

**Planning Commission
Regular Meeting Agenda
Wednesday, October 1, 2025 at 7:00 p.m.**

**Lowell Rural Fire Protection District, Fire Station 1
389 North Pioneer Street
Lowell, OR 97452**

Members of the public are encouraged to provide comment or testimony through the following:

- Joining by phone, tablet, or personal computer. For details, click on the event at [Lowelloregon.gov](https://lowelloregon.gov)
- Submitting written comments by mail to PO Box 490, Lowell, OR 97452 or in person to Lowell City Hall located at 70 N. Pioneer St.
- By email to: admin@lowelloregon.com

Meeting Agenda

1. Call to Order/Roll Call/Pledge of Allegiance

Commissioners: Kintzley ____ George ____ Petrie ____ Trimper

2. Approval of Agenda

3. Public Comment

4. Meeting Minutes

- September 3, 2025 Planning Commission Meeting Minutes

New Business-Public Hearing

5. Land Use File #2025 02, "Whipple Estates Tentative Subdivision." – Discussion / Possible action

- a. The public hearing is now open at ____ (state time)
- b. Staff report – Associate Planner Henry Hearley, Lane Council of Governments
- c. Public comment
- d. Applicant Presentation
- e. The public hearing is now closed at ____ (state time)
- f. Planning Commission decision on Land Use File # LU 2025 02

Other Business

Adjourn

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities must be made at least 48 hours before the meeting to City Clerk Sam Dragt at 541-937-2157.

**Planning Commission
Regular Meeting Minutes
April 16, 2025**

The Lowell Planning Commission held a regular meeting on September 3, 2025. The meeting location was Lowell City Hall Community Room at 70 N. Pioneer Street, Lowell, OR 97452. Suzanne Kintzley called the meeting to order at 7:02 pm.

Planning Commissioners present:

Chair Suzanne Kintzley, Bill George, John Petrie, Rick Trimper

Planning Commission absent:

None.

Staff present:

City Administrator Max Baker

Others Present:

Mayor Maureen Weathers

Approval of Agenda: The agenda was approved without any changes.

Public Comment: None

Meeting Minutes: The minutes of the April 16, 2025 Planning Commission meeting were presented for approval. A motion was made and seconded to approve the minutes as presented.

Commissioner George moved to approve the minutes as presented, seconded by Commissioner Trimper. The motion carried unanimously.

New Business: Land Use File #2025 03, "City of Lowell Mobile Food Vendor Ordinance." – Discussion / Possible Action

The public hearing for Land Use File #2025 03, regarding the City of Lowell Mobile Food Vendor Ordinance, was opened by Commissioner Kintzley at 7:04 PM.

Max Baker, the City Administrator, presented the staff report for the proposed Mobile Food Vendor Ordinance. He explained that the ordinance aimed to adopt zoning regulations and standards for mobile food vendors within the city. A committee was formed to review existing code standards from other Lane County cities and develop draft regulations for Lowell. The committee consisted of Mayor Maureen Weathers, Planning Commissioner Bill George, and two local business owners.

Mr. Baker outlined the key points of the proposed ordinance, including permit requirements, operational requirements, location restrictions, health and safety regulations, and enforcement measures. He emphasized that the ordinance was designed to allow mobile food vending operations while ensuring compliance with city, county, and state laws to protect public health, safety, and welfare.

The staff report evaluated the applicable criteria for the Type 4 application, focusing on conformance with the Lowell Comprehensive Plan and Oregon Statewide Planning Goals. Mr. Baker stated that the proposed amendments were found to be consistent with these criteria and recommended approval.

During the presentation, several questions and concerns were raised by the commissioners:

Clarification on permit expiration: It was noted that there was a discrepancy in the ordinance regarding permit duration. Mr. Baker acknowledged this and stated that permits would be valid for 12 months, expiring on June 30th each year, regardless of when they were purchased.

Blackberry Jam event considerations: Commissioners discussed how the ordinance would interact with the annual Blackberry Jam event. Mr. Baker explained that the ordinance was separate from event-specific regulations and that vendors would need separate approval to participate in Blackberry Jam.

Location restrictions: There was a discussion about preferred locations for food trucks, with Mr. Baker noting that the turnout area near the park would not be recommended due to traffic and safety concerns. He suggested that Main Street or other designated areas would be more suitable.

Safety inspections: Mr. Baker confirmed that food trucks would be subject to inspections by Lane County, the fire marshal, and city staff to ensure compliance with health and safety regulations.

Public Comment: There were no public comments received for this item, either in writing or from attendees at the meeting.

Applicant Presentation: Mayor Maureen Weathers, speaking on behalf of the community, expressed support for the proposed ordinance. She emphasized the need for flexibility in implementing the regulations and the potential benefits for the growing population of Lowell. Mayor Weathers acknowledged that while they had missed the current season, getting the ordinance on the books would allow for future opportunities.

The public hearing was closed by Commissioner Kintzley at 7:50 PM.

Planning Commission Decision on Land Use File # LU 2025 03

After deliberation, the Planning Commission decided to recommend approval of the proposed Mobile Food Vendor Ordinance to the City Council, with one amendment to clarify permit expiration dates.

Commissioner John Petrie moved to send the proposed amendments regulating mobile food vending to the City Council as amended, with the recommendation that the Council approve and adopt the amendments, based on the findings prepared in the staff report. The motion was seconded by Commissioner George.

The motion carried unanimously.

Other Business: There was no other business discussed.

Adjourn: The meeting was adjourned at 7:52 PM.

APPROVED:

Suzanne Kintzley, Chair

ATTEST:

Max Baker, City Administrator

Lowell Planning Commission Staff Report
Assessor's Map 19-01-14-21, Tax Lot 01600
Whipple Estates Tentative Subdivision Approval
LU 2025 02
Date of Report: September 24, 2024

Referrals: Lane County Transportation Planning, Oregon Department of Transportation, Civil West Engineering, and Lowell Rural Fire Protection District.

Mailed Notice: September 11, 2025

Staff Report Date: September 24, 2025

Planning Commission
Public Hearing: October 1, 2025

BASIC DATA

Application Request: Subdivision to create 11 lots

Agent: The Favreau Group
Anthony Favreau, PE
3750 Norwich Ave
Eugene, OR 97408

Property Owner: Don Wilkinson
786 Lorane Hwy
Eugene, OR 97405

Location: 287 East 3rd Street, Lowell, OR 97452

Area: 2.12 acres

Plan Designation: Multiple-Family

Zoning: R-3 Multi-Family Residential

Proposal. A 11-lot subdivision for a vacant property located near 287 East 3rd Street in Lowell. The subject property contains one existing dwelling that will remain as is and is not part of the subdivision. The property is in the middle of an existing residential development with several homes on the western portion of the property. The subject property does not need new streets because all proposed lots will abut and have access and frontage on the surrounding street; all that will be needed is driveway cuts for access to each individual home. Sidewalk exists along the frontage of the southern portion of the property. New See Figure 1 below.



Figure 1. Subject property proposed for 11-lot subdivision.

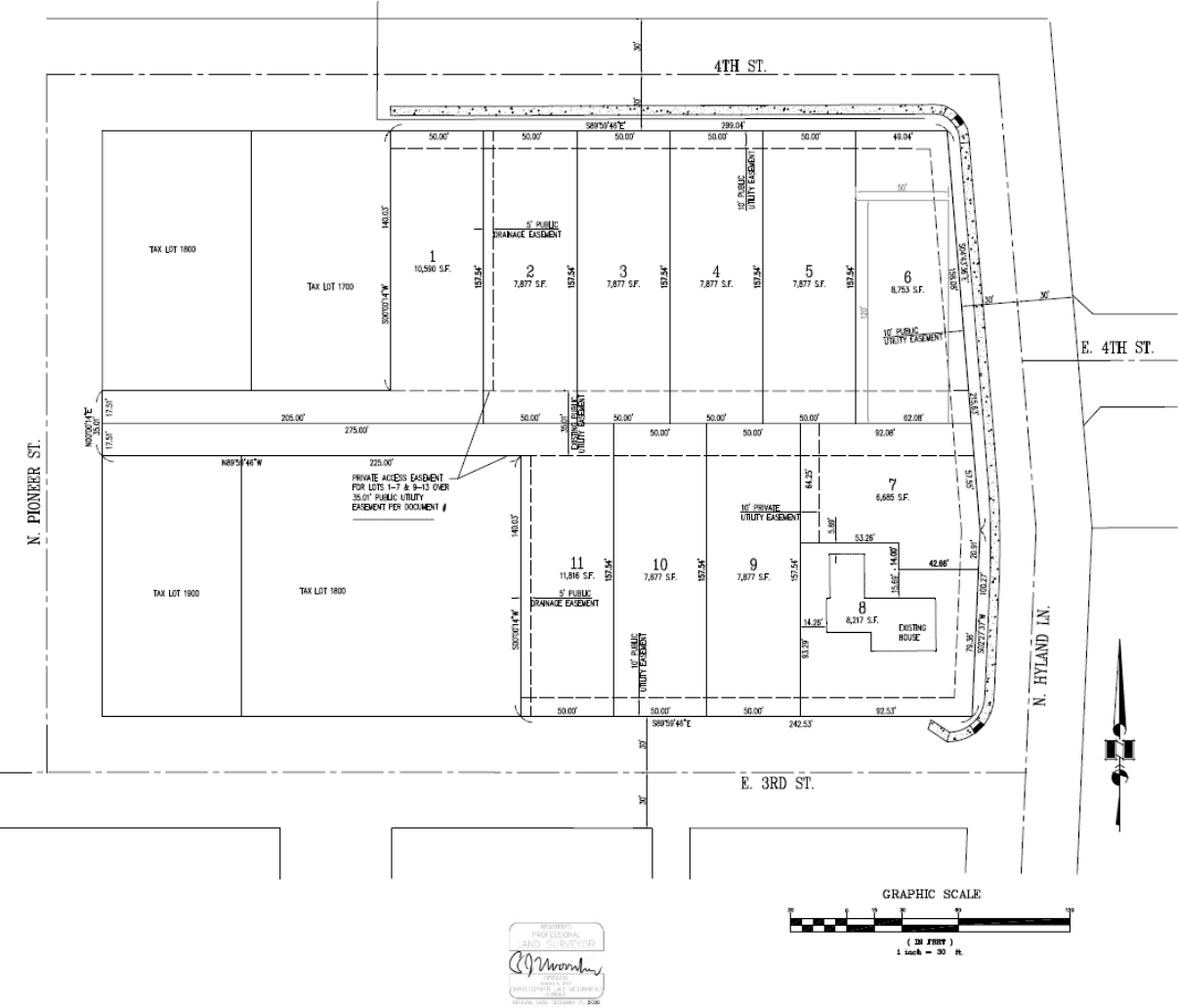
Running down the middle of the site and denoted as on Figure 1 as the outlet leading to North Pioneer Street is a 30' existing public utility easement. There is an existing 10" water line in 4th Street and Hyland Street and an existing 8" water line in 3rd Street. All proposed lots will take water service of these lines. A new fire hydrant is proposed in 4th Street.

There is an existing 8" sewage line running east-west that bisects the property. This sewage line is proposed to serve all lots. See Figure 2 below for proposed tentative subdivision layout.

Approval Criteria. Subdivision or Partition Tentative Plan. Section 9.224 Existing Conditions Information. Section 9.518 and Section 9.228 Decision Criteria. Section 9.230 Subdivision or Partition Plat. Section 9.516 Access. Section 9.517 Streets. Section 9.518 Sidewalks. Section 9.519 Bikeways. Section 9.520 Storm Drainage. Section 9.521 Water. Section 9.522 Sanitary Sewer. Section 9.523 Utilities. Section 9.524 Easements. Section

9.805 Improvements Agreement. Section 9.806 Security. Section 9.807 Noncompliance Provisions. Section 9.231 Submission Requirements. Comprehensive Plan Policies: Housing Need Policy (c) 4 & 5; Notice of decision will be sent to the applicant, and parties of record.

Figure 2. Proposed subdivision layout creating 11 new lots for residential development.



Staff review of applicable criteria for subdivision.

LDC 9.204 Application Site Plan

FINDING: The applicant has submitted the necessary information as required for an application site plan, and application narrative in order for staff to make findings on the proposal. The applicant's subdivision materials, including plans and layout, are included in this staff report as **Attachment A**. Criterion met.

LDC 9.220. Subdivision or Partition Tentative Plan

(a) The Planning Commission shall have the authority to review and approve Land Partitions and Subdivisions pursuant to a Type III process

FINDING: The requested land use action is a subdivision. In accordance with the LDC, the proposal will be reviewed by the Lowell Planning Commission at a public hearing. A duly noticed public hearing has been scheduled for October 1, 2025.

LDC 9.221. Submission Requirements

A land divider shall prepare a Tentative Plan together with improvement plans and other supplementary material as may be required to indicate the general idea and objectives of the project. The Applicant shall submit three copies of the Tentative Plan and supplementary data to the City at the time of submittal of the application. The City may require additional copies to be submitted before review or hearing.

FINDING: The applicant has submitted the necessary information as required for submission requirements, including plan, and application narrative in order for staff to make findings on the proposal. The applicant's subdivision materials, including plans and layout, are included in this staff report as **Attachment A**. Criterion met.

LDC 9.223 General Information

The following information shall be provided on all Tentative Plans:

- (a) All information required by ORS 92 for a Tentative Plan including, but not limited to, the following.*
- (b) No Tentative Plan shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land Platted is contiguous to and Platted by the same party that Platted the subdivision bearing that name or unless the party files and records the consent of the party that Platted the subdivision bearing that name. All Plats must continue the lot and block numbers of the Plat of the same name last filed.*

Subdivisions submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

- (c) Date, northpoint, scale of drawing.*
- (d) Appropriate identification clearly stating the map is a subdivision or partition Tentative Plan.*
- (e) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision.*
- (f) Names and addresses of the owner, applicant and surveyor.*
- (g) The approximate acreage of the tract being subdivided or partitioned, and the size of proposed lots or parcels.*

FINDING: The applicant has submitted the necessary information as required for tentative subdivision plat requirements, including plan, and application narrative in order for staff to make findings on the proposal. The applicant's subdivision materials, including plans and layout, are included in this staff report as **Attachment A**. The name "Whipple Estates" has been reserved at Lane County Surveyor's Office. Criterion met.

LDC Section 9.224 Existing Conditions Information

- (a) The location, widths and names of both opened and unopened streets within or adjacent to the land division, together with easements, other rights-of-ways and other important locational information such as section lines, corners, city boundary line and monuments.*
- (b) The location of all existing sewers, septic tanks and drain fields, water lines, storm drains, culverts, ditches, and utilities, together with elevation data, on the site and on adjoining property or streets, if applicable.*
- (c) The base data used to determine contours shall be clearly indicated and shall be compatible to City datum if bench marks are not adjacent. The following intervals are required:*

<i>Contour Intervals</i>	<i>Ground Slope</i>
<i>One Foot</i>	<i>Up to 10%</i>
<i>Five Foot</i>	<i>Over 10%</i>
- (d) The location of at least one bench mark control point within the tract boundaries*
- (e) The location and direction of all on-site and off-site drainage, drainage channels, water courses and the location of all areas subject to flooding.*
- (f) Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees. Lands that are wholly or partially within areas identified as wetlands shall be clearly delineated for review and permit.*

- (g) Existing uses on and adjacent to the property, including the location of all existing*

structures to remain on the property after the land division.

(h) Zoning on and adjacent to the property to be divided.

FINDING: The necessary existing conditions information is shown on the plans or identified in the narrative. The existing home located at the corner of Hyland and 3rd Street will remain as is. Existing trees on the portion of the property to be subdivided will be removed. There subject property is not known to contain wetlands or water features.

LCD 9.225 Proposed Plan Information.

(a) A vicinity map clearly showing the relationship and connections of the proposed land division to surrounding developments, streets, storm drainage, sewer, septic tank and drainfield, water and utility services.

FINDING: Sheet 2 shows the immediate vicinity within the area proposed for land division and shows surrounding streets, utility connections and other necessary information.

(b) The location, width, name and approximate grade and curve radii of proposed street. The relationship of proposed streets to existing streets and any projected future streets shown on the Master Road Plan or other transportation planning document. Streets proposed for public dedication and streets held for private use shall be clearly indicated and all reservations or restrictions relating to such private streets shall be included in the statements specified in Section 9.226.

FINDING: Sheet 2 shows the name, location and widths of existing streets. No new streets are proposed nor necessary for this land division because the subject property abuts existing street right-of-way on every side.

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

FINDING: Sheets 2 show existing and proposed easements. Running east-west through the property is a 30' wide existing access and utility easement. Proposed easements include a 10' public utility easement around the frontage of all lots, a 5' wide public drainage easement on proposed lot 2 and 11 and a 10' private utility easement on the western side of proposed lot 8. Refer to Sheet 2 for all existing and proposed easements. The existing 30' wide access and utility easement running east-west through the property will be graded and graveled for optional access to the rear of each lot. No structures or fences are allowed within this easement area.

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

FINDING: The total acreage of the subject property is 2.12 acres. The proposed subdivision is adjacent to existing subdivisions and residential uses within the immediate vicinity. The property is zoned residential and is planned for residential uses.

(e) The location and approximate location dimensions of lots or parcels and the proposed lot or parcel numbers. Where the property division results in any lots or parcels that

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

FINDING: As seen on Sheet 2, all 11 proposed lots are correctly identified and indicate the square footage of each lot. No proposed lot is larger than 2.5 times the minimum lot size nor does the proposed subdivision have large remaining tracts of land leftover after subdivision.

(f) An outline of the areas proposed for partial recording of a final plat and a time schedule for additional platting if staged recording is proposed.

FINDING: Staged platting is not proposed.

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

FINDING: Sheets 2 and 3 provide a general layout of all proposed public utilities and facilities. The applicant proposes to install curb and gutter improvements along E. 3rd Street, storm drain system upgrades, sewer laterals, water meters and laterals, a fire hydrant, rain gardens, and communication lines. The applicant plans to self-finance these improvements and begin installation in the summer of 2026.

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

FINDING: The proposed drainage system will feature a rain garden at the rear of each proposed lot. Each drainage swale will be graded to prevent cross lot drainage. See Figure 3 for detail of proposed rain garden for each lot. A drainage study has been prepared and is attached to this staff report as **Attachment B**.

depicted on The Tentative Plan for a subdivision, or.

(2) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan.

FINDING: The City Administrator has confirmed that water supply can be made available to each proposed lot. See **Attachment G**.

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

(1) Certification that a sewage disposal system will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or.

(2) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan.

FINDING: The City Administrator has confirmed that sewer service can be made available to each proposed lot. See **Attachment G**.

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

FINDING: Any CC&Rs will be identified and recorded at the time of final plat filing. It is likely that CC&Rs related to the long-term ownership and maintenance of each lot's rain garden will be recorded against each individual lot, making the individual property owners responsible for their respective rain gardens. The applicant has provided a draft Operations and Maintenance Plan that may be used for the upkeep of the rain gardens (see stormwater study). In any event, the rain gardens located on each lot and on private property shall not be the responsibility of the City of Lowell.

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

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

FINDING: No street dedication is required, as the subject property abuts existing city rights-of-way that will provide legal access. No open spaces or parks are proposed; however, an existing city park is located near the subject property. The applicant proposes to install curb and gutter improvements along E. 3rd Street, storm drain system upgrades, sewer laterals, water meters and laterals, a fire hydrant, rain gardens, and communication lines. The applicant plans to self-finance these improvements and begin installation in the summer of 2026. The City will require a performance guarantee prior to accepting the public improvements.

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

FINDING: Prior to issuance of building permits, the property owner shall submit the final plat in accordance with ORS 92.075. A final plat will be prepared with a licensed surveyor in the state of Oregon and in conformance with ORS 92 requirements.

The applicant has submitted the necessary information, as seen on the tentative map and associated Sheets and in the written narrative, for staff to determine the necessary criteria contained in LDC 9.226 are met, or can be met conditionally, where applicable. Criterion met.

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

(a) Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed land division showing the finished grade of streets and the nature and extent of street construction.

FINDING: Existing streets and center lines are shown on Sheet 2. No new streets are proposed with this subdivision.

(b) A detailed plan of the domestic water supply lines and related water service facilities.

FINDING: Sheet 3 shows proposed utility lines for each lot. Water will be provided to via an existing 10” water line in 4th Street and Hyland Street. There is also an existing 8” water line in 3rd Street. All proposed lots will take water service off of these lines.

(c) A detailed plan of the sewage disposal, storm water drainage and flood control, including profiles of drainage ways.

FINDING: Sheets 3 shows proposed utility lines for each lot. There is an existing sewer line running east-west that bisects the property. This sewer line can serve all proposed lots.

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

FINDING: The grading plan is included in Sheet 3. Drainage swales on each lot will be graded to prevent cross lot drainage.

(d) Specifications and details of all proposed improvements.

FINDING: Sheets 1-4 show all details of proposed improvements.

FINDING: All preliminary engineering plans (Sheets 1-4) have been preliminary reviewed and approved by the City Engineer. Engineering and construction level review of the final plans will commence following preliminary approval of the subdivision plat. This shall be a condition of approval.

Condition of Approval #1: All preliminary engineering plans (Sheets 1–4) have been reviewed and approved by the City Engineer. Engineering and construction-level review of the final plans shall commence following preliminary approval of the subdivision plat. Engineering and construction

plans shall be reviewed and approved prior to final plat approval is granted.

LDC 9.228 Decision Criteria. *A Partition Tentative Plan may be approved by the Planning Commission pursuant to a Type III process. Approval shall be based upon compliance with the submittal requirements specified above and the following findings.*

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

FINDING: The underlying zoning of the subject property is R-3. The minimum lot size in the R-3 zone is 6,000 square feet. As shown on Sheet 2, all 11 lots exceed 6,000 square feet. The minimum lot width and depth in the R-3 zone are 50 feet and 80 feet, respectively. As shown on Sheet 2, all 11 lots meet these minimum standards. Lot 6, a corner lot, is slightly less than 50 feet in width; however, because it is a corner lot, the average horizontal distance between the side lot lines—ordinarily measured parallel to the front lot line and Sheet 2 shows that the Lot 6 itself is large enough to accommodate a parcel that is 120'X50'—complies with the standard.

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

FINDING: There are no lots involved in the subdivision that are 2.5 times the minimum lot size. Staff find this criterion does not apply.

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

FINDING: Since the proposed subdivision is a typical infill residential development and there is no vacant surrounding land to which it could connect, there is no further development that the proposed subdivision could preclude.

(d) The proposed street plan:

(1) Is in conformance with City standards and with the Master Road Plan or other transportation planning document.

FINDING: The proposed subdivision does not require any new streets. The subject property is located on a block that abuts existing city rights-of-way that will be used for legal access for all 11 lots.

(2) Provides for adequate and safe traffic and pedestrian circulation both internally and in relation to the existing City street system.

FINDING: The proposed subdivision does not require any new streets. The subject property is

located on a block that abuts existing city rights-of-way that will be used for legal access for all 11 lots.

(3) Will not preclude the orderly extension of streets and utilities on undeveloped and underdeveloped portions of the subject property or on surrounding properties.

FINDING: The proposed subdivision does not require the construction of any new streets. The subject property is located on a block that abuts existing City rights-of-way, which will provide legal access to all 11 lots. Existing sewer and water connections in the vicinity will be utilized to provide City services to each lot. An existing 8-inch sewer line running east–west bisects the property and can serve all proposed lots. In addition, a 10-inch water line exists in 4th Street and Hyland Street, and an 8-inch water line exists in 3rd Street. Water service to the proposed lots will be taken from these existing lines. A new fire hydrant is proposed on 4th Street to serve the development.

(e) Adequate public facilities and services are available to the site, or if public services and facilities are not presently available, the applicant has demonstrated that the services and facilities will be available prior to need, by providing at least one of the following:
(1) Prior written commitment of public funds by the appropriate public agency.
(2) Prior acceptance of public funds by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.
(3) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the City.

FINDING: No street dedication is required, as the subject property abuts existing city rights-of-way that will provide legal access. No open spaces or parks are proposed; however, an existing city park is located near the subject property. The applicant proposes to install curb and gutter improvements along E. 3rd Street, storm drain system upgrades, sewer laterals, water meters and laterals, a fire hydrant, rain gardens, and communication lines. The applicant plans to self-finance these improvements and begin installation in the summer of 2026. The City will require a performance guarantee prior to accepting the public improvements.

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

FINDING: Since the proposed subdivision is a typical infill residential development and there is no vacant surrounding land to which it could connect, there is no further development that the proposed subdivision could preclude.

(g) Stormwater runoff from the proposed land division will not create significant and unreasonable negative impacts on natural drainage courses either on-site or downstream, including, but not limited to, erosion, scouring, turbidity, or transport of sediment due to increased peak flows and velocity.

FINDING: The proposed drainage system was designed to limit the proposed runoff to the predevelopment runoff. All of the proposed lots will drain to a proposed storm drainpipe in the existing public utility easement along the middle of the project and connect to the existing culvert that crosses N. Pioneer Street.

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

FINDING: The proposed subdivision will be designed in accordance with City Code, which was established to address the risks noted above. The site's steep slopes greater than 15% are located to the rear of lots and no homesite development is proposed in these areas, is not located within a floodplain, and does not include any mapped drainageways. Lowell's Hillside Development standards will be discussed later in this staff report.

LDC 9.518 Sidewalks. Public sidewalk improvements are required for all land divisions and property development in the City of Lowell. Sidewalks may be deferred by the City where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. An irrevocable Waiver of Remonstrance shall be recorded with the property to guarantee compliance with this requirement.

FINDING: The southern portion of the subject property along East 3rd Street presently contains sidewalks and will remain. Curb and gutter will be added. New sidewalk, curb and gutter will be required to be constructed along the frontage of the subject property along North Hyland and 4th Street. The applicant is not proposing to make these improvements, so a bond will be required. These improvements shall be constructed and in place at time of individual site development and before Certificates of Occupancy are provided for eventual dwellings to be sited in Whipple Estates subdivision.

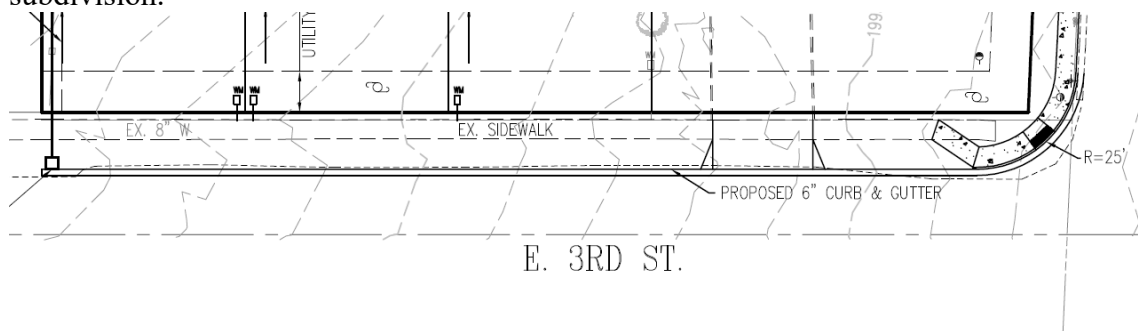


Figure 4. Southern portion of site along East 3rd Street contains existing sidewalks. Curb and gutter will be added.

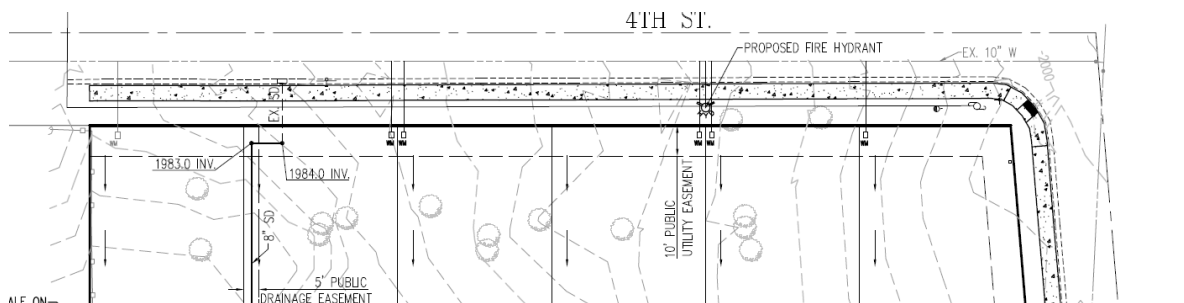


Figure 5. The frontage along 4th Street and North Hyland currently does not contain sidewalks, curb, and gutter. Sidewalks, curbs, and gutters will be required.

The portion of the east–west 30-foot access easement located within the subject property will require a waiver of remonstrance for deferred improvements until such time as the remaining frontage along North Pioneer is developed with sidewalk, curb, and gutter, or until the City obtains sufficient waivers in this area to form a Local Improvement District to improve the frontage of North Pioneer with sidewalk, curb, and gutter. The applicant’s share of the cost will be based on the property’s frontage along North Pioneer, which measures 35.01 feet. The applicant’s share of the frontage improvements shall be calculated by multiplying the total cost per linear foot of frontage improvements by 35.01 feet. For example, if the cost of frontage improvements is \$100 per linear foot, the applicant’s share would be approximately \$3,501.00. This figure is provided for reference only and is not intended to represent the actual construction cost.

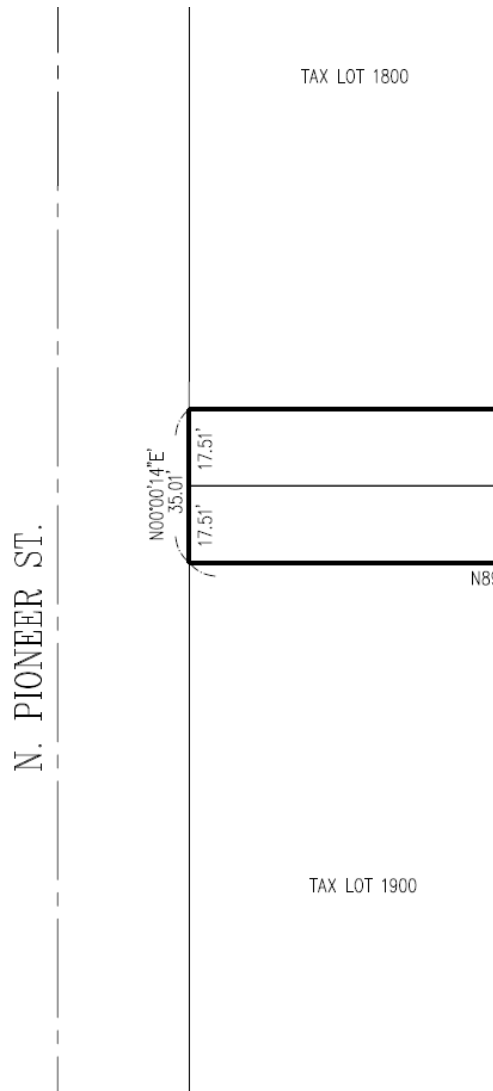


Figure 6. A waiver of remonstrance for deferred public improvements is required for the 35' of frontage along North Pioneer Street.

Condition of Approval #2: Prior to final plat approval, the applicant shall execute and record a waiver of remonstrance for deferred frontage improvements for the portion of the east–west 35.01-foot access easement located within the subject property. The waiver shall apply until such time as the remaining frontage along North Pioneer is developed with sidewalk, curb, and gutter, or until the City obtains sufficient waivers to form a Local Improvement District to improve the frontage of

North Hyland with sidewalk, curb, and gutter.

The applicant's share of the frontage improvement costs shall be based on the property's 35.01 feet of frontage along North Hyland. The total cost owed shall be calculated by multiplying the total cost per linear foot of frontage improvements by 35.01 feet. Any cost figures provided during review are for reference only and shall not be relied upon as the actual construction cost.

LDC 9.516 Access.

(a) Every property shall abut a street other than an alley for a minimum width of 16 feet, of which 12 foot must be paved, except where the City has approved an access to multiple lots sharing the same access in which case the total width must be at least 16 feet. No more than two properties may utilize the same access unless more are approved with the tentative plan.

(b) The following access alternatives to Panhandle properties may be approved by the City:

(1) Approval of a single access road easement to serve proposed parcels. The City may require a provision for conversion to a dedicated public road right-of-way at some future date, in which case the easement shall have the same width as a required right-of-way.

(2) Approval of a road right-of-way without providing the road improvements until the lots are developed. This places the burden for road improvements on the City although the City can assess all of the benefiting properties when improvements are provided in the future. As a condition of approval, the City may require an irrevocable Waiver of Remonstrance to be recorded with the property.

(3) Approval of a private road. This approach should only be used for isolated short streets serving a limited number of sites and where future City street alignments will not be needed.

FINDING: All lots have direct access to existing City rights-of-way. At the time of individual site development, each dwelling shall be provided with a driveway connecting to the public right-of-way. Each driveway shall include a minimum of 12 feet of paving. Driveway details are subject to review and approval by the Public Works Director or their designee.

LDC 9.517 Streets.

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

FINDING: No street dedication is required, as the subject property abuts existing city rights-of-way that will provide legal access.

(c) Minimum right-of-way and roadway widths. Right-of-way widths and the paved width of streets and sidewalks shall be as prescribed in the City's most current Standards for Public Improvements. Right-of-way widths may be reduced to that needed only for construction of streets and sidewalks if a minimum of a five-foot utility easement is dedicated on both sides of the right-of-way.

FINDING: No street dedication is required, as the subject property abuts existing city rights-of-way that will provide legal access. A 10' proposed public utility easement is shown on Sheet 2.

(d) Where conditions, particularly topography or the size and shape of the tract make strict adherence to the standards difficult, narrower developed streets may be approved by elimination of parking on one or both sides of the street and/or elimination of sidewalks on one side of the street.

FINDING: This standard is not applicable because there are no new streets proposed nor necessary because the subject property abuts existing, paved, city rights-of-way which all 11 lots will use for legal access.

(e) Where topographical conditions necessitate cuts or fills for proper grading of streets, additional rights-of-way or slope easements may be required.

FINDING: Cuts and fills for additional right-of-way or slope easements is not required because the subdivision does not involve the construction of any new streets.

(f) Reserve Strips: A reserve strip is a 1-foot strip of land at the end of a right-of-way extending the full width of the right-of-way used to control access to the street. Reserve strips will not be approved unless necessary for the protection of the public welfare or of substantial property rights. The control of the land comprising such strips shall be placed within the jurisdiction of the City by deed under conditions approved by the City. In addition, a barricade shall be constructed at the end of the street by the land divider which shall not be removed until authorized by the City. The cost shall be included in the street construction costs by the land divider.

FINDING: Reserve strips are not required nor necessary for the proposed subdivision. Criterion not applicable.

(g) Alignment: As far as is practicable, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 260 feet between the center lines of streets having approximately the same direction.

FINDING: There are no existing streets that stub to the site therefore street continuation does not apply.

(h) Future Extensions of Streets: Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets may be approved with a turn-around instead of a cul-de-sac. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

FINDING: This standard is not applicable because there are no new streets proposed nor necessary because the subject property abuts existing, paved, city rights-of-way which all 11 lots will use for legal access.

(i) Intersection Angles: Streets shall be laid out to intersect at angles as near to right angles as practical except where topography require a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design.

FINDING: This standard is not applicable because there are no new streets proposed nor necessary because the subject property abuts existing, paved, city rights-of-way which all 11 lots will use for legal access.

(j) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of approval of the land division or land use approval.

FINDING: No additional right-of-way is necessary. All streets surrounding the subject property are already full width as they should be.

(k) Half Street: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

FINDING: Half streets are not proposed. However, frontage improvements along the frontage of the property in the form of sidewalk, curb and gutter will be required.

(l) Cul-de-sacs: A cul-de-sac should have a maximum length of 500 feet but may be longer where unusual circumstances exist. A cul-de-sac shall terminate with a circular or hammerhead turn-around.

FINDING: Cul-de-sacs are not proposed. This criterion is not applicable.

(m) Street Name Signs: Street name signs shall be installed at all street intersections to City standards.

FINDING: This standard is not applicable because there are no new streets proposed nor necessary because the subject property abuts existing, paved, city rights-of-way which all 11 lots will use for legal access.

(n) Street Lights: Street lights shall be installed to City standards and shall be served from an underground utility.

FINDING: Street lights are already installed and exist in city rights-of-way adjacent to the subject property.

(o) Traffic Signs/Signals: Where a proposed intersection will result in the need for street signals to serve the increased traffic generated by the proposed development, they shall be provided by the developer or land divider and the costs shall be borne by the developer or land divider unless an equitable means of cost distribution is approved by the City.

FINDING: A street signal is not necessary for the proposed subdivision. Criterion not applicable.

(p) Private Streets: Private streets are permitted within Planned Developments, Manufactured Home Parks, singularly owned developments of sufficient size to warrant interior circulation on private streets or on small developments where integration into the public road system is impractical. Design standards shall be the same as those required for public streets unless approved otherwise by the City. The City shall require verification of legal requirements for the continued maintenance of private streets.

FINDING: Private streets are not part of the proposal. Criterion not applicable.

(q) Mailboxes: Provisions for mailboxes shall be provided in all residential developments where mail service is provided. Mailbox structures shall be placed as recommended by the Post Office having jurisdiction and shall be noted on the plan.

FINDING: Mailboxes shall be provided in all residential developments. Mailbox structures shall be placed as recommended by the Post Office having jurisdiction and shall be noted on the plan. This will be an informational item.

(r) Clear Vision Areas: In all districts a clear vision area shall be maintained at the corners of all property located at the intersection of two streets or a street-alley. A clear vision area shall also be maintained at all driveways intersecting a street. See Figure 9.5-2 All properties shall maintain a clear triangular area at street intersections, alley- street intersections and driveway-street intersections for safety vision purposes. The two sides of the triangular area shall be 15 feet in length along the edge of roadway at all street intersections and 10 feet in length at all alley-street intersections and driveway-street intersections. Where streets intersect at less than 30 degrees, the triangular sides shall be increased to 25 feet in length. The third side of the triangle shall be a line connecting the two exterior sides.

A clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstruction exceeding 3 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade.

FINDING: The proposed subdivision plat layout and street intersections can comply with the Clear

Vision Area standards. A clear vision area shall contain no plantings, fences, walls, structures, or temporary or permeance obstruction exceeding 3 feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade. This will be an informational item.

LDC 9.519 Bikeways. Bikeways are required along Arterial and Major Collector streets. Currently the only Bikeway requirements are those required by the County as a part of the County owned Major Collector streets within the City. Future requirements for Bikeways may be addressed at such time that a Transportation System Plan (TTSP) is completed for the City., but until specific Bikeway requirements are adopted, travel lanes of all streets that do not require Bikeways are approved for joint use with bicycles.

FINDING: Hyland Drive is a Minor Collector. This standard is not triggered because Hyland Drive is a Minor Collector and not a Major Collector.

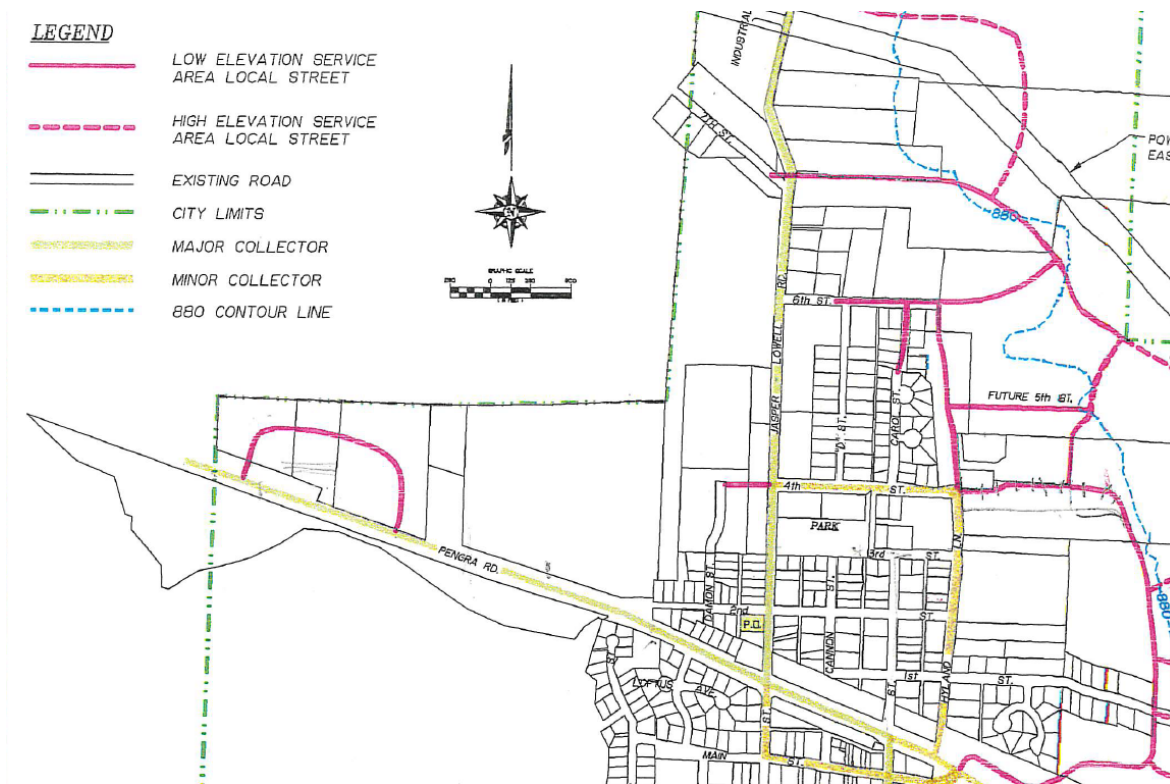


Figure 7. Lowell Master Street Plan Map showing Hyland Lane a Minor Collector

LDC 9.520 Storm Drainage. *Until completion of a Storm Drainage Master Plan for the City of Lowell, Section IV, of the Standards for Public Improvements and the following shall apply. In the event of a conflict, the following takes precedence.*

(a) General Provisions. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site and off-site drainage improvements may be required. Property owners shall provide proper drainage and shall not direct drainage across another property except as a part of

an approved drainage plan. Paving, roof drains and catch basin outflows may require detention ponds or cells and discharge permits. Maintaining proper drainage is a continuing obligation of the property owner. The City will approve a development request only where adequate provisions for storm and flood water run-off have been made as determined by the City. The storm water drainage system must be separate and independent of any sanitary sewerage system. Inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage must be shown on every development plan submitted for approval. All proposed drainage systems must be approved by the City as part of the review and approval process.

FINDING: The proposed drainage system was designed to limit the proposed runoff to the predevelopment runoff. All of the proposed lots will drain to a proposed storm drainpipe in the existing public utility easement along the middle of the project and connect to the existing culvert that crosses N. Pioneer Street. Additionally, each lot will have a rain garden at the rear of each lot. Per the applicant's narrative, the subdivider will self-finance and install the following features:

- Curb and gutter on East 3rd Street;
- Storm drain improvements;
- Sewage laterals;
- Water meters and laterals;
- Fire hydrant;
- Rain garden on each lot; and
- Telecommunications lines.

Condition of Approval #3: Prior to final plat approval, the applicant shall submit a final grading plan, with stormwater drainage details. Final grading plan and stormwater drainage details are subject to review and revision by the Public Works Director or their designee.

(b) Urban level inlets, catch basins, and drainage pipe improvements are required for all land divisions and property development in the City of Lowell. Urban storm drainage systems may be deferred by the City in lieu of a rural system of culverts and open drainageways.

FINDING: If urban level inlets, catch basins, and drainage pipe improvements are required to adequately handle stormwater drainage, those improvements shall be put in place at the developer's expense. The applicant has shown the site has adequate drainage and will utilize the City's existing stormwater drainage system to tie into. Criterion met.

(c) Natural Drainageways. Open natural drainageways of sufficient width and capacity to provide for flow and maintenance are permitted and encouraged. For the purposes of this Section, an open natural drainageway is defined as a natural path which has the specific function of transmitting natural stream water or storm water run-off from a point of higher elevation to a point of lower elevation. Significant natural drainageways shall be protected as a linear open space feature wherever possible and shall be protected from pollutants and sediments. A 15-foot setback is required from the centerline of any significant drainageway.

FINDING: No natural drainageways have been identified as being necessary or required. Criterion not applicable.

(d) Easements. Where a land division is traversed by a water course, drainageway, channel or stream, there shall be provided a public storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as the City determines will be adequate for conveyance and maintenance. Improvements to existing drainageways may be required of the property owner. The property owner is also responsible for the continuing maintenance and protection of natural drainageways.

FINDING: Easements will be required on lots in which water drains onto or across. Any easements shall be shown and recorded on the final plat. A 5' public drainage easement is proposed for Lots 2 and 11, as seen on Sheet 2. This will be an informational item.

(e) Accommodation of Upstream Drainage. A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City must review and approve the necessary size of the facility, based on sound engineering principles and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.

(f) Effect on Downstream Drainage. Where it is anticipated by the City that the additional run-off resulting from the development will overload an existing drainage facility, the City may deny approval of the development unless mitigation measures have been approved.

(g) Drainage Management Practices. Developments within the City must employ drainage management practices approved by the City. The City may limit the amount and rate of surface water run-off into receiving streams or drainage facilities by requiring the use of one or more of the following practices:

(1) Temporary ponding or detention of water to control rapid runoff.

(2) Permanent storage basins.

(3) Minimization of impervious surfaces.

(4) Emphasis on natural drainageways.

(5) Prevention of water flowing from the development in an uncontrolled fashion.

(6) Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.

(7) Runoff from impervious surfaces must be collected and transported to a natural drainage facility with sufficient capacity to accept the discharge; and

(8) Other practices and facilities designed to transport storm water and improve water quality.

FINDING: The applicant's preliminary storm drainage plan has been submitted and reviewed by the City Engineer and adequately addresses storm drainage as part of the tentative map approval process. City Engineer will review engineering and construction level-details plans as part of plan review that will occur post land use approval by the Planning Commission.

(h) NPDES Permit Required. A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb one or more acres of land.

FINDING: A NPDES Permit will be required before earth-moving work that disturbs one or more acres of land.

LDC 9.521 Water.

(a) All new development must connect to the public water system unless specifically approved otherwise as a part of a development approval for parcels exceeding 5 acres in size after division for which the public water system is located further than 300 feet from any property line. All water line extensions, required fire hydrants, and related appurtenances shall be installed and paid for by the developer unless the City has approved otherwise as a part of the tentative plan decision process.

FINDING: The applicant is proposing city water connection to all lots being proposed. The City has the ability to serve each lot with city water service. An existing 10" water line in 4th Street and Hyland Street will be used as well as an existing 8" water line in 3rd Street. All lots will take city water off one of these existing water lines.

(b) All public water system improvements shall comply with Section II of the City's Standard for Public Improvements, dated September 1994. The City may modify those requirements upon a recommendation by the City Engineer in the event of special circumstances.

FINDING: The improvements of the public water system will be installed in accordance with the City's Standard for Public Improvements. All public improvement plans, including improvement for water, will be reviewed by the City Engineer before any construction commences.

(c) Water Line Extensions. Water distribution lines must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Administrator as necessary to accommodate likely system expansion. Water line extensions may be required through the interior of properties, within dedicated public utility easements, when necessary to provide for service to other properties or to provide system looping for fire flows. All public water system line extensions shall have a minimum 6-inch diameter unless a smaller size is recommended by the City Engineer and approved by the City. The City Engineer may also require a larger size if needed to extend transmission capacity or for fire hydrant flow where looping is not available.

FINDING: Water distribution lines already exist along the frontage of the subject property in city rights-of-way on all three sides abutting the subject property.

(d) Water Plan Approval. All proposed plans for extension and installation of the public water system must be approved by the City as part of the tentative plan review and approval process.

FINDING: The applicant's civil engineer has submitted a tentative utility plan for review by the City Engineer. The utility plan has been preliminary reviewed by the City Engineer. No concerns were noted, but a final, more detailed utility plan will be required prior to the commencement of construction activities. It is feasible for the applicant to meet the water requirements of the City. This will be a condition of approval.

Condition of Approval #4: All proposed plans for extension and installation of the public water system must be approved by the City, prior to final plat approval.

(e) Restriction of Development. The Planning Commission or City Council may limit or deny development approvals where a deficiency exists in the water system or portion thereof which will not be corrected as a part of the proposed development improvements.

FINDING: No restriction of development is necessary by the Planning Commission or City Council. The City's water system has the capacity and ability to serve all proposed lots.

LDC 9.522 Sewer.

(a) All new development must extend and connect to the public sewer system unless specifically approved otherwise as a part of a development approval for parcels exceeding 5 acres in size after division for which the public sewer system is located further than 300 feet from any property line. All sewer line extensions, manholes, required lift stations and related appurtenances shall be installed and paid for by the developer unless the City has approved otherwise as a part of the tentative plan decision process.

FINDING: The applicant is proposing city sewer connection to all lots being proposed. The City has the ability to serve each lot with city sewer service. An existing 8" sewer line runs through the subject property east-west and can be utilized for each lot.

(b) All public sewer system improvements shall comply with Section III of the City's Standards for Public Improvements, dated September 1994. The City may modify those requirements upon a recommendation by the City Engineer in the event of special circumstances.

FINDING: The public sewer system improvements will be installed in accordance with the City's Standard for Public Improvements. All public improvement plans, including improvement for sewer, will be reviewed by the City Engineer before any construction commences.

(c) Sewer Line Extensions. Sewer collection lines must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Administrator as necessary to accommodate likely system expansion.

(d) Sewer Plan Approval. All proposed sewer plans and systems must be approved by the City as part of the tentative plan review and approval process.

(e) restriction of Development. The City may limit or deny development approvals where a deficiency exists in the sewer system or portion thereof which will not be corrected as a part of the development improvements.

FINDING: Sewer connection line runs down the middle of the entire property within the 35' easement. Sewer connections in this area drain to this ditch area; sewer connections along the frontage of the properties in this area is not needed because of this.

LDC 9.523 Utilities.

(a) It is the policy of the City to place all utilities underground except as otherwise exempted below. Developers shall make all necessary arrangements with serving utility companies for installation of such utilities.

(b) Exceptions. The City may permit overhead utilities as a condition of approval where the Applicant can demonstrate one of the following conditions:

(1) Underground utility locations are not feasible.

(2) Temporary installations.

(3) Major transmission facilities located within rights-of-way or easement

(4) Surface mounted structures, substations or facilities requiring above ground locations by the serving utility.

FINDING: All utilities must be placed underground. The applicant's civil engineer has submitted a preliminary utility plan for review and approval. The utility plan has been preliminary approved by the City Engineer. The preliminary utility plan is sufficient for tentative subdivision approval. A final and more detailed utility plan will be required before the commencement of construction activities. The City Engineer will review the final utility plan before construction commences. Additionally, the City requires a special condition related to new development underground.

- Per Ordinance No. 303, In cases of new construction or property development where utilities are to be placed underground, the Grantor agrees to require as a condition of

issuing a permit for open trenching to any developer or property owner that such developer or property owner give Grantee at least thirty (30) days prior written notice of such construction or development, and of the particular dates on which open trenching will be available for Grantee's installation of conduit, pedestals and/or vaults, and laterals to be provided at Grantee's expense. Grantee shall also provide specifications as needed for trenching. Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if Grantee fails to install its conduit, pedestals and/or vaults, and laterals within five (5) working days of the date the trenches are available, as designated in the written notice given by the developer or property owner, then should the trenches be closed after the five day period, the cost of new trenching is to be borne by Grantee.

Condition of Approval #5: Prior to final plat approval, a final utility plan shall be submitted by the applicant for review by the Public Works Director or their designee. Final plan is subject to comment and revision.

LDC 9.524 Easements.

(a) Easements granting limited use of property for any defined purpose may be approved for any lot or parcel.

(b) Access easements may be approved by the City as provided in Section 9.516. The Planning Commission or City Council may require wider access easements if special circumstances exist.

(c) Utility easements shall be provided for sewers, water mains and public or private utilities necessary to provide full service to all developments. Land dividers shall show on the Tentative Plan and on the final Plat all easements and shall provide all dedications, covenants, conditions or restrictions with the Supplemental Data submitted for review. Minimum interior utility easements shall be 10 feet wide centered on lot or parcel lines where feasible. A wider easement may be required if multiple utilities will be utilizing the same easement or if topography dictates otherwise. An exterior utility easement adjacent to the public right-of-way will be required if at least five feet of unimproved public right-of-way is not available.

(d) Water Courses. If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way containing the top of bank, vegetative fringe, and such further width as will be adequate for protection and maintenance purposes. Culverts or other drainage facilities shall be sized to accommodate storm and flood run-off from the entire upstream drainage area at full build out and shall be verified and approved by the City.

FINDING: Easements for any use shall be described and included on the final plat. Easements shall be properly recorded at Lane County Deeds and Records in accordance with ORS 92.

LDC 9.236 Dedication Requirements

(a) All lots or parcels of land shown on the final Plat intended for public use shall be offered for dedication to the City at the time the Plat is filed. Exception: Those lots or parcels, or common linear open spaces which are intended for the exclusive use of the owners, their licensees, visitors, tenants or employees; and also excepted are those parcels of land reserved for public acquisition.

(b) All streets, pedestrian ways, drainage channels, open spaces, easements and other rights- of-way shown on the final Plat intended for public use shall be offered for dedication for public use at the time the final Plat is filed.

(c) All rights of access to and from streets, lots and parcels of land shown on the final Plat intended to be surrendered shall be offered for dedication at the time the final Plat is filed.

(d) The land divider shall provide and designate one-foot reserve strips across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land. The reserve strip shall be included in the dedication granting to the City the right to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way.

FINDING: The proposal is consistent with these criteria with the condition of approval the applicant shall submit a final plat in consistent with the dedication requirements as indicated in LDC 9.236. Dedication requirements will be required as part of final plat approval, and prior to final plat approval.

Condition of Approval #6: Prior to final plat approval, dedication requirements as contained in LDC 9.236 (Dedication Requirements) shall be met by the applicant.

LDC 9.805 Improvement Agreement.

Before City final approval of a development, site plan or land division, the developer or land divider shall file with the City an agreement between developer or land divider and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the developer or land divider. The agreement shall also provide for reimbursement of the City's cost of inspection in accordance with Section 9.801 (f).

FINDING: Prior to final plat approval, the applicant and or developer shall enter into an agreement, with the City of Lowell, consistent with the specifications of LDC 9.805, Improvement Agreement. Criterion met as conditioned.

Condition of Approval #7: Prior to final plat approval, the applicant and/or developer shall enter into an Improvement Agreement, with the City of Lowell, consistent with the specification of LDC 9.805.

LDC 9.806 Security.

(a) The developer or land divider shall file with the agreement, to assure full and faithful performance thereof, one of the following:

(1) A surety or performance bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney; or

(2) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement to the satisfaction of the City Council: or

(3) A cash or negotiable security deposit.

(b) Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspections and other costs.

(c) Prior to acceptance of required public improvements, the developer or land divider shall file one of the above listed assurances with the City, in an amount equal to 20% of actual construction costs, as a warranty towards defects in materials and workmanship identified for a period of no less than one year after City acceptance of the public improvements. The City may agree to a longer warranty period in lieu of the above required assurances.

FINDING: Securities in the form of a surety or performance bond, or a personal bond co-signed by at least one additional person together with evidence of financial responsibility or a cash or negotiable security deposit shall be required of the applicant / developer to ensure public improvements are performing adequately for a period of not less than one year after city acceptance. This will be a condition of approval.

Securities in the form(s) listed above in LDC 9.806 shall be required to assure performance of public improvements installed by the applicant. Prior to final plat approval, the applicant shall provide the City Administrator evidence showing that the requirements as listed in LDC 9.806 are satisfied and an agreement has been reached between the applicant and the City. Criterion met as conditioned.

Condition of Approval #8: Prior to final plat approval, the applicant shall provide the City Administrator evidence showing that the requirements as listed in LDC 9.806 are satisfied and a security agreement has been reached between the applicant and the City.

LDC 9.807 Noncompliance Provisions.

(a) If the developer or land divider fails to carry out provisions of the agreement, the City shall provide written notice to the developer or land divider and the surety specifying the details of noncompliance. Unless the City allows more time for compliance because of circumstances beyond the developer or land divider's control, within 30 days after receiving the notice, the developer or land divider or the surety shall commence compliance and

proceed diligently to comply with the agreement.

(b) If the developer or land divider or the surety does not begin compliance within the 30 days or the additional time allowed by the City, or compliance is not completed within the time specified in granting the land division approval, the City may take the following action:

(1) Notify the developer or land divider and the surety of the developer or land divider's failure to perform as required by this Code and the agreement.

(2) Demand payment from the developer or land divider or the developer or land divider's surety for the unfulfilled obligation.

(3) Enter upon the site and carry out the obligation in accordance with the provisions of the approval and agreement.

(4) If the security for the obligation is a performance bond, notify the surety that reimbursement for City expenses for fulfillment of the obligation is due and payable to the City. If the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup City expenses.

(5) Void all approvals granted in reliance on the agreement.

(c) If the bond or other required security is not sufficient to compensate the City for expenses incurred to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City upon the entire contiguous real property of the owner of the land subject to the obligation.

(d) The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the developer or land divider's failure to fulfill the required obligation.

(e) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

(f) The remedies set forth for non-compliance are cumulative. In addition to the remedies set forth above, non-compliance by the developer or his surety with any term of a performance guarantee shall entitle the City to pursue any civil remedy permitted by law.

FINDING: In the event the developer or land divider cannot fulfill its obligation, as provided for in LDC 9.807, the City has the authority to commence the securities provision of LDC 9.806 or enter upon the site and carry out the obligation in accordance with provision of the approval and agreement. In such events, the City will work closely with the City Attorney to initiate proceedings, If necessary. Criterion met as discussed.

LDC 9.231 Submission Requirements. Within 18 months after approval of the Tentative Plan, the land divider shall cause the land division to be surveyed and a Plat prepared and submitted to the City for approval. This time period may be extended for up to one year upon the approval of the Deciding Authority. The Plat shall be in conformance with the approved tentative Plan. All public improvements required by the tentative plan approval must be completed and accepted prior to the City's approval of the Plat, unless the applicant provides security to assure public improvements will be completed. If the land divider fails to submit the Plat for approval within 18 months or as extended, he must reapply for approval and resubmit the Tentative Plan with any revision necessary to comply with changed conditions.

FINDING: Within 18 months after approval of the Tentative Plan, the land divider shall cause the land division to be surveyed, and a plat prepared and submitted to the City for approval. This time period may be extended for up to one (1) year upon the approval of the Deciding Authority, in the case of a subdivision, the Deciding Authority shall be City Council.

All public improvements required by the tentative plan approval must be completed and accepted prior to the City's approval of the final plat. If the land divider fails to submit the final plat for approval within 18 months or as extended, they must reapply for approval and resubmit the tentative plan with any revision necessary to comply with and changed conditions. The tentative plat approval will expire 18 months after final City tentative approval or as extended, by the Deciding Authority. Criterion met as discussed.

Consistency with applicable Comprehensive Plan policies.

Housing Need Policy (c) 4. The City shall insure that residential development is supported by the timely and efficient extension of public facilities and services.

FINDING: The proposed subdivision will not preclude the orderly extension of streets and utilities on undeveloped and underdeveloped portions of the subject property or on surrounding properties. The subject property will be fully built-out in one phase. The proposed subdivision is supported by the timely and efficient extension of public facilities and services. There will be no remaining undeveloped portions of the subject property. The area surrounding the subject property is already fully developed with residential uses. The proposed subdivision is in-filling a development on vacant residential portion of land in Lowell.

Housing Need Policy (c) 5. The City shall continue to support increased residential development while also encouraging businesses and commercial activities that support residential community needs.

FINDING: The City is continuing to support residential growth because the addition of a 11-lot single family residential home development has the ability to attract more people that wish to live and work in Lowell, thereby spurring the chance for increased business and commercial activity. The proposal is consistent with Housing Need Policy (c) 5.

Planning Commission Options for a Decision

The Planning Commission may accept staff's recommendation for approval and the findings supporting approval, as outlined in this staff report; or

The Planning Commission may reject staff's recommendation for approval and the findings contained in this staff report, and instead reach its own conclusion and make findings supporting that decision; or

The Planning Commission may continue the hearing to a date certain in order to receive additional testimony and evidence before rendering a decision on the subdivision.

It is staff's recommendation that the Planning Commission grant preliminary subdivision plat approval subject to the findings and conditions outlined in this staff report.

Conditions of Approval

Staff have included a running list of all condition approval applicable to this proposal:

Condition of Approval #1: All preliminary engineering plans (Sheets 1–4) have been reviewed and approved by the City Engineer. Engineering and construction-level review of the final plans shall commence following preliminary approval of the subdivision plat. Engineering and construction plans shall be reviewed and approved prior to final plat approval is granted.

Condition of Approval #2: Prior to final plat approval, the applicant shall execute and record a waiver of remonstrance for deferred frontage improvements for the portion of the east–west 35.01-foot access easement located within the subject property. The waiver shall apply until such time as the remaining frontage along North Pioneer is developed with sidewalk, curb, and gutter, or until the City obtains sufficient waivers to form a Local Improvement District to improve the frontage of North Hyland with sidewalk, curb, and gutter.

The applicant's share of the frontage improvement costs shall be based on the property's 35.01 feet of frontage along North Hyland. The total cost owed shall be calculated by multiplying the total cost per linear foot of frontage improvements by 35.01 feet. Any cost figures provided during review are for reference only and shall not be relied upon as the actual construction cost.

Condition of Approval #3: Prior to final plat approval, the applicant shall submit a final grading plan, with stormwater drainage details. Final grading plan and stormwater drainage details are subject to review and revision by the Public Works Director or their designee.

Condition of Approval #4: All proposed plans for extension and installation of the public water system must be approved by the City, prior to final plat approval.

Condition of Approval #5: Prior to final plat approval, a final utility plan shall be submitted by the applicant for review by the Public Works Director or their designee. Final plan is subject to comment and revision.

Condition of Approval #6: Prior to final plat approval, dedication requirements as contained in

LDC 9.236 (Dedication Requirements) shall be met by the applicant.

Condition of Approval #7: Prior to final plat approval, the applicant and/or developer shall enter into an Improvement Agreement, with the City of Lowell, consistent with the specification of LDC 9.805.

Condition of Approval #8: Prior to final plat approval, the applicant shall provide the City Administrator evidence showing that the requirements as listed in LDC 9.806 are satisfied and a security agreement has been reached between the applicant and the City.

Informational items

Informational #1: Easements will be required on lots in which water drains onto or across. Any easements shall be shown and recorded on the final plat. A 5' public drainage easement is proposed for Lots 2 and 11, as seen on Sheet 2.

Informational #2: A clear vision area shall contain no plantings, fences, walls, structures, or temporary or permeance obstruction exceeding 3 feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of 8 feet above grade.

Informational #3: Mailboxes shall be provided in all residential developments. Mailbox structures shall be placed as recommended by the Post Office having jurisdiction and shall be noted on the plan.

Informational #4: Per Ordinance No. 303, In cases of new construction or property development where utilities are to be placed underground, the Grantor agrees to require as a condition of issuing a permit for open trenching to any developer or property owner that such developer or property owner give Grantee at least thirty (30) days prior written notice of such construction or development, and of the particular dates on which open trenching will be available for Grantee's installation of conduit, pedestals and/or vaults, and laterals to be provided at Grantee's expense. Grantee shall also provide specifications as needed for trenching. Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if Grantee fails to install its conduit, pedestals and/or vaults, and laterals within five (5) working days of the date the trenches are available, as designated in the written notice given by the developer or property owner, then should the trenches be closed after the five day period, the cost of new trenching is to be borne by Grantee.

Informational #5: A public works permit is required to conduct work within City right-of-way. Contact Public Works Director for more information.

Attachments

A – Sheets 1 – 4, dated September 23, 2025

B – Stormwater Plan

C – Applicant's Written Narrative

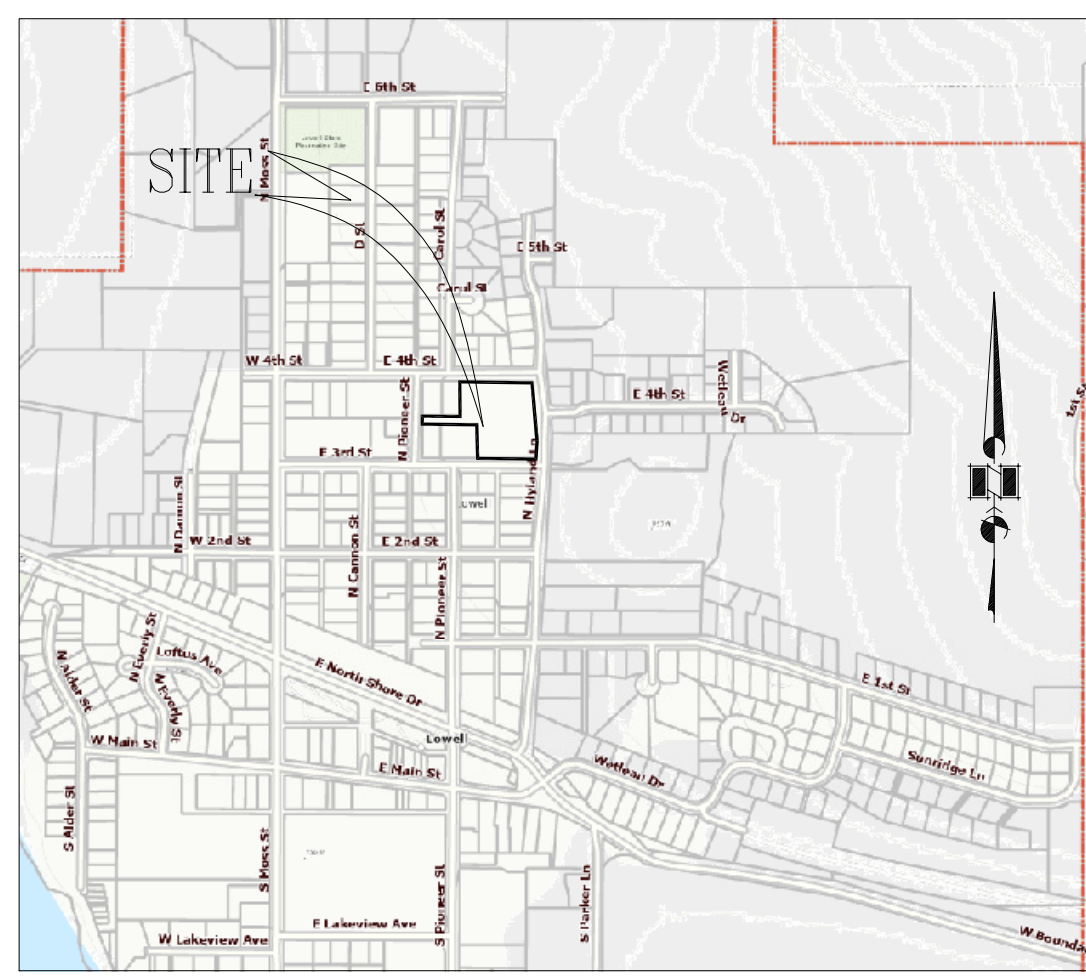
D – Notice

E – Relevant Referral Comments

F – Draft Operation and Maintenance Form for Rain Garden

G – Water and Sewer Certification Letter

Attachment A



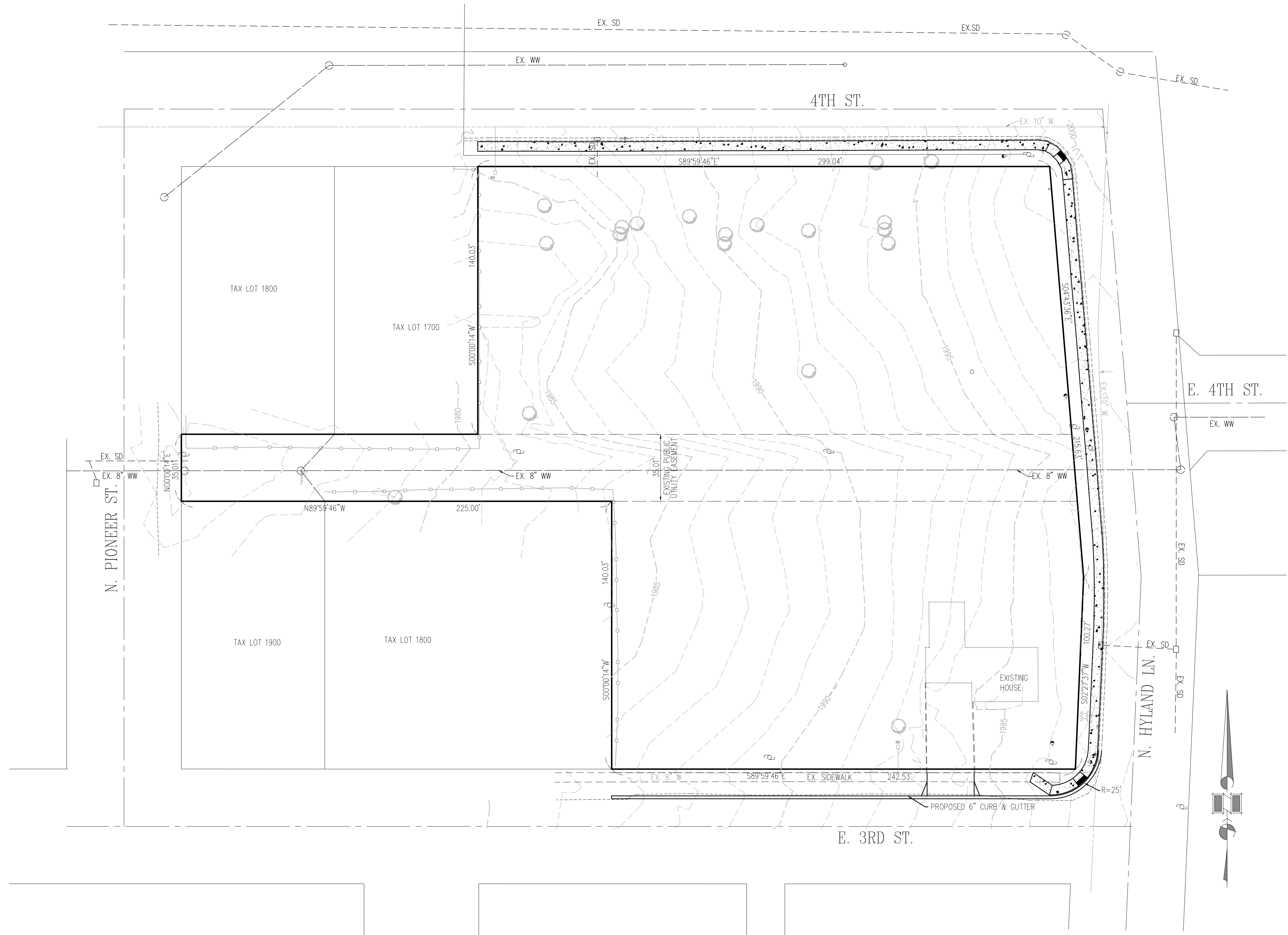
VICINITY MAP
NO SCALE

LEGEND

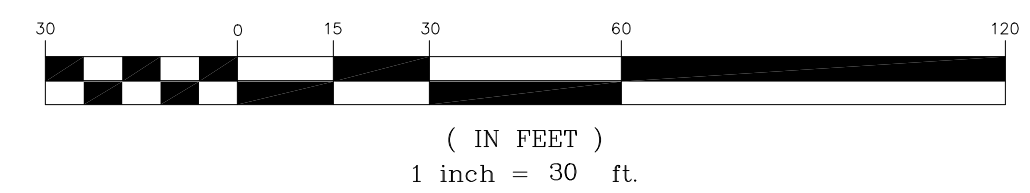
	EX. 18" SD	EXISTING STORM DRAIN AND SIZE
	EX. 8" W	EXISTING WATER AND SIZE
	EX. 8" WW	EXISTING WASTEWATER AND SIZE
	12" SD	PROPOSED STORM DRAIN AND SIZE
	8" W	PROPOSED WATER AND SIZE
	8" WW	PROPOSED WASTEWATER AND SIZE
		EXISTING WOOD FENCE
		PROPOSED STORM DRAIN MANHOLE
		PROPOSED WATER METER
		EXISTING WATER METER
		EXISTING POWER POLE
		EXISTING GUY WIRE
		EXISTING STREET NAME SIGN
		EXISTING WASTEWATER MANHOLE
		EXISTING FIRE HYDRANT
		EXISTING INLET
		EXISTING TREE
	WW	WASTEWATER
	SD	STORM DRAIN
	INV.	INVERT

SOILS

52D -HAZELAIR SILTY CLAY LOAM
SOIL GROUP D



GRAPHIC SCALE



SITE ASSESSMENT MAP FOR WHIPPLE ESTATES

DATE _____
TAX MAP 19-01-14-21
TAX LOT 1600

APPROVED:

Sep 23, 2025 – 4:52pm

[illegible][illegible]

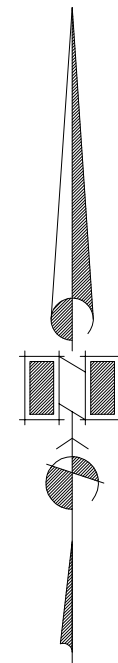
3750 NORWICH AVE.
EUGENE, OR 97408 (541) 683-7048



EXPIRES DEC. 31, 2025

SHEET 1 OF 4

N. PIONEER ST.



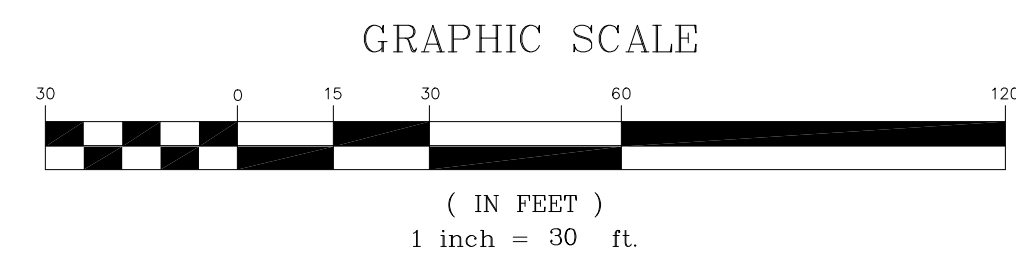
REGISTERED PROFESSIONAL
ENGINEER
18240
OREGON
DEC. 31, 1995
ANTHONY J. FAVREAU

APPROVED:

[illegible]

TAX MAP 19-01-14-21
TAX LOT 1600

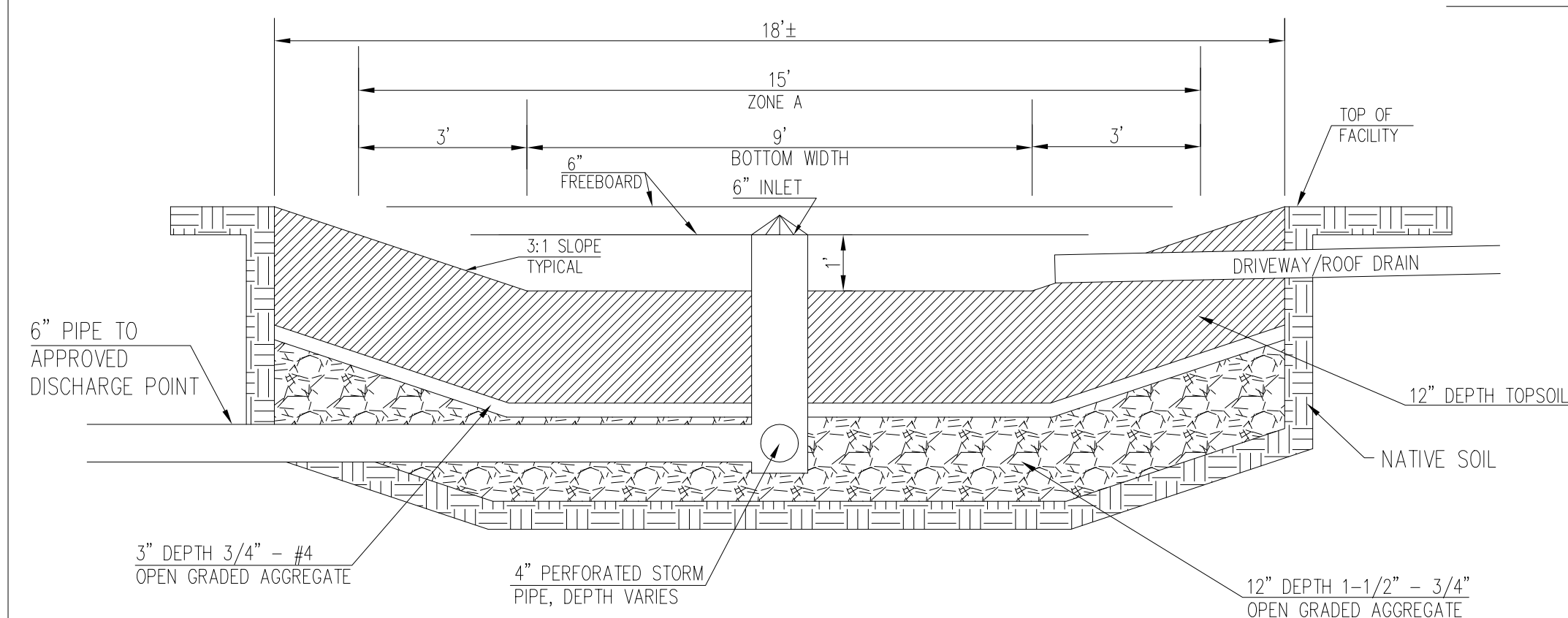
TENTATIVE MAP FOR WHIPPLE ESTATES

CITY OF LOWELL
PUBLIC WORKS DEPARTMENT

	EXISTING STORM DRAIN AND SIZE
	EXISTING WATER AND SIZE
	EXISTING WASTEWATER AND SIZE
	PROPOSED STORM DRAIN AND SIZE
	PROPOSED WATER AND SIZE
	PROPOSED WASTEWATER AND SIZE
	EXISTING WOOD FENCE
	PROPOSED STORM DRAIN MANHOLE
	PROPOSED WATER METER
	EXISTING WATER METER
	EXISTING POWER POLE
	EXISTING GUY WIRE
	EXISTING STREET NAME SIGN
	EXISTING WASTEWATER MANHOLE
	EXISTING FIRE HYDRANT
	EXISTING INLET
	EXISTING TREE
WW	WASTEWATER
SD	STORM DRAIN
INV.	INVERT

The site plan illustrates a residential development with 11 lots, each with a specific area in square feet (S.F.). The lots are arranged in two rows: the top row contains lots 1 through 6, and the bottom row contains lots 11 through 8. The streets shown are 4th St. to the north, 3rd St. to the south, Pioneer St. to the west, and Hyland Ln. to the east. The plan includes various utility features such as rain gardens, drainage easements, fire hydrants, and proposed curbs and gutters. The lots are numbered 1 through 11, with their respective areas: 1 (10,590 S.F.), 2 (7,877 S.F.), 3 (7,877 S.F.), 4 (7,877 S.F.), 5 (7,877 S.F.), 6 (8,753 S.F.), 11 (11,816 S.F.), 10 (7,877 S.F.), 9 (7,877 S.F.), 8 (8,217 S.F.), and 7 (6,685 S.F.). The plan also shows existing and proposed infrastructure, including a proposed fire hydrant, a proposed curb and gutter, and a proposed curb inlet. The lots are separated by a 5' public drainage easement, and there are 10' public utility easements and 10' private utility easements. The plan includes a north arrow and a scale bar.

Lot Number	Area (S.F.)
1	10,590
2	7,877
3	7,877
4	7,877
5	7,877
6	8,753
7	6,685
8	8,217
9	7,877
10	7,877
11	11,816

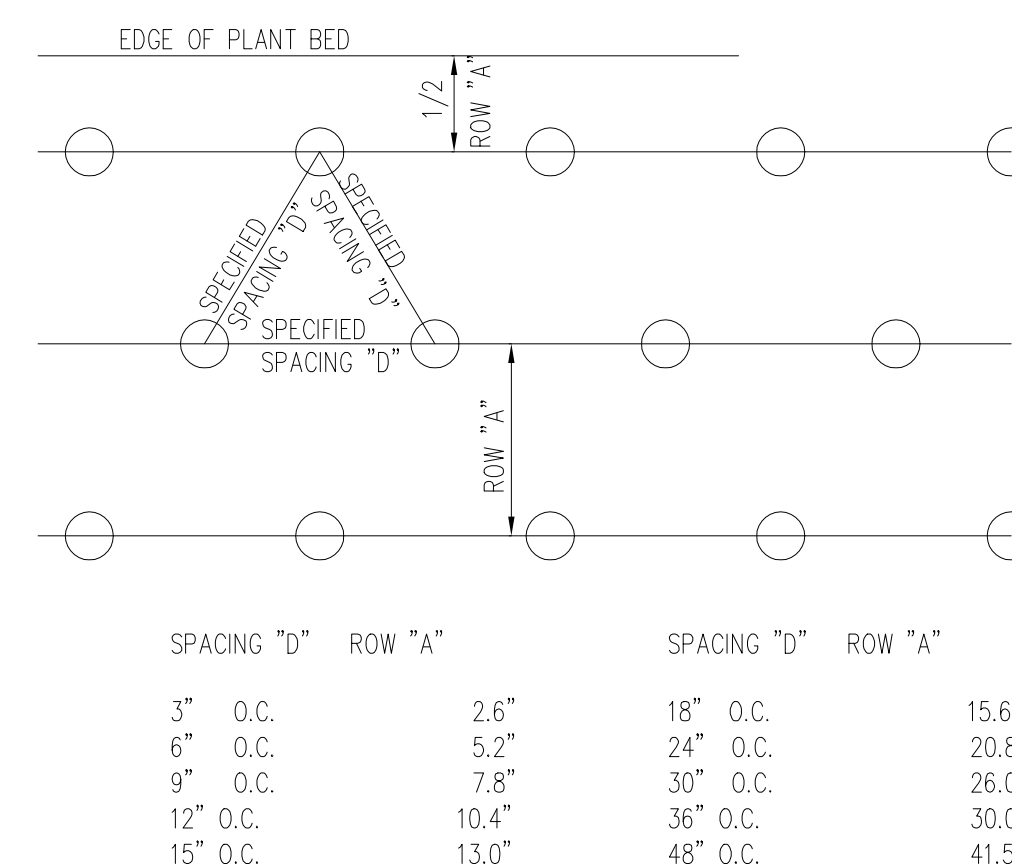


THE RAIN GARDENS WILL BE FILLED WITH 12" OF TOPSOIL (3-WAY MIX). VEGETATION IN THE RAIN GARDENS SHALL BE PLANTED PER SCHEME 1 OF THE CITY OF EUGENE STORMWATER MANUAL SECTION 2.3.9. PLANTS TO BE 1" ON CENTER.

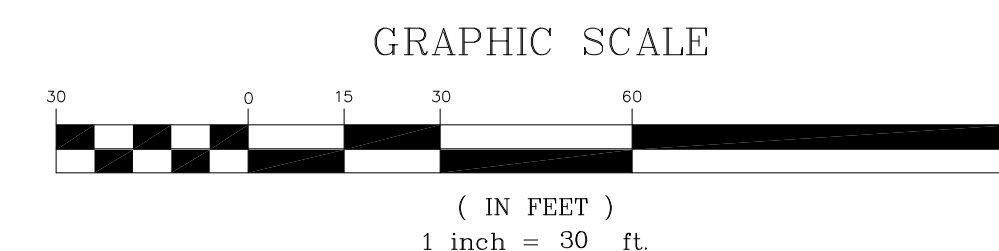
ESTIMATED PLANT COUNT:

ZONE A			ZONE B		
CAREX OBNUPA	4" POTS	188 EACH	CAMASSIA QUAMASH	4" POTS	68 EACH
PARROT PATENS	4" POTS	188 EACH	DESCHAMPSIA CAESPITOSA	4" POTS	68 EACH

WHIPPLE ESTATES- TYPICAL LOT
FILTRATION RAIN GARDEN TYPICAL SECTION
NO SCALE



GROUNDCOVER SPACING DIAGRAM
NO SCALE



GRADING & UTILITY PLAN FOR WHIPPLE ESTATES

DATE _____
TAX MAP 19-01-14-21
TAX LOT 1600

APPROVED:

App.

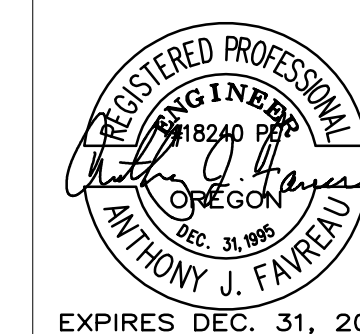
DESCRIPTION	REVISIONS
-------------	-----------

DATE	BY
------	----

PLANS PREPARED BY:

THE FAVREAU GROUP
CIVIL ENGINEERING

3750 NORWICH AVE.



SHEET 3 OF 4



REGISTERED PROFESSIONAL
ENGINEER
#18240
OREGON
DEC. 31, 2025
ANTHONY J. FAVREAU

EXPIRES DEC. 31, 2025

SHEET 4 OF 4

CITY OF LOWELL
PUBLIC WORKS DEPARTMENT

DATE _____

TAX MAP 19-01-14-21
TAX LOT 1600

APP.

DESCRIPTION	REVISIONS
-------------	-----------

BY

DA:

DRAINAGE STUDY FOR TAX LOT 19-01-14-21-1600

SITE CHARACTERISTICS

The site slopes to the west and into an existing east-west drainage swale in the middle of the property. The existing drainage swale also accepts runoff from adjacent properties to the west. The existing drainage swale ultimately drains to an existing 12" culvert under N. Pioneer Street and the drainage continues west. The site is brush and a few trees with a house in the southeastern portion. The Natural Resources Conservation Service (NRCS) Web Soil Survey maps the area as containing 52D Hazelair Silty Clay Loam, Soil Group D.

PROPOSED HYDROLOGY

No new public or private streets are proposed. The runoff from the lots will be treated and detained via a swale in the rear of the lots. The private treatment/detention facilities on the lots will be maintained by the current property owners. The design storms are as follows:

- | | |
|------------------------|----------------------|
| 1. Water Quality Event | 1.61 inches/24 hours |
| 2. 2-year Storm Event | 3.22 inches/24 hours |
| 3. 10-year Storm Event | 4.50 inches/24hours |

The time of concentration of 5 minutes was used for post development and 10 minutes was used for pre-development calculations. A CN of 98 was used for post development and a CN of 85 was used for pre-development calculations.

Attached are the following calculations:

1. Eugene's Stormwater Surface Filtration/Infiltration Facility Sizing Spreadsheet Typical Lot
2. Typical section for lot facility
3. Typical lot facility operations and maintenance

CONCLUSION

Based on my calculations, I believe the proposed drainage system is sized properly and will provide the necessary flow control.



EXPIRES DEC. 31, 2025



Stormwater Surface Filtration/Infiltration Facility Sizing Spreadsheet

24 Hour Storm, NRCS Type 1A Rainfall Distribution

City of Eugene

Version 2.1

Project Information

Project Name: Whipple Estates Date: 7/3/2025
Project Address: 3rd St & 4th St. Permit Number: [Permit #]
Lowell, OR [Zip Code] Catchment ID: Typical Lot
Designer: Anthony J. Favreau
Company: The Favreau Group

Instructions:

1. Complete this form for each drainage catchment in the project site that is to be sized per the Presumptive Approach.
2. Provide a distinctive Catchment ID for each facility coordinated with the site basin map to correlate the appropriate calculations with the facility.
3. The maximum drainage catchment to be modeled per the Presumptive Approach is 1 acre (43,560 SF)
4. For infiltration facilities in Class A or B soils where no infiltration testing has been performed use an infiltration rate of 0.5 in/hr. For all facilities use a maximum soil infiltration rate of 2.5 in/hr for topsoil/growing medium.

Design Requirements:

Choose "Yes" from the dropdown boxes below next to the design standards requirements for this facility.

Pollution Reduction (PR) Yes
Flow Control (FC) Yes
Destination (DT) No

*An infiltration facility must be chosen as the facility type to meet destination requirements

Site Data-Post Development

Total Square Footage Impervious Area= 3050 sqft Total Square Footage Pervious Area= 3000 sqft
Impervious Area CN= 98 Pervious Area CN= 85
Total Square Footage of Drainage Area= 6050 sft Time of Concentration Post Development= 5 min
Weighted Average CN= 92

Site Data-Pre Development (Data in this section is only used if Flow Control is required)

Pre-Development CN= 85 Time of Concentration Pre-Development= 10 min

Soil Data

Tested Soil Infiltration Rate= 2.5 in/hr (See Note 4) Destination Design= N/A in/hr
Design Soil Infiltration Rate= 2.5 in/hr Soil Infiltration Rate

Design Storms Used For Calculations

Requirement	Rainfall Depth	Design Storm
Pollution Reduction	1.6 inches	Water Quality
Flow Control	4.5 inches	Flood Control
Destination	4.5 inches	Flood Control

Facility Data

Facility Type= Filtration Rain Garden Facility Surface Area= 375 sqft
Surface Width= 15 ft Facility Surface Perimeter= 80 ft
Surface Length= 25 ft Facility Bottom Area= 171 sqft
Facility Side Slopes= 3 to 1 Facility Bottom Perimeter= 56 ft
Max. Ponding Depth 12 in Basin Volume= 291.0 cf
in Stormwater Facility= 12 in
Depth of Growing Medium (Soil)= 12 in Ratio of Facility Area to Impervious Area= 0.062

Pollution Reduction-Calculation Results

Peak Flow Rate to Stormwater Facility = 0.031 cfs
Total Runoff Volume to Stormwater Facility = 431 cf
Max. Depth of Stormwater in Facility = 12.0 in
Drawdown Time = 0.2 hours

Peak Facility Overflow Rate = 0.000 cfs
Total Overflow Volume = 0 cf

Yes Facility Sizing Meets Pollution Reduction Standards?

YES Meets Requirement of No Facility Flooding?

YES Meets Requirement for Maximum of 18 Hour Drawdown Time?

Flow Control-Calculation Results

Peak Flow Rate to Stormwater Facility = 0.141 cfs
Total Runoff Volume to Stormwater Facility = 1769 cf
Max. Depth of Stormwater in Facility = 12.0 in
Drawdown Time = 3.0 hours

Peak Facility Overflow Rate = 0.070 cfs
Total Overflow Volume = 214 cf
Peak Off-Site Flow Rate
Filtration Facility Underdrain = 0.022 cfs

Pre-Development Runoff Data

Peak Flow Rate = 0.101 cfs
Total Runoff Volume = 1448 cf

Yes Facility Sizing Meets Flow Control Standards?

YES Meets Requirement for Post Development offsite flow less or equal to Pre-Development Flow?

YES Meets Requirement for Maximum of 18 Hour Drawdown Time?

Destination-Calculation Results

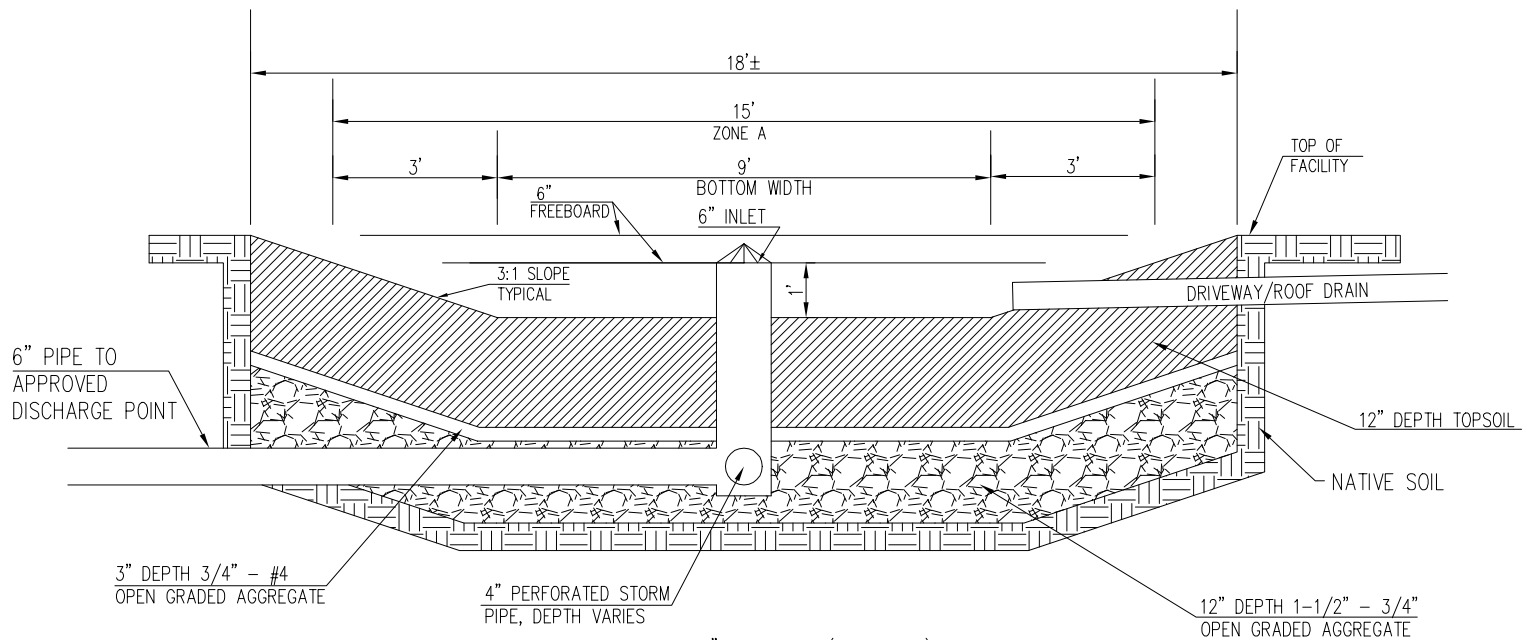
Peak Flow Rate to Stormwater Facility = N/A cfs
Total Runoff Volume to Stormwater Facility = N/A cf
Max. Depth of Stormwater in Facility = N/A in
Drawdown Time = N/A hours

Peak Facility Overflow Rate = N/A cfs
Total Overflow Volume = N/A cf

N/A Facility Sizing Meets Destination Standards?

N/A Meets Requirement of No Facility Flooding?

N/A Meets Requirement for Maximum of 30 hour Drawdown Time?



THE RAIN GARDENS WILL BE FILLED WITH 12" OF TOPSOIL (3-WAY MIX). VEGETATION IN THE RAIN GARDENS SHALL BE PLANTED PER SCHEME I OF THE CITY OF EUGENE STORMWATER MANUAL SECTION 2.3.9. PLANTS TO BE 1' ON CENTER.

ESTIMATED PLANT COUNT:

ZONE A

CAREX OBNUPTA 4" POTS 188 EACH
JUNCUS PATENS 4" POTS 188 EACH

ZONE B

CAMASSIA QUAMASH 4" POTS 68 EACH
DESCHAMPSIA CAESPITOSA 4" POTS 68 EACH

WHIPPLE ESTATES- TYPICAL LOT
FILTRATION RAIN GARDEN TYPICAL SECTION

NO SCALE

4.5.9 Stormwater Planter O & M Plan

Stormwater Planters are infiltration and filtration stormwater facilities that can provide flood control, flow control and stormwater quality benefits. Stormwater Planters are walled vegetated surface reservoirs used to collect and treat stormwater runoff from impervious surfaces by allowing pollutants to settle and filter out as the water percolates through the vegetation and soil mediums before infiltrating into the ground below or being piped to its downstream destination.

Stormwater Planters can be used to help fulfill a site's required landscaping area requirement and should be integrated into the overall site design. Numerous design variations of shape and planting scheme can be used to fit the character.

All facility components and vegetation shall be inspected for proper operations and structural stability. These inspections shall occur, at a minimum, quarterly for the first 2 years from the date of installation, 2 times per year thereafter, and within 48 hours after each major storm event.

Training and/or Written Guidance information for operating and maintaining Stormwater Planters shall be provided to all property owners and tenants. A copy of the O & M Plan shall be provided to all property owners and tenants.

Inspection Logs shall be kept by the facility owner demonstrating the following items have been inspected and are being maintained properly:

- **Access** to Stormwater Planters shall be safe and efficient. Obstacles preventing maintenance personnel and/or equipment access to the components of the facility shall be removed.
- **Debris and Litter** shall be removed to prevent channelization, clogging, and interference with plant growth. Fallen leaves and debris from deciduous plant foliage shall be raked and removed.
- **Erosion Damage** shall be identified and controlled when native soil is exposed or erosion channels are forming.
- **Filter Media** consisting of sand and/or topsoil shall be tested to ensure stormwater percolates through the planter. Remove and replace sand and/or topsoil to correct percolation deficiencies.
- **Infiltrating Stormwater Planters** shall be excavated and cleaned, and gravel or soil shall be replaced to correct low infiltration rates. Water should drain through the planter within 3-4 hours after a storm event.
- **Inlets** shall be cleared when conveyance capacity is plugged to ensure unrestricted stormwater flow to the rain garden.
- **Mulch** shall be replenished as needed to ensure healthy plant growth.
- **Nuisance and Prohibited Vegetation** from the Eugene Plant List (such as blackberries and English Ivy) shall be removed when discovered. Invasive

vegetation contributing up to 25% of vegetation of all species shall be removed and replaced.

- **Outlets** shall be cleared when 50% of the conveyance capacity is plugged.
- **Piping** shall be cleared of sediment and debris to maintain conveyance capacity.
- **Planter Walls** shall be examined for deficiencies, such as rot, cracks, and failure, and repaired as needed. Holes that are not consistent with the design and allow water to flow directly through the planter to the ground shall be plugged.
- **Sedimentation** build-up near or exceeding 2" in depth shall be hand-removed with minimum damage to vegetation using proper erosion control measures. Sediment shall be removed if it is more than 4 inches thick or so thick as to damage or kill vegetation.
- **Vegetation** shall be healthy and dense enough to provide filtering while protecting underlying soils from erosion. Dead vegetation shall be removed to maintain less than 10% of area coverage or when vegetative filter function is impaired. Vegetation shall be replaced immediately to control erosion where soils are exposed and within 3 months to maintain cover density.

Spill Prevention Measures shall be exercised on site when handling substances that contaminate stormwater. Releases of pollutants shall be corrected as soon as identified.

Non-Chemical Pest Control measures shall be taken to prevent development of insects, mosquitoes, and rodents.

TENTATIVE PLAN NARRATIVE

CONTACT INFORMATION

Applicant: Don Wilkinson	Phone: (541) 556-3435
Civil Engineer: The Favreau Group, LLC	Phone: (541) 683-7048
Date: 09-24-25	Map: 19-01-14-21-01600

REQUEST

The request is for approval of a 11-Lot Residential Subdivision to be constructed on TL 19-01-14-21-01600

SECTION 9.226. – ACCOMPANING STATEMENTS

The tentative plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters:

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

(1) Certification that water will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or

(2) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan. The amount of such bond, contract or other assurance shall be determined by the City Council.

RESPONSE: There is an existing 10" water line in 4th Street and Hyland St. There is an existing 8" water line in 3rd Street. All the proposed lots will take water service off of these lines. A new fire hydrant is proposed on 4th St.

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

(1) Certification that a sewage disposal system will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or

(2) A bond, contract or other assurance by the applicant that a sewage disposal system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan. The amount of such bond, contract or other assurance shall be determined by the City.

RESPONSE: There is an existing 8" sewage line running east-west that bisects the property. This sewage line can serve all of the proposed lots. A bond, contract or other assurance by the applicant that a public sewage disposal system will be installed by or on behalf of the applicant as depicted on the Tentative Plan.

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

RESPONSE: CC&Rs may be recorded at the time of Final Plat.

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

RESPONSE: The Tentative Plan shows there is no need for additional dedication of street right-of-way.

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

RESPONSE: The applicant is proposing to install curb & gutter on E. 3rd Street, storm drain system improvements, sewage laterals, water meters and laterals, fire hydrant, rain gardens and communication lines. The applicant is proposing to self-finance and begin installation the summer of 2026. There are no required improvements not being provided.

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

RESPONSE: The declarations required by ORS 92.075 on the Final Plat can be achieved by the fee owner.

(g) Proposed staged subdivisions or serial partitions shall be clearly identified on the application. A time schedule for future Platting shall also be submitted. The deciding authority may require a specific time schedule for approval.

RESPONSE: The proposed residential subdivision will be constructed under one phase.

SECTION 9.228 DECISION CRITERIA

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

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

Response: The applicant is proposing to create a 13-lot subdivision. The underlying zoning classification is Multi-Family residential and is consistent with the proposal. As seen on Sheet 2, all lots are above the minimum lot size, and lot width, except for Lot No. 6 which has a front width of 49.04' and a rear width of 62.08' for an average of 55.56'. A 50' wide x 120' deep area shown inside Lot No. 6, which meets the minimum lot dimension, is shown inside of Lot No. 6 on sheet 2 of the Tentative Map. LDC Section 9.516 Access calls for every property to abut a street for a minimum of 16-feet, of which 12-foot must be paved. The proposal complies with the applicable provision of City Codes and Ordinances, including zoning district standards.

(b) Where the proposed land division results in any lots or parcels that are at least two and one half times the allowed minimum lot size, the applicant has demonstrated that all such lots or parcels may be

re-divided in the future to at least 80% of maximum density possible within current minimum lot sizes, existing site constraints, and requirements of this Code.

Response: The proposed property division will not result in lots that are larger than 2.5 times the minimum lot size.

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

Response: The adjacent properties about 3rd St., 4th St. and N. Pioneer St. The adjacent lots have ample access to public right-of-way and utilities to further develop.

(d) The proposed street plan:

(1) Is in conformance with City standards and with the Master Road Plan or other transportation planning document.

Response: The Master Road Plan does not show any additional street connections in this area.

(2) Provides for adequate and Safe traffic and pedestrian circulation both internally and in relation to the existing City street system.

Response: The proposed subdivision provides for adequate and safe traffic and pedestrian circulation along 3rd Street, 4th Street and Hyland Street via sidewalks.

(3) Will not preclude the orderly extension of streets and utilities on undeveloped and underdeveloped portions of the subject property or on surrounding properties.

Response: The adjacent properties about 3rd St., 4th St. and N. Pioneer St. The adjacent lots have ample access to public right-of-way and utilities to further develop.

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

(1) Prior written commitment of public funds by the appropriate public agency.

Response: No public funds are requested.

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

Response: No private services are proposed.

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

Response: No public funds are requested

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

Response: The adjacent properties about 3rd St., 4th St. and N. Pioneer St. The adjacent lots have ample access to public right-of-way and utilities to further develop.

(g) Stormwater runoff from the proposed land division will not create significant and unreasonable negative impacts on natural drainage courses either onsite or downstream, including, but not limited to erosion, scouring, turbidity, or transport of sediment due to increased peak flows and velocity.

Response: The proposed drainage system was designed to limit the proposed runoff to the predevelopment runoff. All of the proposed lots will drain to a proposed storm drain pipe in the existing public utility easement along the middle of the project and connect to the existing culvert that crosses N. Pioneer Street.

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

Response: The proposed land division will be designed per the city code which was established to address the above mentioned risks.

SECTION 9.516 ACCESS

(a) Every property shall abut a street other than an alley for a minimum width of 16 feet, of which 12 feet must be paved, except where the City has approved an access to multiple lots sharing the same access in which case the total width must be at least 16 feet. No more than two properties may utilize the same access unless more are approved with the tentative plan.

RESPONSE: All the lots will have individual street frontage of greater than 16 feet.

SECTION 9.526 BUILDING SITES

(d) Through Lots and Parcels: Through lots and parcels shall be avoided except where they are essential to the intended use.

RESPONSE: There are no through lots proposed.

SECTION 9.631 SCOPE.

This Section shall apply to all areas of the City where the slope of the land is 15 percent or

greater. In all areas of the City, concurrent with application for a building permit, excavation or fill permit or land division, the applicant shall provide elevation data adequate to determine slope characteristics of the property or portions thereof being developed. If the City determines that the property does have areas of 15 percent slope or greater, then the proposed development shall, in addition to other applicable City ordinances, rules and regulations, also be reviewed for compliance with the requirements of Sections 9.630 through 9.635.

RESPONSE: The existing ground slopes on the site are less than 15%.

CITY OF LOWELL
NOTICE OF PUBLIC HEARING
Mailing Date September 11, 2025

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a 13-lot subdivision of a property located on Map and Tax Lot 19-01-14-21-01600 located at the corner of East 3rd Street and North Hyland Lane.

The Planning Commission will hold a public hearing on this matter on October 1, 2025, at 7:00PM at the Lowell Fire Station located at 389 N. Pioneer Street, Lowell, OR 97452.

A remote option will also be available via Zoom. To receive the Zoom link please contact the City Administrator, Max Baker at the email address contained in this notice.

Requested Action: Creation of a 13- lot Subdivision for residences
Owner/Applicant: Wilkinson Debbie & Donald W
Applicant's Representative: Anthony Favreau, PE, The Favreau Group.
Property Location: No Address
Assessor Map: 19-01-14-21
Tax Lot: 01600
Existing Area: 2.12 acres
Existing Zone: R-3 Multi-Family Residential

The Lowell Land Use Development Code specifies the applicable procedures and criteria for evaluation of the requested action. Applicable Code Sections include Section 9.204 Application Site Plan, Section 9.220 Subdivision or Partition Tentative Plan, Section 9.223 General Information, Section 9.520 Storm Drainage, Section 9.516 Access, Section 9.517 Streets. Additional criteria may be identified and incorporated into the Staff Report. The specific criteria will be addressed in the Staff Report. See map on reverse.

A copy of the Application, all documents and evidence relied upon by the Applicant and the Staff Report containing the applicable criteria will be available for inspection at the Lowell City Hall at least seven days prior to the public hearing meeting. The application and all applicant maps are available for anyone to inspect at City Hall or by calling or emailing Henry Hearley or Max Baker. See below for contact information. Copies provided at cost of printing.

Failure of an issue to be raised in the Hearing or by letter, or failure to provide sufficient detail to afford the decision makers an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

A Subdivision requires a Public Hearing (date noted above). Oral testimony may be presented at the Hearing in person, via Zoom or written testimony may be delivered or mailed to the Lowell City Hall located at 70 N Pioneer Street, Lowell, Oregon 97452 or emailed to Max Baker, City Administrator, at max.baker@lowelloregon.gov Or to Henry Hearley, Lane Council of Governments, 859 Willamette Street, Suite 500, Eugene, OR, 97401, hhearley@lcog-or.gov 541-682-3089.

Written Testimony shall be received by the City no later than 3:00 pm on 9/24/25, to be included in the Staff Report.

For additional information please contact Max Baker at max.baker@lowelloregon.gov or 541-937-2157

HEARLEY Henry O

From: Anthony Nolet <anthony.nolet@dfn.net>
Sent: Monday, August 11, 2025 3:17 PM
To: HEARLEY Henry O
Subject: Referral Comment for Subdivision in Lowell, OR

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from anthony.nolet@dfn.net. [Learn why this is important](#)

WARNING: This is **NOT** an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK or click [here](#) to submit a ticket.

Good afternoon, Henry, I wanted to reach out in regard to the new subdivision in Lowell. DFN has existing conduit along the west side of Hyland between 4th and 3rd St. We have a telecom cabinet in the NE corner of the development (near the existing LEC pole). We also have plans in the works to extend west of that telecom cabinet along the south side of 4th St to a proposed crossing to the east side of Carol St.

I tried to make that clear and detailed but I always worry it comes across as confusing and messy so I also included a little sketch of what I described above.

We would also be interested in having the opportunity to serve this new subdivision with fiberoptic internet. Though I would imagine that would be a conversation for the developer.

I am not exactly sure if any of this is helpful, but I wanted to provide this information. Depending on sidewalks and driveways we may need to adjust some of our plans.



DFN UG FACILITIES

Anthony Nolet
OSP Engineering Manager



Main: 541-673-4242
2350 NW Aviation Dr
Roseburg, OR 97470



The information contained in this email and any attachments may be privileged, confidential, and/or proprietary and is intended solely for the use of the person(s) to whom it is addressed. If you are not the intended recipient, any review, re-transmission, dissemination or any other use of the information contained in this email and any attachments is strictly prohibited. If you have received this communication in error, please notify the sender immediately by replying to this email and then delete this material from any system that it may be on.

HEARLEY Henry O

From: Joshua Deaver <jdeaver@civilwest.net>
Sent: Wednesday, August 13, 2025 11:48 AM
To: HEARLEY Henry O
Subject: RE: Referral Comment for Subdivision in Lowell, OR

WARNING: This is **NOT** an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK or click [here](#) to submit a ticket.

Hi Henry,

After my review, it looks like they have addressed all comments I mentioned during the pre-app. No further comments regarding engineering at this time. Detailed comments would be during public improvements plan review.

Thanks,

Joshua Deaver, EIT
Staff Engineer
d 541.930.3196



Civil West Engineering Services, Inc.
200 Ferry St. SW, Albany, OR 97321
www.civilwest.com

From: HEARLEY Henry O <HHEARLEY@lcog-or.gov>
Sent: Monday, August 11, 2025 9:30 AM
To: syakovich@lowell.k12.or.us; John.MULLEN@opr.d.oregon.gov; Jones, Gwendolyn A (Wendy) CIV USARMY CENWP (USA) <gwendolyn.a.jones@usace.army.mil>; MARTIN Kevin (OKPD) <kevinmartin@ci.oakridge.or.us>; April Matson <april.matson@laneelectric.com>; Deister, Charles H <charles.deister@charter.com>; Aaron Donley <aaron.donley@wasteconnections.com>; tway@dfn.net; LCTPReferrals <lcpwtpreferrals@lanecountyor.gov>; ODOTR2PLANMGR@odot.state.or.us; Matt Wadlington <mwadlington@civilwest.net>; 'Dave Mortier' <DaveM@nwcodepros.com>; ROSS Trevor J <Trevor.ROSS@lanecountyor.gov>; chief2300@lowellorfire.gov; Joshua Deaver <jdeaver@civilwest.net>
Cc: Sam Dragt <sam.dragt@lowelloregon.gov>; Max Baker <max.baker@lowelloregon.gov>
Subject: FW: Referral Comment for Subdivision in Lowell, OR
Importance: High

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

August 8, 2025

Subdivision: Whipple Estates
Owner(s): Donald W. and Debbie L. Wilkinson
19-01-14-21-01600

Surveyor's Office Comments

Prepared by: Ben Hanke-Hills

1. The subject property is located within the incorporated city limits of Lowell. It does not appear to have been subject to any previous formal land division, nor does it appear to have ever been surveyed or the corners monumented.
2. The subject property has frontage on E. 3rd Street, E. 4th Street, N. Pioneer Street & N. Hyland Lane. These Right-of-Ways are 60' wide.
3. Access easements and any other existing or proposed easements must be shown on the Final Plat along with the necessary recording information. Any easement created on the plat must be declared in the owner's declaration.
4. The proposed lots must be surveyed and monumented as required pursuant ORS Chapter 92.
5. The final plat should show fence lines or other signs of occupation that appear to encroach or be in conflict with the monumented boundaries.
6. Please submit a paper copy of the Final Plat for review to the Lane County Surveyor's Office along with other submittal requirements as noted in the "Lane County Surveyor's Office Policies for Subdivision & Partition Plats". 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 as well as Lane Code Chapter 13.
7. A Subdivision Name Reservation form should be completed and submitted to Lane County Surveyor's Office.

HEARLEY Henry O

From: Casperson, Molly R CIV USARMY CENWP (USA) <Molly.R.Casperson@usace.army.mil>
Sent: Thursday, August 14, 2025 4:49 PM
To: HEARLEY Henry O
Subject: FW: Referral Comment for Subdivision in Lowell, OR
Attachments: Combined Referral Packet All Sheets Whipple Estates.pdf

Importance: High

You don't often get email from molly.r.casperson@usace.army.mil. [Learn why this is important](#)

WARNING: This is **NOT** an internal sender. Please review this message carefully before responding or interacting. If you have any concerns, contact the SERVICE DESK or click [here](#) to submit a ticket.

Hello Henry,

I'm the acting environmental stewardship supervisor for the USACE, Willamette Valley Project. Wendy Jones has moved on to another position. If you can, please add me to the mailing list for this kind of correspondence.

USACE does not have any comments for this proposal. If you are expecting a response from the Regulatory side of USACE, please let me know. Thank you.

Molly

Molly Casperson
Molly.R.Casperson@usace.army.mil
(503) 383-5417

From: Jones, Gwendolyn A (Wendy) CIV USARMY CENWP (USA) <Gwendolyn.A.Jones@usace.army.mil>
Sent: Monday, August 11, 2025 3:55 PM
To: Casperson, Molly R CIV USARMY CENWP (USA) <Molly.R.Casperson@usace.army.mil>
Subject: FW: Referral Comment for Subdivision in Lowell, OR
Importance: High

From: HEARLEY Henry O <HHEARLEY@lcog-or.gov>
Sent: Monday, August 11, 2025 9:30 AM
To: syakovich@lowell.k12.or.us; John.MULLEN@opr.d.oregon.gov; Jones, Gwendolyn A (Wendy) CIV USARMY CENWP (USA) <Gwendolyn.A.Jones@usace.army.mil>; MARTIN Kevin (OKPD) <kevinmartin@ci.oakridge.or.us>; April Matson <april.matson@laneelectric.com>; Deister, Charles H <charles.deister@charter.com>; Aaron Donley <aaron.donley@wasteconnections.com>; tway@dfn.net; LCTPReferrals <lcwtpreferrals@lanecountyor.gov>; ODOTR2PLANMGR@odot.state.or.us; Matt Wadlington <mwadlington@civilwest.net>; 'Dave Mortier' <DaveM@nwcodepros.com>; ROSS Trevor J <Trevor.ROSS@lanecountyor.gov>; chief2300@lowellorfire.gov; Joshua Deaver <jdeaver@civilwest.net>
Cc: Sam Dragt <sam.dragt@lowelloregon.gov>; Max Baker <max.baker@lowelloregon.gov>

**FORM O & M: OPERATIONS & MAINTENANCE PLAN
REQUIRED IN ACCORDANCE WITH THE CITY CODE**

Project Building Application No. _____

Owner’s Name: _____

Phone No. _____

Mailing Address: _____

Site Address: _____

Site Map and Tax lot No. _____

Requirements

- 1) Stormwater Management Site Plan, (min. 8 ½” x 11” attached to this form) showing the location of the facility(ies) in relation to building structures or other permanent monuments on the site, sources of runoff entering the facility(ies), and where stormwater will be discharged to after leaving the facility(ies).

The stormwater management facility(ies) shown on the site plan are a required condition of building permit approval for the identified property. The owner of the identified property is required to operate and maintain the facility(ies) in accordance with the Operations and Maintenance (O&M) Plan on file with the City. The O&M Plan for the facility(ies) is/are available at the Public Works Department, located at 1820 Roosevelt, Eugene, Oregon between the hours of 8 a.m. and 5 p.m., Monday through Friday. Call (541)(682-4800).

- 2) Description of the financial method used to cover future operations and maintenance. *Check One*

☐ Homeowner’s Association ☐ Property Owner Account

☐ Other (*described*) _____

- 3) Party(ies) responsible for maintenance (only if other than owner).

Daytime Phone no. (____) ____-____

Emergency/After-hours contact phone no. (____) ____-____

Maintenance Contact party(ies) Name & Address:

-
- 4) Maintenance practices and schedule for the stormwater facility is included in the facility-specific O&M Plan filed with the Public Works Department, City of Eugene. The operation and maintenance practices are based on the publication date of the City of Eugene’s Stormwater Management Manual.

Preparation Date: _____, 20__

Revision Date: _____, 20__

Estimated Date of Installation _____, 20__

By signing below, filer accepts and agrees to the terms and conditions contained in the operations & maintenance plan and in any document executed by filer and recorded with it.

Signature of Filer: _____

Print Name: _____

After Recording Return To:
Name:
Address:

Place Label Recording Here

Notice of Operation and Maintenance Plan

The undersigned owner(s), hereby gives notice that stormwater runoff from impervious surfaces constructed on the premises described below require stormwater management facilities located, design and constructed in compliance with The City of Eugene’s Stormwater Management Manual.; and shall be operated and maintained in accordance with the “Operations and Maintenance Plan” to be placed on file with the City of Eugene.

References are made to said plan for all terms, conditions, provisions and particulars thereof which are hereby incorporated by reference as though fully set forth herein.

The requirement to operate and maintain this facility in accordance with the on-file Operations & Maintenance Plan is binding on all current and future owners of the property. The Operations & Maintenance Plan may be modified under written consent of new owners with written approval by and re-filing with the City. The Operations & Maintenance Plan for facilities constructed pursuant to this notice are available at the Eugene Public Works Department, located at 1820 Roosevelt, Eugene, Oregon, between the hours of 8 a.m. and 5 p.m., Monday through Friday. Call (541)682-4800.

The on-going operational, maintenance and financial responsibility of the stormwater facility(ies) shall be the responsibility of (*check one*).

☐ Homeowner’s Association

☐ Property Owner Account

☐ Other (*described*) _____

The Subject premises, is legally described as follows:
(Map and taxlot numbers are not legal descriptions)

This instrument is intended to be binding upon the parties hereto, their heirs, successors and assigns.

In Witness whereof, the undersigned has executed this instrument on this _____ day of _____, 20____.

Owner(s):

Signature _____

Print name _____

STATE OF OREGON,
County of Lane, ss:

This instrument was acknowledged before me this_____ day of _____
20_____ by _____, Owner(s) of the
above described premises.

Notary Public For Oregon

My Commission Expires

4.5.7 Rain Garden O & M Plan

Rain Gardens are vegetated surface reservoirs used to collect and treat stormwater runoff from impervious surfaces by allowing the pollutants to settle and filter out as the water percolates through vegetation and soil mediums before infiltrating into the ground below or being piped through an underdrain system to its downstream destination.

Rain Gardens can be used to help fulfill a site's required landscaping area requirement and should be integrated into the overall site design. Numerous design variations of shape and planting scheme can be used to fit the character of a site.

The reservoir basin shall infiltrate stormwater within 30 hours. All facility components and vegetation shall be inspected for proper operations and structural stability, at a minimum, quarterly for the first 2 years from the date of installation, 2 times per year thereafter, and within 48 hours after each major storm event.

Training and/or Written Guidance information for operating and maintaining vegetated infiltration basins shall be provided to all property owners and tenants. A copy of the O & M Plan shall be provided to all property owners and tenants.

Inspection Logs shall be kept by the facility owner demonstrating the following items have been inspected and are being maintained properly:

- **Access** to Rain Gardens shall be safe and efficient. Obstacles preventing maintenance personnel and/or equipment access to the components of the facility shall be removed.
- **Debris and Litter** shall be removed to prevent channelization, clogging, and interference with plant growth. Fallen leaves and debris from deciduous plant foliage shall be raked and removed.
- **Erosion Damage** shall be identified and controlled when native soil is exposed or erosion channels are forming.
- **Grassed Rain Gardens** shall be mowed to 4"-9" high and grass clippings shall be removed no less than 2 times per year.
- **Infiltration Rain Gardens** shall be excavated and cleaned, and gravel or soil shall be replaced to correct low infiltration rates.
- **Inlets** shall be cleared when conveyance capacity is plugged to ensure unrestricted stormwater flow to the rain garden.
- **Mulch** shall be replenished as needed to ensure healthy plant growth.
- **Nuisance and Prohibited Vegetation** from the Eugene Invasive Species Prohibited Plant List (such as blackberries and English Ivy) shall be removed when discovered. Invasive vegetation contributing up to 25% of vegetation of all species shall be removed and replaced.
- **Outlets** shall be cleared when 50% of the conveyance capacity is plugged.
- **Overflows** shall be cleared when 25% of the conveyance capacity is plugged.

- **Rocks or Other Armoring** shall be replaced when only one layer of rock exists above native soil.
- **Sedimentation** build-up near or exceeding 2" in depth shall be hand-removed with minimum damage to vegetation using proper erosion control measures.
- **Slopes** shall be stabilized using appropriate measures when native soil is exposed.
- **Vegetation** shall be healthy and dense enough to provide filtering while protecting underlying soils from erosion. Dead vegetation shall be removed to maintain less than 10% of area coverage or when vegetative filter function is impaired. Vegetation shall be replaced immediately to control erosion where soils are exposed and within 3 months to maintain cover density.

Spill Prevention Measures shall be exercised on site when handling substances that contaminate stormwater. Releases of pollutants shall be corrected as soon as identified.

Non-Chemical Pest Control measures shall be taken to prevent development of insects, mosquitoes, and rodents.

After recording return to:
Donald Wilkinson
786 Lorane Hwy.
Eugene, OR 97405

35.01-FOOT WIDE PRIVATE JOINT ACCESS EASEMENT AND MAINTENANCE AGREEMENT

RECITALS:

Donald W. and Debbie L. Wilkinson are the owners of a certain real property, described as Lots 1-7 and 9-13, of Whipple Estates as platted and recorded as Document No. 2025-_____ Lane County Deeds and Records, Oregon.

DECLARATION OF EASEMENT:

1. Easement Description. Donald W. and Debbie L. Wilkinson. hereby create an easement across Lots 1-7 and 9-13, of said plat as shown thereon.
2. Easement Created. The easement is created to allow access, ingress and egress to the public street system, and to allow for driveway purposes and public emergency access.
3. Use of Burdened Property. The owners or occupiers of the Lots affected by the easement shall have the right to use their property, including the area described as the easement, for any purpose as long as the owners or occupiers do not interfere with the use of the easement as granted by this instrument.
4. Maintenance and Repairs. The cost of any maintenance or repair of the area within the easement shall be apportioned between the owners of Lots 1-7 and 9-13 of said plat equally.
5. Successors in Interest. The provisions of this instrument touch and concern, and relate to the use of Lots 1-7 and 9-13 of said plat equally and are intended to be covenants and restrictions running with the land.

All provisions of this instrument, including the benefits and burdens, are binding and enure to the heirs, successors, assigns, transferees, and personal representatives of all parties who own any of the aforementioned lots.

Dated this _____ day of _____, 2025

Donald W. Wilkinson

Debbie L. Wilkinson

State of Oregon)
) ss.
County of Lane)

There personally appeared before me the above named Donald W. and Debbie L. Wilkinson. known to me to be the same person who executed this declaration and acknowledged the same to be a voluntary deed.

Acknowledged before me this _____ Day of _____, 2025.

Notary Public for Oregon
My commission expires: _____



City Administrator's Office
70 North Pioneer Street
PO Box 490 Lowell, OR 97452
Phone: 541-937-2157
Max.Baker@LowellOregon.Gov

September 24, 2025

RE: LU 2025 02 Whipple Estates Subdivision

This letter is to certify water and sewer service, following proposed construction, will be available to each of the proposed lots.

Currently water mains available for service exist on the entire frontage of East Third Street, East Fourth Street and North Hyland Lane. A sewer main available for connection is located in the 35' utility easement running East and West through the proposed subdivision.

Sincerely,

Max Baker
City Administrator