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## PLANNING DEPARTMENT STAFF REPORT AND FINDINGS

GAMBEE MINOR PARTITION – PRELIMINARY PARTITION APPROVAL (File MP 23–01)

### Application Summary:

The request is for preliminary approval for a minor partition. The applicant’s proposal calls for the division of Tax Lot 401, Assessor’s Map 16–04–06–11 into three parcels. Parcels 2 and 3 will be accessed via a panhandle located along the southern border of the tax lot.

**Applicant:** John Gambee, 93998 Prairie Road, Junction City.

**Applicant’s Representative:** Ryley McDowell, Metro Planning, 846 A St., Springfield, OR.

**Staff Contact:** Tere Andrews, Planning Technician, 1171 Elm St., Junction City OR 97448, [jcplanning@ci.junction-city.or.us](mailto:jcplanning@ci.junction-city.or.us), 541-998-3125; Gary Darnielle, Principal Attorney, Lane Council of Governments, [gdarnielle@lcog.org](mailto:gdarnielle@lcog.org), 41–228–7087.

**Subject Property/Zoning/Location:** The subject site is 1.39 acres in size and is located on the east side of Prairie Road, across from its intersection with Addison Road. The subject property has an address of 93998 Prairie Road. It is currently occupied by an existing home, an unattached garage, an indoor pool building, an accessory structure and a shed. The subject property is currently zoned R2 Duplex Residential and is designated as Medium Density Residential by the Comprehensive Plan.

**Relevant Dates:** Application submitted on January 4, 2023; submittal package deemed complete on January 31, 2023. Notice was mailed to property owners and residents within 300-feet of the subject site on February 21, 2023, and published in the Register Guard Newspaper on February 24, 2023. The application will be heard by the Junction City Planning Commission on March 21, 2023.

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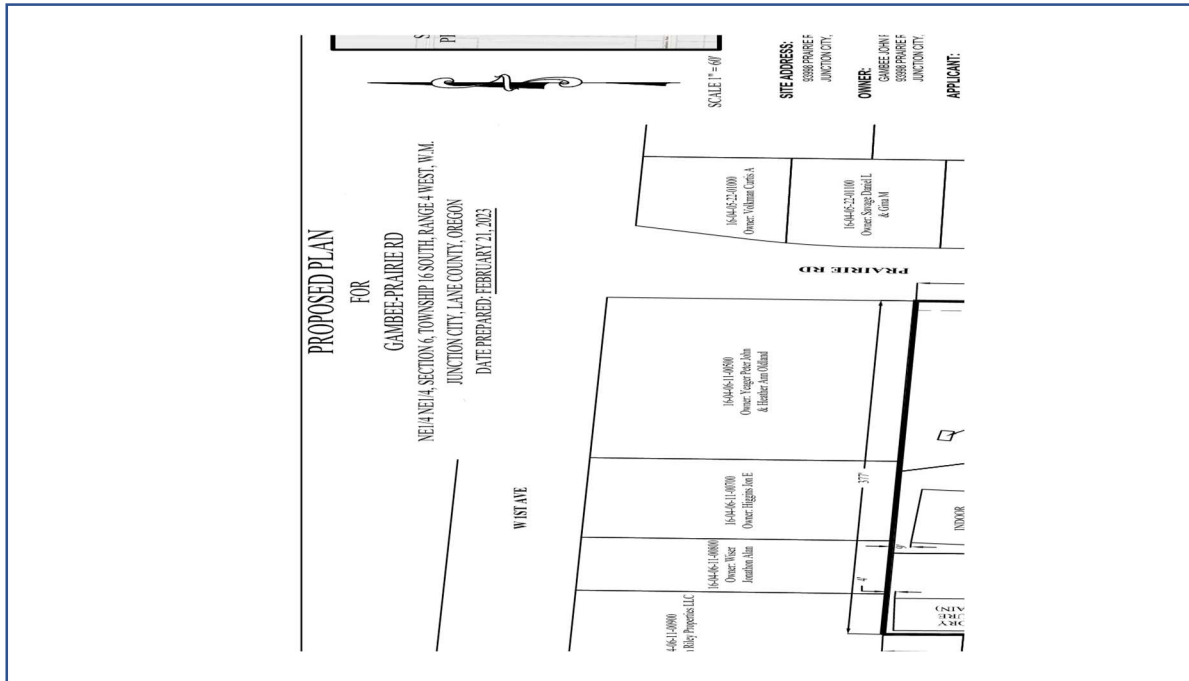
### Request

The applicant is seeking minor partition approval for the division of the subject property into three parcels: Parcel 1 at 23,480 square feet; Parcel 2 at 16,996 square feet (18,452 square feet including its panhandle); and Parcel 3 at 14,871 square feet (19,130 square feet including its panhandle).

Parcels 2 and 3 will access Prairie Road via a panhandle. The panhandle is 25’ wide over the southern border of Parcel 1. The panhandle thereafter shrinks to 16 feet in width over Parcel 2 as it is constrained by the location of the existing unattached garage. The panhandle ends with a fire turnaround located at the southern end of Parcel 3.

### Preliminary Partition Plan Map

As noted above, the applicant has proposed to divide Tax Lot 401, Assessor’s Map 16–04–06–11 into three parcels:



**Public Notice and Referrals**

Public notice of the proposed development is required under Junction City Municipal Code for Type II applications. The Planning Department mailed notice of the application on February 21, 2023 in accordance with the applicable requirements of (JCMC) 17.150.080(A)(1)(b). Referrals went out on February 17, 2023.

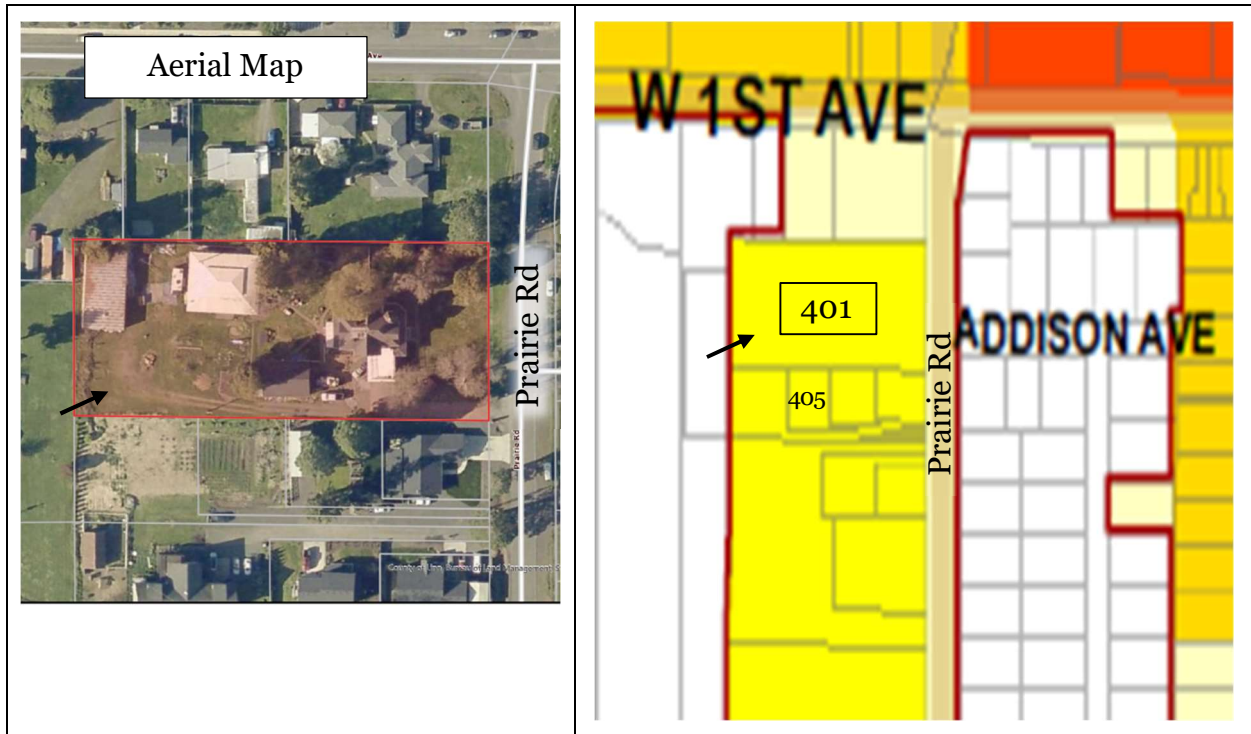
Referral comments on the application were requested from various affected service providers and City departments on February 17, 2023. Pertinent referral comments are listed below and included as attachment 1 of this report.

- **Junction City Fire & Rescue, Bob Trout**– The preliminary plan should provide the depth of the fire turnaround (on Parcel 3).
- **Lane County Transportation Engineering Services, Sasha Vartanian** – No comment at this time. Future development on the lots could trigger a TIA.
- **Junction City Public Works, Gary Kaping** – The developer will be required to hook up to sewer and water. The developer will be required to demonstrate there is sufficient capacity for both water and sewer prior to connection to water and sewer. If a water or sewer line is not of sufficient capacity to serve all three parcels, the developer will be required to increase the line size. Sewer connection will require a very deep excavation as the sewer is approximately 20 feet deep at this location. Staying on septic tanks is not acceptable. Water is located on the east side of Prairie Road.
- **EPUD, John Norrena** – The property owner is encouraged to coordinate planned work with EPUD as soon as practical as changes to the current service will be required.
- **Lane County Surveyors Office, Trevor Ross** – The final plat should show fence lines or other signs of occupation that appear to encroach or be in conflict with monumented boundaries. The boundary lines for all parcels must be monumented and surveyed. A paper review–copy must be submitted to the Lane County Surveyor’s Office, along with other

submittal and recording/filing requirements as noted in the “Plat Submittal Checklist.” The final plat must be prepared by a land surveyor registered in the State of Oregon and conform to ORS Chapters 92 and 209.250.

All referral comments received by the Planning Department on this application are included in the application file for reference. Additionally, comments are addressed in the context of applicable Development Review approval criteria and standards in the following evaluation.

**General Property Information**



The Applicant’s submitted site plan shows tax lot 401, on Assessor’s map 16-04-06-11, and surrounding tax lots. The subject property and adjacent parcels to the south are currently zoned R2 Duplex Residential by the city, properties to the north are zoned R1 Single-Family Residential, and properties east and west are outside city limits and have a Lane County zoning of RR5, Rural Residential, 5-acre minimum.

The subject property is Parcel 1 of Partition 2009–P2354. The property has a 5’ wide private utility easement running southwesterly across the property to serve tax lot 405 (2009–21033). It also has a 10’ wide sidewalk and utility easement on its eastern border (2009–020461).

**Evaluation:**

The following findings demonstrate that the proposed partition can conditionally comply with all applicable approval criteria and related standards as set forth in the Junction City Municipal Code (JCMC) if granted an exception to the panhandle width requirements of Section 16.05.050.E.6.b. Relevant application requirements and approval criteria are addressed at JCMC 17.10 Duplex Residential Zone, JCMC 10.010 Purpose, JSMC 16.030 Minor Partition procedure, and 16.05.050 Platting and mapping standards. The following evaluation includes findings of compliance with the applicable criteria and related standards as provided in the

JCMC, with conditions of approval and other requirements or informational items noted where appropriate. The approval criteria and related standards are listed below in **bold**, with findings addressing each.

## **JCMC CHAPTER 17.05 DUPLEX RESIDENTIAL ZONE (R2)**

### **JCMC 17.05.010 Uses permitted outright.**

**In an R2 zone, only the following uses and their accessory uses are permitted outright:**

#### **A. Single and two-family dwellings (duplexes).**

**Finding 1:** The applicant is proposing to divide the subject property to allow single-family or duplex residential development.

As stated in the findings above, this criterion has been met.

### **JCMC 17.05.030 Lot Size**

- A. The minimum lot area for single-family dwellings shall be 5,000 square feet.**
- B. The minimum lot area for two-family dwellings (duplexes) shall be 7,000 square feet.**
- C. The minimum lot area for multi-family dwellings shall be 7,500 square feet.**
- D. The minimum lot depth shall be 75 feet.**
- E. The minimum lot width shall be 50 feet and 35 feet for cul-de-sac lots.**

**Finding 2:** All of the proposed parcels exceed 14,000 square feet in area and can therefore accommodate single-family dwellings, duplexes or multi-family dwellings. These criteria have been met.

### **JCMC 17.05.040 Setback requirements**

**In an R2 zone, there are setback standards for front, side, and rear yards. The minimum setback standard is six feet for side yards.**

**Finding 3:** The accessory structure on Parcel 3 is only 5 feet from the western property line of the subject property. However, it is likely that this structure is grandfathered in.

Therefore, this criterion has been met.

## **JCMC CHAPTER 16.05 SUBDIVISIONS**

### **16.05.030 General Provisions**

**A. Application.** An application shall be made by the person proposing the minor partition or his authorized agent or representative on a form prescribed by the city, following procedures outlined in JCMC [17.150.070](#), and submitted to the secretary of the planning commission, together with a tracing and nine additional copies of a preliminary plan.

**Finding 4:** An application for a minor partition, accompanied by a preliminary plan, was submitted on January 4, 2023 to the secretary of the planning commission.

**B. Drafting.** The preliminary plan shall be legibly drawn to scale on sheets of tracing paper or cloth measuring eight and one-half by 11 inches. The scale will be 10, 20, 30, 40, 50 or 60 feet to the inch. The city superintendent of public works shall furnish such eight and one-half by 11 inch tracing sheets on request.

**Finding 5:** The preliminary plan was submitted electronically at a scale of 1" = 60'.

**C. Preliminary Plan Contents. The preliminary plan shall contain the following:**

**1. The dimensions and parcel lines of all parcels.**

**Finding 6:** The preliminary plan does not have the entire dimensions of the parcels. The final plat must have this information.

**2. An accurate map describing the boundaries of all contiguous land in the same ownership as the area encompassed in the preliminary plan area.**

**Finding 7:** The preliminary plan depicts the boundaries of all contiguous property although none of these properties are owned by the applicant.

**3. The date, north point and scale of the drawing, and sufficient legal description and dimensions of the land to define the boundary thereof and the assessor's account number.**

**Finding 8:** The preliminary plan has the date, north point, and scale of the drawing. The dimensions of the property are adequately identified as adjacent tax lots are identified and numbers. A legal description of the subject property is included in the title report submitted with the preliminary plan. The assessor's account number (Act 1832508) is not depicted on the preliminary plan.

**4. Name, address and telephone number of the owner, the partitioner and engineer or surveyor.**

**Finding 9:** The name and address of the owner/partitioner is present on the preliminary plan but their telephone number is not. However, the telephone number is included on the application form. The applicant's representative's name and address is listed on the preliminary plan but no surveyor or engineer is identified on the plan or in supplemental material.

**5. Location of property in relation to existing streets, name and present width of all streets and alleys, and proposed right-of-way lines for existing or projected streets as shown on the master street plan.**

**Finding 10:** The preliminary plan shows Prairie Road and its right-of-way width. Addison Avenue is shown but its width is not.

**6. The layout of the parcels proposed and the dimensions of each, with a number within each proposed parcel.**

**Finding 11:** The preliminary plan depicts the layout of the proposed parcels and their number. The complete dimension of each parcel is not included although their square footage, with and without the panhandle, is identified.

**7. The location of each building or structure above ground. Dimension distance to parcel lines being created.**

**Finding 12:** The preliminary plan shows the existing buildings on the property and their distance to the parcel lines, except for the shed and single-family residence on Parcel 1.

**8. The width and location of all easements for drainage or public utilities.**

**Finding 13:** The preliminary plan shows that the panhandles are subject to an easement, but it does not label them as being either utility or access easements. The preliminary plan does not show the 5’ wide private utility easement that traverses the subject property nor the 10’ wide sidewalk and utility easement along the eastern perimeter of the subject property.

**9. In addition, when all or a portion of the area encompassed in a minor partition application has not been previously included in a recorded plat (subdivision) of lots averaging a maximum of one-half acre each, the following information is also required:**

**Finding 14:** The subject property was created as Parcel 1 of Partition 2009–P2354 but was not previously included in a recorded subdivision plat of lots averaging a maximum of one-half acre each. Therefore, the following information is required:

**a. The affidavit of a surveyor who is an Oregon licensed land surveyor, and who prepared the preliminary plan for the area encompassed in the proposed partition.**

**Finding 15:** The application did not contain an affidavit of an Oregon licensed land surveyor who prepared the preliminary plan. Partition 2009–P2354 did have a surveyor’s certificate signed by Richard Skinner, a registered land surveyor in the State of Oregon.

**b. The names of all recorded subdivisions contiguous to the subject area.**

**Finding 16:** There are no recorded subdivisions contiguous to the subject property.

**c. The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the city engineer. The base data used shall be clearly indicated and shall be compatible to city datum if bench marks are not adjacent. The following intervals are required:**

<b>Contour Intervals</b>	<b>Ground Slope</b>
<b>One foot</b>	<b>Up to 5%</b>
<b>Two feet</b>	<b>Over 5% through 10%</b>
<b>Five feet</b>	<b>Over 10%</b>

**Finding 17:** No contour map has been submitted.

**d. The approximate width and location of all proposed or existing public utility easements.**

**Finding 18:** The width of the panhandles are identified as easements but are not specifically labeled as access or public utility easements. The 10’ sidewalk/public utility easement along the eastern perimeter of the subject property is not shown nor is the 5’ wide private utility easement that traverses the property.

**Condition of Approval #1:** The final plat must show all easements. All easements must be recorded and the public utility easements dedicated to the City prior to final plat approval.

**e. The approximate location of areas subject to inundation or stormwater overflow, all areas covered by water, and the location, width and direction of flow of all water courses.**

**Finding 19:** The subject property does not have any streams and is outside of a flood hazard area.

**f. All proposals for sewage, disposal, flood control, and easements or deeds for drainage land, including profiles of proposed drainage ways.**

**Finding 20:** The subject property does not have any drainage ways or easements for such. The panhandle will have to be underlain with a public utility easement to allow Parcels 2 and 3 to be served with sewer and water.

**g. All public areas proposed to be dedicated by the partitioner and the proposed uses thereof. In this connection, the application is subject to the requirements pertaining to reserve strips as stipulated in JCMC [16.05.050](#). Said reserve strips shall be clearly indicated on the proposed partition.**

**Finding 21:** No public areas are proposed to be dedicated by the partitioner nor are any reserve strips proposed.

**h. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.**

**Finding 22:** Public improvements will be installed at the time of development of Parcels 2 and 3.

**i. A legal description of the boundaries of the entire area owned by the partitioner of which the proposed partition is a part; provided, that where the proposed partition comprises all of such area, an affidavit of such fact shall accompany the application.**

**Finding 23:** The title report prepared by Evergreen Title Insurance Services is attached to the application provides a legal description for the subject property.

#### **D. Preliminary Plan Review**

**1. City Superintendent of Public Works Review. The superintendent of public works shall review the preliminary plan and forward any comments he may have about the plan and send the original plan and seven copies to the planning commission for action, retaining one copy for his file.**

**Finding 24:** The City Superintendent of Public Works reviewed the preliminary plan and commented that the developer would be required to hook up to City water and sewer and that this would require a very deep excavation for the sewer as it is about 20' deep at this location. Also, the sewer lateral currently on Prairie Road is a 4" line, which is not sufficient for three parcels and must be upsized. Staying on septic tanks is not an option. In this location, the water line is located on the east side of Prairie Road and the sewer line is located in the middle of that road.

#### **2. Planning Commission Review**

**a. The planning commission shall approve the plan or ask for further information from the partitioner.**

**Finding 25:** The planning commission will be reviewing the preliminary plan on March 21, 2023.

**b. Approval findings. Approval of the plan must include affirmative findings that:**

**i. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto;**

**Finding 26:** Given the current level of development on the subject property, it is unlikely that more intensive division of the property is practical. As it is, the applicant will have to get an exception to the panhandle width standards from the planning commission to gain approval for this minor partition.

**ii. The minor partition complies with Junction City policies and plans as well as the intent and purpose of JCMC [16.05.010](#);**

**Finding 27:** The Junction City Comprehensive Plan does not have any policies that are directly relevant to the proposed division. However, the partition, if approved, could result in the addition of two duplexes, which would result in a density of a little over 3 units per acre for the subject property. Housing Policy 2 calls for an overall minimum density of at least 5 dwelling units per net acre and the partition would increase the residential density of the subject property closer to this goal.

While the property is not located within the Wetland Resource Overlay District, the ESEE Consequences Analysis in the Comprehensive Plan concludes that the wetlands west of Oaklea Drive and east of Flat Creek should be subject to DSL regulation.

Section 13.20.130 of the JCMC requires all residences within 150 feet of a sanitary sewer shall connect to the city sanitary sewer system. Section 13.05.020 of the JCMC require all residences within 300 feet of a city water line shall connect to the city water system. The city water and sewer lines are located on the east side of Prairie Road from the subject property and the proposed panhandles for the new parcels will be less than these distances from the respective public services.

Section 16.05.010 of the JCMC notes that the purpose of Chapter 16 is, in part, to carry out the development pattern and plan of Junction City. In this regard, the proposed partition would result in the infill of an area in Junction City that is already developed with residential uses. Most of the adjacent lots are developed with residences and the use of panhandles for access is a development pattern that has been employed by five lots immediately to the south of the subject property. Finally, the proposed partition will create parcels similar in size to those parcels already existing on the west side of Prairie Road.

### **16.05.050 Platting and mapping standards**

#### **A. Streets**

##### **1. Dedication**

**a. Generally. The planning commission may require adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the partitioner or subdivider, of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the partition or subdivision area, in accordance with the purpose of this chapter.**

**Finding 27:** No new street is required by the proposed minor partition. The subject property is served by Prairie Road.

##### **b. Master Street Plan**



**Finding 28:** No Master Street Plan has been submitted nor is it necessary as the proposed parcels will be served by the existing transportation system.

## 2. Width

**a. Generally. Widths of street right-of-way and paving design for streets shall be not less than those set forth in the table below; except that for a street abutting land not in the partition or subdivision area a lesser width may be allowed, in the discretion of the planning commission, where the partitioner or subdivider presents a satisfactory plan whereby such street will be expanded to the width otherwise required.**

**Finding 29:** No new streets are proposed.

**b. Existing Adjacent Street. The widths of street right-of-way provided in the table below shall be the minimum widths of right-of-way for streets existing along and adjacent to any boundary of the partition or subdivision area; and the partitioner or subdivider shall dedicate additional right-of-way, as determined by the planning commission in accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in such table.**

**Finding 30:** The street adjacent to the subject property is Prairie Road. Prairie Road is classified by the Junction City Transportation System Plan as an arterial. It has a 60 foot right-of-way, which is the minimum right-of-way for an arterial listed in Table 16.05.050.

**c. Slope easements shall be dedicated in accordance with specifications adopted by the council under this section:**

**Finding 31:** No slope easements are required.

**2. Reserve Strips. The planning commission may require the partitioner or subdivider to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the council, when the planning commission determines that a strip is necessary:**

**Finding 32:** The subject property is surrounded on three sides by existing development and a reserve strip is not necessary to prevent access to abutting land at the end of a street, to prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards, to prevent access to land abutting a street of the partition or subdivision, or to prevent access to land unsuitable for building development.

## 4. Intersections of Streets.

**Finding 33:** No new street is proposed so that the property intersection of streets is not applicable.

**5. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions, in accordance with the purpose of this chapter.**

**Finding 34:** No new street is proposed so that the issue of topography is not applicable.

## 6. Future Extension of Streets.

### 7. Cul-de-sacs.

### 8. Street Names.

### 9 Grades and Curves.

## 10. Shared Access.

**Finding 35:** No new street or cul-de-sac is proposed and therefore there is no extension of an existing street, no need for a street name or shared access. Grades and curves are also inapplicable as no new street is proposed.

### B. Alleys

**Finding 36:** This criterion is inapplicable as no new alley is proposed.

### C. Blocks

**1. Block Length. Block length shall not exceed 600 feet. In residential and commercial zones, maximum block perimeter shall be 1,600 feet.**

**Finding 37:** The minor partition does not create blocks, per se, and the subject property is only 377 feet deep.

**2. Street Connectivity. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and developments greater than two acres in size shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:**

a. The proposed development shall include street connections in the direction of all existing or planned streets within one-quarter mile of the development site. The proposed development shall also include street connections to any streets that abut, are adjacent to, or terminate at the development site.

b. The proposed development shall include streets that extend to undeveloped or partially developed land that is adjacent to the development site.

c. The requirements of subsections (C)(2)(a) and (b) of this section do not apply if it is demonstrated that the connections cannot be made due to impact of natural resource areas such as wetlands, streams, or upland wildlife habitat area or where existing development on adjacent lands, including previously subdivided vacant parcels, precludes a connection now or in the future.

**Finding 38:** The parcels created by the minor partition take access off of the nearest transportation facility; Prairie Road. The subject property is otherwise bordered by existing development.

### 3. Pedestrian Ways.

**Finding 39:** No pedestrian ways are proposed.

**4. Easements for Utilities. Dedication of easements for stormwater sewers and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers and for access thereto for maintenance, and dedication of easements for other public or private utilities, may be required of the partitioner or subdivider by the planning commission along lot rear lines, lot side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this chapter. Easements for utility lines shall be not less than 14 feet in width; except that, for an easement abutting land not in the partition or subdivision area, a lesser width may be allowed, in the discretion of the planning commission, where the petitioner or**

**subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required.**

**Finding 40:** The preliminary plan shows the 10' easement along the eastern border of the subject property and labels the panhandles as an easement. However, the plan should label these easements as to their purpose. Thus, the panhandle easement is for access and utilities. As that panhandle is no less than 15 feet in width this easement satisfies this criterion. Sewer and water lines are located at the property line but do not connect to the existing residence. Currently, no easement is for city water and sewer.

**Condition of Approval #2:** Parcel 1 must be connected to City sewer and water prior to final plat approval. No occupancy permit shall be approved for development on Parcels 2 and 3 until those parcels are connected to City sewer and water.

#### **D. Perimeter Fences.**

**Finding 41:** No back yard abuts an existing or planned street and therefore no perimeter fence is required. The preliminary plan does not identify any proposed fencing.

#### **E. Lots.**

##### **1. Size and Frontage**

###### **a. General Requirements.**

**Finding 42:** The proposed parcels meet the average minimum width standard of 60 feet, the average depth of 80 feet, and the minimum lot area of the R2 Zone (5,000–7,500 square feet). The 60-foot frontage requirement is not applicable as Parcels 2 and 3 utilize panhandles for access. None of the parcels have front more than one street (reverse frontage).

###### **b. Exceptions**

**Finding 43:** No exceptions to the parcel size or frontage requirements are necessary.

##### **2. Key Parcels or Lots and Butt Parcels or Lots.**

**Finding 44:** No key or butt parcels are proposed.

**3. Parcel and Lot Side Lines.** As far as is practicable, parcel and lot side lines shall run at right angles to the street upon which the parcels or lots face, except that on curved streets they shall be radial to the curve.

**Finding 45:** The parcel side lines run at right angles to Prairie Road.

**4. Suitability for Intended Use.** All parcels and lots shall be suitable for the purpose for which they are intended to be used. No parcel or lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the partition or subdivision area or of such parcel or lot, as determined by the planning commission in accordance with the purpose of this chapter.

**Finding 46:** The proposed parcels are large enough for their intended residential use but may not be suitable for more intensive residential development due to existing development on the property.

**5. Future Partitioning or Subdivision of Parcels or Lots.** Where the partition or subdivision will result in a parcel or lot one-half acre or larger in size which, in the

judgment of the planning commission, is likely to be partitioned or subdivided in the future, the planning commission may require that the location of parcel or lot lines and other details of layout be such that future partition or subdivision may readily be made without violating the requirements of this chapter and without interfering with orderly extension of adjacent streets.

**Finding 47:** The proposed parcel sizes, excluding panhandle, vary from Parcel 3, at 14,871 square feet, to Parcel 1, at 23,480 square feet. Parcel one is about 54% of an acre but is unlikely to be further divided due to the proposed panhandles and existing home which is located near the back center of Parcel 1.

**6. Panhandle Lots. Panhandle lot configurations shall not be utilized in new subdivisions. The planning commission may authorize exceptions from frontage requirements for panhandle lots in the R1 and R2 zones only in established neighborhoods; provided, that the following standards, applicable to all panhandle lots, are met:**

**a. Minimum lot sizes for panhandle lots shall be as follows, unless JCMC Title 17 requires larger minimum lot sizes:**

**ii. All lots and parcels in an R2 zone must be at least 5,000 square feet, exclusive of the panhandle;**

**Finding 48:** The smallest parcel is over 14,000 square feet in size, excluding its panhandle.

**b. Minimum panhandle width shall be as follows, whether or not the panhandle is used for access:**

**i. One rear lot or parcel: 15 feet;**

**ii. Two or more rear lots or parcels: 25 feet;**

**Finding 49:** The applicant argues that the minimum panhandle width should be 15 feet as Parcel 3 is the only rear parcel. However, the standards state that one does not exclude a parcel from the counting of parcels just because it does not use the panhandle for access. Parcel 1 does not use the panhandle for access, as it takes access directly off of Prairie Road, but it still must be counted. Therefore, Parcels 2 and 3 are rear parcels and both must be served by panhandles with a minimum width of 25 feet. Parcel 3 is not because the panhandle on Parcel 2 is shrunk to 16 feet in width due to the existing garage. Staff has recommended that the applicant request a modification to this standard under Section 16.05.070.A.2. This issue will be addressed later in this staff report under Section 16.05.070.

**c. Minimum access paving width of the panhandle or abutting driveway used for access shall be as follows:**

**i. One or two rear lot(s) or parcel(s): 15 feet.**

**Finding 50:** The Code requires 15 feet of paving on the panhandle. This can be made a condition of approval.

**Condition of Approval #3:** The panhandle shall have 15 feet of paving with a durable, dust-free surfacing of asphalt concrete, portland cement concrete or other approved material.

**d. Driveways.**

**Finding 51:** The panhandle must be improved with a durable, dust-free surfacing of asphalt concrete, portland cement concrete or other approved material.

**e. Use of a panhandle for access shall be permitted only if creation of a public street, including a future public street, is not possible because:**

**i. Physical conditions preclude development of a public street. Such conditions may include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers or lakes, or a resource on the National Wetland Inventory or under protection by state or federal law;**

**ii. Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future, considering the potential for redevelopment in the planning period;**

**Finding 52:** The parcels to the north and south of the subject property are developed and take their access off of Prairie Road. The subject property abuts developed property owned by St. Vincent DePaul that takes access off of W. 1<sup>st</sup> Avenue, via the Tivoli mobile home park. There is no other street to connect to other than Prairie Road.

**f. A maximum of four rear lots or parcels may be assigned to a single panhandle.**

**Finding 53:** The proposed panhandle only serves two rear parcels.

**g. Vehicular access from public streets to the rear lots or parcels may be obtained one of three ways:**

**i. Via a panhandle driveway;**

**Finding 54:** The rear parcels will take access via a panhandle driveway.

**h. If an abutting property's access driveway is used:**

**Finding 55:** This criterion is inapplicable as no abutting property's access driveway is being proposed.

**i. When the panhandle is used for access and the abutting property owner requests a visual buffer at the time of land division review, that buffer shall consist of the following:**

**i. A minimum five-foot-high site-obscuring fence or wall; or**

**ii. Landscaping that will be five feet high and 75 percent site-obscuring within five years;**

**Finding 56:** Referrals were sent to the property owners of abutting parcels. No requests for buffers were received at the time of the mailing of the staff report. However, this issue is addressed in Condition of Approval #11, which requires the buffer unless adjacent property owners waive the condition.

**j. If access is provided via an existing unimproved alley, the property owner filing for the land division shall improve the alley to city standards. The alley must be able to provide automobile and emergency vehicle access to a public street;**

**Finding 57:** This criterion is inapplicable as no access is provided via an existing unimproved alley.

**k. Whether or not the panhandle is used for access, it shall remain free of structures and be available for possible future access to a public street;**

**Finding 58:** This criterion shall be made a condition of approval.

**Condition of Approval #4:** The panhandle shall remain free of structures and shall be available for possible future access to a public street.

**l. Each rear lot or parcel shall have two parking spaces and shall have sufficient turnaround area to eliminate the necessity for a vehicle to back out onto the street. The two spaces shall not be located in the panhandle portion of driveways;**

**Finding 59:** This criterion shall be made a condition of approval.

**Condition of Approval #5:** Parcels 2 and 3 shall have two parking spaces not located in the panhandle portion of the driveway and the turnaround area shall be of the dimensions shown on the preliminary plan.

**m. The building official shall not issue a certificate of occupancy until the project is completed in accordance with approval conditions, this code and JCMC Title [17](#);**

**Finding 60:** This criterion shall be made a condition of approval.

**Condition of Approval #6:** No certificate of occupancy shall be issued until the project is completed in accordance with approval conditions, and Titles 16 and 17 of the JCMC.

**n. Except as provided herein, the design and development standards of the zone district in which the panhandle lots or parcels are located shall apply.**

**Finding 61:** Any planning commission approval will be based upon this criterion.

**F. Drainage. Where land in the partition or subdivision area is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the planning commission may require the partitioner or subdivider to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefor approved by the planning commission as adequate for the drainage needs of the area; or, where necessary, in the judgment of the planning commission, for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the city.**

**Finding 62:** The subject property is not located in a flood hazard area and has no water courses, channels, streams, or creeks. There are no known drainage issues on the subject property.

### **G. Railroads.**

**Finding 63:** The subject property is not located adjacent or near to a railroad crossing or right-of-way.

### **I. Recreational Area.**

**Finding 64:** This criterion is not applicable as it only applies to subdivisions.

**J. Building Lots Filled. All building lots shall be filled in accordance with accepted engineering practice. All fill shall be placed in accordance with Chapter 70 of the Oregon Structural, Specialty and Fire and Life Safety Code.**

**Finding 65:** This criterion can be made a condition of approval.

**Condition of Approval #7:** All building lots shall be filled in accordance with accepted engineering practice. All fill shall be placed in accordance with Chapter 70 of the Oregon Structural, Specialty and Fire and Life Safety Code.

**K. Finish Floor Elevations. Finish floor elevations shall be established for all buildings on the final plat in accordance with elevations established by and for the city of Junction City.**

**Finding 66:** This criterion can be made a condition of approval.

**Condition of Approval #8:** Finish floor elevations shall be established for all buildings on the final plat in accordance with elevations established by and for the city of Junction City.

**L. Utility Access. All accesses to utilities are to be brought to finish grade.**

**Finding 67:** This criterion can be made a condition of approval.

**Condition of Approval #9:** All accesses to utilities are to be brought to finish grade.

#### **16.05.070 Modification of provisions**

An applicant is allowed to apply for a modification of the provisions of JCMC 16.05.040 through 16.05.060. In specific, the applicant wishes to modify the panhandle width standards provided by Section 16.05.050.E.6.b.ii. Section 16.05.070.A.2. allows the planning commission to approve a modification of a provision in 16.05.050 if (1) the provision would cause unique and unnecessary hardship to the partitioner; (2) that there are unusual topographic conditions or previous layout of the partition area that reasonably require the modification; and (3) the modification would not be substantially injurious to the best use and value of property in the neighboring area.

The applicant's representative submitted a letter on March 14, 2023 requesting a modification to Section 16.05.050.E.6.b.ii. The staff supports this request for the following reasons: (1) To meet the panhandle width standards of 25 feet, the garage on Parcel 2 would have to be removed. This garage is about 40' x 30' (1,200 square feet) and its demolition and replacement would be expensive and would cause a unnecessary hardship to the applicant. (2) The garage was in existence when the applicant took ownership of the subject property and before the applicant's parents previously took ownership of the subject property. (3) The proposed panhandle, which is about 16 feet in width over Parcel 2, is still significantly wider than the panhandles serving Tax Lots 406, 405 and 404, immediately to the south. Tax Lots 406 and 405 are vacant. The residence on Tax Lot 404 is about 10 feet from the property line. As a condition of approval, staff recommends that either fencing or a landscape buffer consistent with Section 16.05.050.E.6.i be placed along the southern boundary of the panhandle serving Tax Lots 405 and 404 unless the applicant has received a written waiver of this provision from the affected property owners. With the recommended condition of approval, staff believes that the proposed panhandle is consistent with the development pattern in the immediate neighborhood.

**Recommendation:**

Based upon the available information and findings set forth above, it is concluded that the proposed minor partition (MP 232-01) conditionally complies with the applicable approval criteria and related standards set forth within the Junction City Municipal Code. Approval of the Applicant's application for a minor partition is therefore granted, subject to the Conditions of Approval noted below. Additional requirements and informational items related to the subsequent building permit processes are also included below, for the Applicant's benefit.

**Planning Department Conditions of Approval:**

**Condition of Approval #1:** The final plat must show all easements. All easements must be recorded, and the public utility easements dedicated to the City prior to final plat approval.

**Condition of Approval #2:** Parcel 1 must be connected to City sewer and water prior to final plat approval. No certificate of occupancy shall be approved for development on Parcel 2 or 3 until those parcels are connected to City sewer and water.

**Condition of Approval #3:** The panhandle shall have 15 feet of paving with a durable, dust-free surfacing of asphalt concrete, Portland cement concrete or other approved material. No certificate of occupancy shall be approved for development on either Parcel 2 or 3 until the panhandle has been paved.

**Condition of Approval #4:** The panhandle shall remain free of structures and shall be available for possible future access to a public street.

**Condition of Approval #5:** Parcels 2 and 3 shall have two parking spaces not located in the panhandle portion of the driveway and the turnaround area shall be of the dimensions shown on the preliminary plan.

**Condition of Approval #6:** No certificate of occupancy shall be issued until the project is completed in accordance with approval conditions, and Titles 16 and 17 of the JCMC.

**Condition of Approval #7:** All building lots shall be filled in accordance with accepted engineering practice. All fill shall be placed in accordance with Chapter 70 of the Oregon Structural, Specialty and Fire and Life Safety Code.

**Condition of Approval #8:** Finish floor elevations shall be established for all buildings on the final plat in accordance with elevations established by and for the city of Junction City.

**Condition of Approval #9:** Prior to final plat approval, all accesses to utilities are to be brought to finish grade so that lids and risers are at finished grade.

**Condition of Approval #10:** Preliminary plan approval is subject to the provisions of Section 16.05.040.D of the JCMC and is valid for two years. Approval of the preliminary plan may be extended for an additional two years.

**Condition of Approval #11:** Prior to final plat approval, and consistent with Section 16.05.050.E.6.i of the JCMC, the applicant shall erect a sight-obscuring fence or landscaping along the southern border of the panhandle adjacent to Tax Lots 405 and 404. This condition can be eliminated if the applicant has received a written waiver of this requirement from the affected property owners.

**Condition of Approval #12:** Final plat approval is subject to the requirements of 16.05.040.F of the JCMC.



**Condition of Approval #13:** Prior to final plat approval, the applicant shall submit the final plat for review by the Planning Commission, as part of a TYPE I final plat review process, including plans that establish finished floor elevations for all buildings associated with this development, in accordance with elevations established by the City of Junction City.

*For more information on the Planning Department conditions above, contact Tere Andrews, Planning Technician at 541-998-3125, or by email at: [tandrews@ci.junction-city.or.us](mailto:tandrews@ci.junction-city.or.us)*

**Informational Items:**

1. The subject property was annexed into the city in 2006. As a condition of approval, the property owner was required to pay the base rate for city water and sewer until such time as city water and sewer services were within 300–feet and 150–feet, respectively. Water and sewer lines have been within these distances to the subject property for at least 10 years. While no connection to these services has happened, a water/sewer bill has been sent on a monthly basis to the property owner. The applicant was notified by the city on February 21, 2023 of an outstanding balance of \$5,182 on his water/sewer bill.
2. A paper review–copy must be submitted to the Lane County Surveyor’s Office, along with other submittal and recording/filing requirements as noted in the “Plat Submittal Checklist.” The final plat must be prepared by a land surveyor registered in the State of Oregon and conform to ORS Chapters 92 and 209.250. The final plat should show fence lines or other signs of occupation that appear to encroach or be in conflict with monumented boundaries. The boundary lines for all parcels must be monumented and surveyed.

**Attachments**

1. Application materials
2. Referral comments received for MP-23-01