



PLANNING DEPARTMENT STAFF REPORT AND FINDINGS

ROLLING MEADOWS MINOR PARTITION – PRELIMINARY PARTITION APPROVAL (File MP 23–17)

Application Summary:

The request is for preliminary approval for a minor partition. The applicant’s proposal calls for the division of Lot 48 of Phase 1 of the Rolling Meadows PUD. Parcels 1 and 2 will be accessed onto 9th Avenue. The PUD occupies Tax Lots 2400 and 2500, Assessor’s Map 15–04–31–00.

Applicant: Pacific National Development, Inc., P.O. Box 3550, Salem, Oregon 97302.

Applicant’s Representative: Marc Cross, Rhine–Cross Group, LLC, 112 N. 5th Street, Suite 200, Klamath Falls, OR 97601.

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

Subject Property/Zoning/Location: The subject site is 6,812 square feet in size and is located on the north side of 9th Avenue. The subject property is currently zoned R2 Duplex Residential and is designated as Medium Density Residential by the Comprehensive Plan.

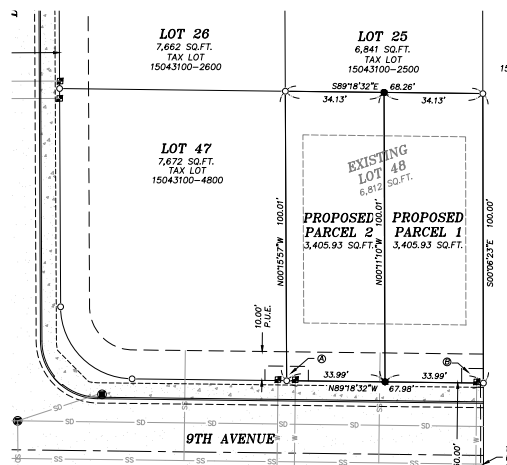
Relevant Dates: Application submitted on March 21, 2023; submittal package deemed complete on April 19, 2023. The application will be heard by the Junction City Planning Commission on June 20, 2023.

Request

The applicant is seeking minor partition approval for the division of the subject property into two parcels each 3,405 square feet in size. Both parcels have 34.13 feet of frontage on 9th Avenue and are about 100 feet deep.

Preliminary Partition Plan Map

As noted above, the applicant has proposed to divide Lot 48 of Phase I of the Rolling Meadows PUD into two parcels:



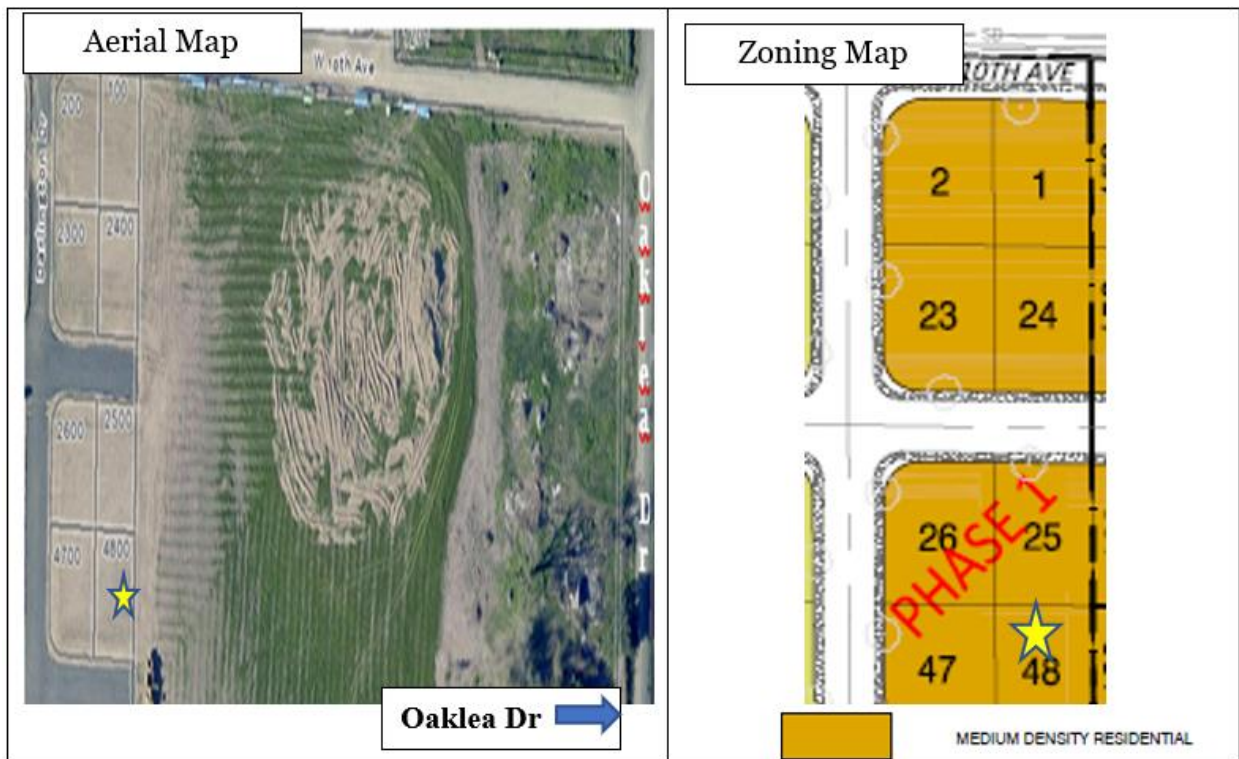
Public Notice and Referrals

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 April 25, 2023 in accordance with the applicable requirements of (JCMC) 17.150.080(A)(1)(b). Referral comments on the application were requested from various affected service providers and City departments on April 25, 2023. Pertinent referral comments are listed below and included as attachment 1 of this report.

- **Junction City Public Works, Gary Kaping** – As a condition of approval of the plat for Phase 1 of the Rolling Meadows PUD/Subdivision, the applicant was to have submitted “as built” drawings for the PUD/subdivision prior to recording. The City has yet to receive these drawings. This requirement has been added as a condition of approval that must be satisfied prior to final plat approval of the minor partition.
- **Lane County Transportation, Sasha Vartanian** – No comment.

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 preliminary partition plan shows Lot 48, Phase 1 of the Rolling Hills PUD and adjacent tax lots. The subject property and adjacent parcels are currently zoned R2 Duplex Residential by the city.

Evaluation:

The 34+ foot lot widths of the proposed minor partitions do not meet the existing minimum width standard of 50 feet of 17.15.030.E. However, the applicant has proposed a major modification to the PUD (PUD 23–24) that would reduce the minimum lot size to 3,000 square feet, increase the minimum lot depth to 90 feet, and reduce the minimum lot width to 34 feet. If this modification is not first approved by the Planning Commission then this minor partition cannot be approved.

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 17.65 PLANNED UNIT DEVELOPMENT (PUD)

JCMC 17.65.080 Changes and modifications

Finding #1: Phase 1 of the Rolling Meadows PUD was approved February 21, 2019 (PUD 19–01). The Rolling Meadows PUD Master Plan called for 1–acre of high density residential development (R3), 9–acres of medium density residential development (R2 Duplex Residential), and 38–acres of low density residential development (R1). Phase 1 included 12 lots that were zoned R2 and were intended to be occupied by duplexes. However, the applicant has decided that these lots instead would be developed with attached single–family dwellings. This decision has required a major modification to the approved Phase 1 of the PUD. The modification is being processed as PUD 23–24 and changes the minimum lot size for attached single–family dwellings, and the minimum lot width and depth. The R2 zoning district was recently amended by the City Council to allow this use.

Section 17.65.080.A of the JCMC allows minor changes to an approved PUD to be approved by city staff. This is a major change as it decreases the density and lot width for the R2–zoned properties. Staff has made an affirmative recommendation, with reservations, regarding the approval of this major modification to the Rolling Meadows PUD.

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 2: The applicant is proposing to divide the subject property to allow attached single–family 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 detached dwellings shall be 5,000 square feet.**
- B. The minimum lot area for single–family attached dwellings shall be 3,500 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 3: Section 17.05.030.B of the JCMC was changed to allow attached single-family dwellings that have a minimum lot area of 3,500 square feet and neither parcel in this minor partition complies with this standard. Also, neither parcel meets the minimum lot width of 50 feet.

The applicant has asked the Planning Commission to approve a major modification to the PUD to change the minimum lot area to 3,000 square feet, the minimum lot depth to 90 feet, and the minimum lot width to 34 feet, as the two parcels are a little less than 35 feet in average width. These criteria have been met if this major modification is granted.

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 4: In its application for a major modification, the applicant has suggested that the 15 percent density bonus also be reflected in yard setbacks. In this regard, the applicant suggests that the side yard setbacks be reduced from six feet to five feet for interior side yards and from 15 feet to 10 feet for exterior side yards. The Planning Commission's decision regarding the major modification will determine which standards will apply to R2-zoned lot in the PUD.

Therefore, this criterion has been met if the Planning Commission's determination on side yard setbacks is observed.

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 5: An application for a minor partition, accompanied by a preliminary plan, was submitted on March 21, 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 6: The preliminary plan was submitted electronically at a scale of 1" = 20'.

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

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

Finding 7: The preliminary plan has the dimensions of both 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 8: The preliminary plan depicts the boundaries of all contiguous property; with property on the east, west and south under the same ownership and 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 9: The preliminary plan has the date, north point and scale of the drawing. The demensions of the property are adequately identified as adjacent tax lots are identified and numberd. The legal description of the property is Lot 48, Rolling Meadows PUD Phase 1. Neither the preliminary partition plan nor the supplemental materials identify the assessor's account number (Act #1914516).

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

Finding 10: The name and address of the owner/partitioner is present on the preliminary plan and its telephone number. However, the telephone number is included on the application form. The applicant's representative's name and address is listed on the preliminary plan as is Marcus Cross, the applicant's surveyor.

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 11: The preliminary plan shows 9th Avenue and Darlington Avenue and their right-of-way widths of 50 feet.

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

Finding 12: The preliminary plan depicts the layout of the proposed parcels and their number. The complete dimension of each parcel is included and their square footage.

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

Finding 13: The preliminary plan shows that the lot is vacant. The preliminary plan lists the setback standards associated with the R2 Zone.

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

Finding 14: The preliminary plan shows the location of two dedicated water easements and a public utility easement. These easements were dedicated as part of the approval of Phase 1 of the Rolling Meadows Subdivision.

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.

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 15: This criterion should be interpreted to applying only to minor partition applications that include a previously recorded plat and where the lots average one-half acre each.

The subject lot is incorporated within the recorded plat of Phase 1 of the Rolling Meadows Subdivision. Lot 48 is about one–sixth of an acre in size. The lots in Phase 1 of the Rolling Meadows subdivision average substantially less than one–half acre. This criterion is therefore not applicable.

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 16: The Superintendent of Public Works reviewed the application. He pointed out that each lot will need its own sewer connection as the units cannot share a sewer lateral. Also, each unit must have its own water meter. A maintenance agreement will be required for things like the shared roof and fences.

2. Planning Commission Review

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

Finding 17: The planning commission will be reviewing the preliminary plan on June 20, 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 18: The applicant has suggested that the intent is to occupy each partition parcel with an attached single–family dwelling. Each parcel is smaller than 3,500 square feet in area. Since the R2 zoning district requires a minimum of 3,500 square feet for an attached single–family dwelling the applicant will need a major modification of the PUD to meet this criterion.

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

Finding 19: 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 attached single–family dwellings, which would result in a density of a little over 12 units per acre for the subject property. The Comprehensive Plan [pg 14] states that the medium density residential designation has a typical density of between 8 and 12 units per acre.

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.

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 20: No new street is required by the proposed minor partition. The subject property is served by 9th Avenue.

b. Master Street Plan

Finding 21: 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 22: 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 23: The street adjacent to the subject property is 9th Avenue. 9th Avenue is classified by the Junction City Transportation System Plan as an minor collector. It has a 50-foot right-of-way, which is a typical right-of-way width for a minor collector.

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

Finding 24: 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 25: 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 26: 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 27: 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 28: 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 29: 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 30: The minor partition does not create blocks and the proposed parcels are only 99.6-foot 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 31: The parcels created by the minor partition are less than two acres in size. This criterion is inapplicable.

3. Pedestrian Ways.

Finding 32: 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 33: The preliminary plan shows a 5' x 15' water easement, a 5' x 7.5' water easement and a public utility easement; all dedicated to the city.

D. Perimeter Fences.

Finding 34: 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 35: Section 16.05.050.E.1.a require a an average lot width of 60 feet, and average lot depth of 80 feet, a minimum lot size that corresponds to the base zoning district, and frontage of 60 feet on a street. The minimum lot size under 17.05.030.B is 3,500 square feet.

The proposed parcels are slightly less than 35 feet wide and have less than 60 feet of frontage on 9th Avenue. The Planning Commission will have to approve the major modification to those standards for the minor partition to be approved.

b. Exceptions

Finding 36: None of the circumstances under which an exception can be created are applicable.

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

Finding 37: 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 38: The parcel side lines run at right angles to 9th Avenue.

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 39: The proposed parcels are large enough for their intended residential use for attached single-family dwellings. However, because the lot widths are actually slightly less than 34 feet on 9th Avenue, it is recommended that the parcels share a driveway when developed.

Condition of Approval #2: Because of the narrow width of the lots, the parcels must have a shared driveway when developed.

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 40: The proposed parcel sizes are too small to be further divided.

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:

Finding 41: No panhandle is proposed.

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 42: The subject property is located in an approved PUD/subdivision. Drainage issues have been addressed in that approval process.

G. Railroads.

Finding 43: The subject property is not located adjacent or near to a railroad crossing or right-of-way.

I. Recreational Area.

Finding 44: 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 45: This criterion can be made a condition of approval.

Condition of Approval #4: 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 46: This criterion can be made a condition of approval.

Condition of Approval #5: 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 47: This criterion can be made a condition of approval.

Condition of Approval #6: All accesses to utilities are to be brought to finish grade.

16.05.070 Modification of provisions

Section 16.05.050.E.1.a of the JCMC requires an average lot width of 60 feet, an average lot depth of 80 feet, and frontage of not less than 60 feet on a street. The applicant has proposed a major modification to the PUD to allow an average lot width and frontage of 34 feet and an average depth of 90 feet.

Section 16.05.070.A.2 of the JCMC 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.

Finding 48: If the PUD is amended to reflect the proposed partition, then compliance with the 60' lot width and frontage standards of 16.05.050.E.1.a would be a hardship to the partitioner as it would not allow the lots to be used for attached single-family residential use. It would also not be consistent with the previously modified layout. Finally, the proposed modification would not be substantially injurious to the best use and value of property in the neighboring area as it would be located within an area of seven other similar minor partitions and the resulting partitions will comply with the minimum lot size allowed by the zoning ordinance.

Recommendation:

Based upon the available information and findings set forth above, it is concluded that the proposed minor partition (MP 23-17) 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 and approval by the Planning Commission of Major Modification to the Rolling Meadows (PUD 23-24). 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: Because of the narrow width of the lots, the parcels must have a shared driveway when developed.

Condition of Approval #3: 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 #4: 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 #5: 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 #6: All accesses to utilities are to be brought to finish grade.

Condition of Approval #7: 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 #8: The applicant must submit “as built” plans for Phase 1 of the Rolling Meadows PUD/Subdivision prior to final plat approval of the minor partition.

Condition of Approval #9: Final plat approval is subject to the requirements of 16.05.040.F of the JCMC.

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

Attachments

1. Referral comments received for MP-23-17