9S; Range 2E; Section 18CB; Tax Lot 02102. The property is currently undeveloped and is largely tree covered. Mr. and Mrs. Hurt are now proposing to divide the parcel into three lots to allow their sons to have homesites adjacent to their own home. The partition will create a .5 acre parcel, a .5 acre parcel and a 1.81 acre parcel and all will be served for access and utilities off an existing 40 foot easement that also serves the neighboring parcel to the north. Each lot will be provided with Lyons Public Water and will use individual septic systems for sewer service. The following will address the criteria for a partitioning within the SFR zone:

18.20.010(B) (1) Single family dwelling.

Response: The applicants are proposing to divide the existing parcel into three parcels and intend to development a single family dwelling on each lot. This proposal will comply with (B) (1) above.

18.20.010 (D) Lot Size. In the SFR zone, the minimum lot area shall be one-half acre for a single-family dwelling, for a manufactured home, and other uses permitted outright or conditional uses permitted, except as provided in LMC 18.030.070.

Response: The applicants are proposing to create three lots, two one-half acre lots and one 1.81 acre parcel. All of the lots will be occupied by single family dwellings and will comply with the criterion listed in (D) above.

18.30.090 Each lot shall abut upon a publicly owned street, other than an alley, for a width of at least 25 feet. In residentially designated areas, a variance to this standard may be granted where there is no feasible means of providing access on a publically owned street. If a residential vehicular access easement is approved and implemented to provide access to the property, the City of Lyons street development standards shall be utilized in the design and installation of said access easement.

Response: As noted previously in this report the subject parcel and the access easement serving both this parcel and the adjacent parcel to the north were reviewed and approved by the City of Lyons through File Number 2016-02 and subsequent filing and recording of Partitioning
Plat 2017-045. All of the standards for the private access and utility easement are in place including an emergency vehicle turn around near the northern boundary of the parcel (see attached proposed partitioning map). This easement is paved to the connection with Juniper Street and should meet the city access standards.

While the standards for a partitioning within the city of Lyons are minimal, the applicant has addressed all of those listed in Title 18 Zoning that would apply to the subject property. If there are additional questions or a need for further clarification, please call Norman Bickell at (503) 510-1742 or email nbickell0027@aol.com
Notice of Public Hearing before the Lyons Planning Commission
Wednesday, August 14, 2019 at 6:30 p.m.
City Hall, 449 5th Street, Lyons

July 24, 2019

Proposal: Minor Partition of 2.81-acre tract into 3 lots
Name of Applicant: Thomas and Lisa Hurt
Location of Request: 519 Juniper Street, Lyons, Oregon
Assessor’s Map #: T9S, R2E, Section 18CB, Tax Lot 02102

TO: Adjacent Property Owners

The City has received a land use application from Thomas and Lisa Hurt, requesting approval of a minor partition to divide a vacant 2.81-acre tract into three lots:

- Parcel 1: 0.50 acres
- Parcel 2: 1.81 acres
- Parcel 3: 0.50 acres

A copy of the proposed partition map is enclosed. Parcel #1 has an approved septic site evaluation.

A public hearing concerning the matter will be held before the Planning Commission on the 14th day of August, 2019 beginning at 6:30 p.m. at the City Hall, 449 5th Street in Lyons. The Planning Commission will make its decision based on the criteria found in the Lyons Subdivision Code, Sections 17.40 and 17.50. The Searchable City Code can be viewed under “Codes & Permits” at the City of Lyons website: www.cityoflyons.org.

The application, decision criteria and staff report will be available at City Hall seven days prior to the hearing. The Planning Commission may either approve, deny or approve the application with conditions or modifications. Any person wishing to provide testimony must address the decision criteria. Failure to raise an issue precludes appeal and failure to specify to which criterion the comment is directed precludes appeal based on that criterion. City Hall is accessible to persons with disabilities.

Please call City Hall (503.859.2167) by noon the day before the meeting if you need an interpreter for the hearing impaired or any other special accommodation or if you have any questions related to the application.

Sincerely,

MICKI VALENTINE
City Recorder