

AGENDA
PLANNING COMMISSION MEETING
WEDNESDAY, OCTOBER 3, 2018 – 7:00 P.M.
Lowell City Hall, 107 East 3rd Street, Lowell, Oregon

- 1. CALL TO ORDER/ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
 - a. August 1, 2018
- 4. OLD BUSINESS**
 - a. Discussion of Accessory Dwelling Units
- 5. NEW BUSINESS**
 - a. Land Use File 2018-03 – Variance for Fence Height at 572 E. 1st Street & 573 Sunridge Lane
 - Public Hearing
 - Commission Deliberation
 - Commission Decision
- 6. OTHER BUSINESS**
- 7. ADJOURN**

<p>The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Clerk, Joyce Donnell, at 541-937-2157.</p>
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**City of Lowell, Oregon
Minutes of the Planning Commission Meeting
August 1, 2018**

The meeting was called to order at 7:00 PM by Commissioner Vice Chair Wallace.

Members Present: Don Swain, Stacie Harris, Mary Wallace. Lon Dragt

Member Absent: Jerry Bjornstad

Administer Oath of Office: CA Cobb administered the Oath of Office to Lon Dragt.

Approval of Planning Commission Minutes: Commissioner Harris moved to approve minutes from May 2, 2018, second by Commissioner Swain. PASS 3:0; 1 Abstention – Lon Dragt.

Old Business: None

New Business:

- a. **Discussion of Accessory Dwelling Units** – CA provided information on Oregon Senate Bill 1051. Discussion on what standards would be required for code regarding accessory dwelling units, mother-in-law cottage and tiny homes. Discussion on size of dwelling, occupancy and parking requirements. CA will take feedback and bring back new verbiage for code to next meeting.

Other Business: None

Adjourn: 7:39 PM

Approved: _____
Jerry Bjornstad - Chair

Date: _____

Attest: _____
Jared Cobb, City Recorder

Date: _____

CITY OF LOWELL, OREGON

ORDINANCE 297

AN ORDINANCE AMENDING ORDINANCE 246, LOWELL LAND DEVELOPMENT CODE ARTICLE 9.4, SECTIONS 9.411-9.412 RELATED TO ZONING DISTRICTS, AND ADOPTING ARTICLE 9.7, SECTION 9.707 RELATED TO ACCESSORY DWELLING UNITS

THE CITY OF LOWELL ORDAINS AS FOLLOWS:

Section 1. The following sections of Article 9.4 of the Lowell Land Development Code related to Zoning Districts, General and specifically to Single-Family Residential (R-1) and Multi-Family Residential (R-3), originally adopted by Ordinance 246, dated November 15, 2005, are hereby amended.

SECTION 9.411 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

- a) **Purpose.** To provide areas suitable and desirable for low density, urban, single-family residential use with provisions for associated residential or public service uses.
- b) **Permitted Uses.** In an R-1 District, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code:
 - 1) One single-family dwelling or manufactured dwelling per legal lot.
 - 2) Residential Care Homes for 5 or less people. as provided in ORS 197.660 -670. (Statutory)
 - 3) Group Child Care Home for 12 or less children as provided in the applicable provisions of ORS 657 A. (Statutory)
 - 4) Accessory buildings subject to the following standards:
 - A. Accessory buildings ~~shall not~~ may be ~~used~~ permitted for dwelling purposes in conformance with the applicable Use Standards of **Article 9.7**.
 - B. Accessory buildings shall not exceed 110% of the primary unit's height.
 - C. No sales, except authorized garage/yard sales, shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 9.251** and the home occupation standards of **Article 9.7**.
 - D. Boats, trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation.
- c) **Conditional Uses.** In an R-1 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 9.251** and the applicable Use Standards of **Article 9.7**.
 - 1) Home occupation.
 - 2) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670.
 - 3) Group Child Care Center for 13 or more children as provided in the applicable

provisions of ORS 657 A.

- 4) Semi-public uses such as grange halls, churches, public utility facilities
- 5) Light Agriculture in accordance with applicable standards of Article 9.7.
- 6) Bed and Breakfast.
- 7) Duplexes on corner lots which have a minimum of 10,000 square feet in area.

(d) Development Standards.

- 1) Minimum lot area: 7,000 square feet.
- 2) Minimum lot width: 60 feet, except for corner lots which must have no less than 65 feet on any property line adjoining a street.
- 3) Minimum Lot Depth: 80 feet
- 4) Maximum Building coverage including accessory buildings, provided that any patio structure used solely for open space and swimming pool not structurally covered shall not be counted as a structure for ascertaining coverage: 35%
- 5) Maximum building height – 2 stories, excluding basements/daylight basements, or 30 feet, whichever is lower. Accessory buildings are limited to one story.
- 6) Yards (all measurements are from the property line unless indicated otherwise):

A. Front Yard

1. For Streets with constructed or planned curbs and/or sidewalks, 20 feet from the outside edge of the curb or sidewalk but no less than 10 feet from the property line.
2. Where no curbs or sidewalks are constructed or planned, 15 feet, except all garages, carports or other parking structures taking access from the front of the property shall be set back 20 feet.

B. Side yard setbacks:

1. Interior side yard: 5 feet for single story and 7 ½ feet for two story structures.
2. Alley side yard: 5 feet
3. Street side yard: For Streets with constructed or planned curbs and/or sidewalks, 15 feet from the outside edge of the curb or sidewalk but no less than 5 feet from the property line except for parking structures which shall be set back at least 20 feet from a curb or sidewalk. Where no curbs or sidewalks are constructed or planned, 10 feet, except all parking structures access from the side street shall be set back 20 feet.

C. Rear yard: 10 feet

- 7) See **Article 9.5** for additional General Development Standards, **Article 9.6** for Special Development Standards and **Article 9.7** for Use Standards that may apply in the R-1 District.

SECTION 9.412 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-3)

- a) **Purpose.** To provide areas suitable and desirable for medium density multiple-family residential use with provisions for associated residential or public service uses. Medium density shall mean a maximum of 15 dwelling units per acre unless approved as a Conditional Use.

b) **Permitted Uses.** In an R-3 District, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 9.250**, single-family and duplexes excepted, and other standards and provisions set forth in this Code:

- 1) Duplexes, apartments, and multiple-family dwellings.
- 2) One single-family dwelling or manufactured dwelling per tax lot.
- 3) Residential Care Facility for 15 or less people as provided in ORS 197.660 – 670
- 4) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657 A.
- 5) Accessory buildings subject to the following standards:
 - A. Accessory buildings ~~shall not~~ may be ~~used~~ permitted for dwelling purposes in conformance with the applicable Use Standards of **Article 9.7**.
 - B. Accessory buildings shall not exceed 110% of the primary unit's height.
 - C. No sales, except authorized garage/yard sales, shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 9.251** and the home occupation standards of **Article 9.7**.
 - D. Boats, trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation.
- 6) Court Apartments

c) **Conditional Uses.** In an R-3 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 9.251** and the applicable Use Standards of **Article 9.7**.

- 1) Home occupation.
- 2) Semi-public uses such as grange halls, churches, public utility facilities.
- 3) Multiple-family residential of greater density than 15 units per acre.
- 4) Townhouses/condominiums
- 5) Manufactured Dwelling Parks
- 6) Bed and Breakfast

(d) **Development Standards.**

- 1) Minimum lot area - 7,000 square feet.
- 2) Minimum lot width - 60 feet, except for corner lots which must have no less than 65 feet on any property line adjoining a street
- 3) Minimum Lot Depth – 80 feet
- 4) Maximum Building coverage including accessory buildings - 40%, provided that any patio structure used solely for open space and swimming pool not structurally covered shall not be counted as a structure for ascertaining coverage.
- 5) Maximum building height – 3 stories or 45 feet, whichever is lower. Accessory building are limited to one story. For R-3 development within 50 foot of an abutting R-1 district side or rear yard, R-1 height standards apply.
- 6) Yards:
 - A. Front Yard

1. For Streets with constructed or planned curbs and/or sidewalks, 20 feet from the outside edge of the curb or sidewalk but no less than 10 feet from the property line.
2. Where no curbs or sidewalks are constructed or planned, 15 feet, except all garages, carports or other parking structures taking access from the front of the property shall be set back 20 feet.

B. Side yard setbacks:

1. Interior side yard: 5 feet and 7 ½ feet for two story structures.
2. Alley side yard: 5 feet
3. Street side yard: For Streets with constructed or planned curbs and/or sidewalks, 15 feet from the outside edge of the curb or sidewalk but no less than 5 feet from the property line except for parking structures which shall be set back at least 20 feet from a curb or sidewalk. Where no curbs or sidewalks are constructed or planned, 10 feet, except all parking structures taking access from the side street shall be set back 20 feet.

C. Rear yard: 10 feet.

- 7) See **Article 9.5** for additional General Development Standards, **Article 9.6** for Special Development Standards and **Article 9.7** for Use Standards that may apply in the R-3 District.

Section 2. The following section of Article 9.7 of the Lowell Land Development Code related to Use Standards, General and specifically to Accessory Dwelling Units is hereby adopted.

SECTION 9.707 ACCESSORY DWELLING UNITS

- a) **Purpose.** The purpose of this section is to allow for the establishment of an accessory dwelling unit in conjunction with a single-family dwelling in any zone that allows residential uses. An accessory dwelling unit may be permitted as a means to provide more affordable housing opportunities for young families and the elderly; encourage additional density at minimal cost and disruption to surrounding neighborhoods; allow individuals and smaller households to retain large houses as residences; and allow more energy efficient use of large, older homes.
- b) **Procedure.** An application for an accessory dwelling unit shall be reviewed by the City Administrator under the Type I procedure.
- c) **Standards.** One (1) accessory dwelling unit may be allowed in conjunction with a single-family dwelling by conversion of an existing space, by means of addition, or as an accessory structure on the same lot with an existing dwelling, subject to the following standards and limitations:
 - 1) The owner(s) of the primary dwelling shall occupy at least one (1) of the units;
 - 2) The gross floor area of the accessory dwelling unit shall not exceed 50% of the primary dwelling's gross floor area, or 800 square feet, whichever is less;
 - 3) Accessory dwellings are exempt from the housing density standards and parking

requirements of the zoning district, due to their small size and low occupancy levels;

- 4) Detached structures shall not be located less than 10 feet from the primary structure.
- 5) Accessory structures shall maintain the setback standards specified by property zoning designation related to front, rear, and side setbacks and shall retain at least a 5-foot buffer from any property line or other accessory building.
- 6) The approval body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling unless the applicant and the owner of the abutting single-family dwelling agree in writing not to install the hedge or fence.
- 7) Conversion of an existing non-conforming structure into an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity;
- 8) The accessory dwelling unit may utilize the existing water and sewer utility connections of the primary dwelling, or a separate connection may be constructed;
- 9) The accessory dwelling unit shall have exterior siding and roofing similar in color, material and appearance to that used on the primary dwelling; and
- 10) The accessory dwelling unit shall comply with the Oregon Structural Specialty Code.

Adopted by the City Council of the City of Lowell, this ____ day of _____, 2018.

Yea: _____

Nay: _____

Approved: _____
Don Bennett, Mayor

First Reading:

Second Reading:

Adopted:

Signed:

Effective Date:

Attest: _____
Jared Cobb, City Recorder

**Staff Report
Variance
572 E. 1st Street & 573 Sunridge Lane
LU 2018-03
Staff Report Date: October 3, 2018**

1. **Proposal.** The Planning Commission is being asked to review and render a decision on a variance from the maximum height of a side, rear or interior fence of six feet to a maximum of eight feet at the highest point. The proposed fence will be comprised of a wire grid fence. The only portion that will exceed the six foot height limit will be the posts and two cables to keep deer out. The subject property is located on Assessor's Map and Taxlot 19-01-14-13 at 573 Sunridge Lane, Lowell, OR, 97452. The subject property abuts an existing home at 572 E. 1st Street, which is also owned by the applicant, Ms. Julie Redner.

The applicant is proposing to build a garden on the empty lot (0.18 acres) located at 573 Sunridge Lane, which the applicant owns. The subject property is located directly behind the applicant's residence. The garden lot will contain the current protected tree, several smaller/dwarf fruits and/or flowering trees, grapes, fruit bushes, flowers, landscaping and paths. Care will be taken to respect vegetation height restrictions of the lot in Sunridge CC&Rs. Ten raised beds are also planned. The garden itself is not the subject of what Planning Commission is being asked to consider. As part of the application the City will issue a letter clarifying the use of a garden is an accessory use to the primary residence under the same ownership, if the ownership dynamic changes in the future on either lot the conclusion may change.

2. **Approval Criteria.** LDC, Section 9.252, paragraph (a), establishes the decision process required for variances. An application for a variance requires a quasi-judicial public hearing before the Planning Commission. Following public hearing and after evaluating the application against the decision criteria contained in LDC Section 9.252(b), the Planning Commission must adopt findings which approve, deny or conditionally approve the variance application and may attach any reasonable standards of development to attain compliance with the zoning district and the LDC.

3. **Staff review of applicable criteria for variance**

LDC 9.525. (b) Decision Criteria. A variance may be granted in the event that all of the following circumstances exist:

(1) That there are circumstances or conditions affecting the property or use.

Discussion: The variance to the fence height standards is being proposed as a way to mitigate damage and loss of property by wildlife to the garden. The wire grid fence with extra single wires above is being proposed as a way to effectively mitigate any visual disruption for the neighbors. It would not make sense for one to plan an elaborate garden using considerable time, money and effort and not take necessary steps to protect the garden from deer.

Recommended FINDING for approval: There are circumstances and conditions affecting the property that warrant a variance to fence height standards. Criterion met.

(2) That the variance is necessary for the proper design and/or function of the proposed development or land division.

Discussion: The installation of an effective fence against property damage from deer is necessary for the function of the subject lot. The proposed wire grid fence will allow neighbors to enjoy the view of the garden instead of building a wood fence

Recommended FINDING for approval: The installation of an effective fence against property damage from deer is necessary for the function of the subject lot. Criterion met.

(3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

Discussion: The proposed variance to fence height standards is not expected to have any detriment to public welfare or injurious to other property. No public comments have been received prior to the public hearing.

Recommended FINDING for approval: Conditioned upon testimony to the contrary, the granting of the proposed variance will not be detrimental to the public welfare or injurious to other property. Criterion met.

(4) That the granting of the variance will not conflict with the purpose and intent of the district or zone, this Code, or other related ordinances of the City.

Discussion: The granting of the proposed variance will not conflict with the purpose or intent of the district, or any other city ordinances.

Recommended FINDING for approval: The granting of the proposed variance will not conflict with the purpose and intent of the district of the zone, this Code, or other related ordinances of the City. Criterion met.

7. Recommendation

Staff recommends the Planning Commission **APPROVE**, a variance to fence height standards to permit an eight foot high fence (at the highest point) comprising of a wire grid fence.

8. Attachments

Attachment A: Applicant's application

Attachment B: Supplemental materials submitted by applicant

Attachment C: Notice

Land Use Permit Application

Julie E. Redner
572 E 1st St. and 573 Sunridge Lane
Lowell, OR, 97452
(541) 554-5303

Permit application includes:

- 1) A requested variance for fence height at 572 E 1st St and 573 Sunridge Lane,
- 2) A requested conditional use permit for agriculture for the currently empty .18 acre lot at 573 Sunridge Lane in order to plant a garden there.

The City of Lowell Code of Ordinances section 9.411 Single-family residential district R-1, section (c) Conditional Uses, includes,

“In an R-1 district, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of section 9.251 and the applicable use standards of 9.7.”

Section (c) (5) continues:

“Light agriculture in accordance with applicable standards of article 9.7”

Section 9.722 Agricultural use Standards states that:

“Limited agricultural use of property in the city is allowed under the following conditions and Standards” (a) “The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for on-site home consumption is allowed on any lot within the city, as long as such crops are controlled and don’t become a nuisance to the neighboring properties.”

Thank you in advance for your consideration. Please contact me with any questions.

Julie E. Redner
541-554-5303
julredner@yahoo.com

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Land Use Permit Application

☐ Site Plan Review ☐ Lot Line Adjustment ☐ Partition ☐ Subdivision
☒ Conditional Use* ☒ Variance Fence Height ☐ Map Amendment ☐ Text Amendment
☐ Annexation ☐ Vacation ☐ Other, specify _____
* Conditional use permit for agricultural use - garden

Please complete the following application. If any pertinent required information or material is missing or incomplete, the application will not be considered complete for further processing. If you have any questions about filling out this application, please contact staff at Lowell City Hall, phone (541) 937-2157, 107 East Third, Lowell.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Map# ① 19-01-14-13 Lot # ① 02900

Map# ② 19-01-14-13 Lot # ② 01800

Map# _____ Lot # _____

Street Address (if applicable): ① 573 Sunridge Lane (empty lot) ② 572 E. 1st. St.

Area of Request (square feet/acres): ① .18 acre ② portion of 572 E. 1st. St. (addition of fence only)

Existing Zoning: R1 single family housing

Existing Use of the Property: ① Empty Lot ② Residential (house)

Proposed Use of the Property ① Garden ② Residential (house)

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

Submittal Requirements:

- X 1. Copy of deed showing ownership or purchase contract with property legal description.
- X 2. Site Plan/Tentative Plan with, as a minimum, all required information. Submit one copy of all plans 11x17 or smaller; 12 copies of all plans larger than 11x17. (See attached checklist for required information)
- X 3. Applicant's Statement: Explain the request in as much detail as possible. Provide all information that will help the decision makers evaluate the application, including addressing each of the decision criteria for the requested land use action.
- _____ 4. Other submittals required by the City or provided by the applicant. Please List.
 - a. N/A
 - b. _____
 - c. _____
 - d. _____
 - e. _____
 - f. _____
- _____ 5. Filing Fee: Amount Due: _____.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that incomplete applications may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge. I (We) also acknowledge that if the total cost to the City to process this application exceeds 125% of the application fee, we will be required to reimburse the City for those additional costs in accordance with Ordinance 228.

PROPERTY OWNER

Name (print): Julie E. Redner Phone: 541-554-5303

Address: 572 E 1st St.

City/State/Zip: Lowell, OR 97452

Signature: [Signature] 7/23/18

APPLICANT, If Different

Name (print): N/A Phone: _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

Signature: _____

E-mail (if applicable): _____

APPLICANTS REPRESENTATIVE, if applicable

Name (print): N/A Phone: _____

Company/Organization: _____

Address: _____

City/State/Zip: _____

E-mail (if applicable): _____

For City Use. Application Number _____

Date Submitted: _____ Received by: _____ Fee Receipt # _____

Date Application Complete: _____ Reviewed by: _____

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

APPLICATION SITE PLAN REQUIREMENTS CHECKLIST
Lowell Land Development Code, Section 2.140

Applications for land divisions or land use requests that require a site plan shall submit the site plan on 8 1/2 x 11 inch or 11 x 17 inch black/white reproducible sheets for copying and distribution. Larger drawings may be required for presentation and City review. Drawings shall be drawn to scale. The scale to be used shall be in any multiple of 1 inch equals 10 feet (1" = 20', 1" = 30", 1" = 100', etc.) and may be increased or decreased as necessary to fit the sheet size. The Application and site plan shall show clearly and with full dimensioning the following information, as applicable, for all existing and proposed development. It is understood that some of the requested information may not apply to every application.

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

- X Water systems, drainage systems, sewage disposal systems and utilities.
EASEMENT ON LOT 39, western 10 feet contains sewer pipe for lots 13414.
- X Drainage ways, water courses, flood plain and wetlands.
GROUND WATER FROM LOTS 13414 TO BE PIPED IN EASEMENT TO WEEP HOLE @ CURB
- X The number of people that will occupy the site including family members, employees or customers.
ZERO. WITHIN EASEMENT
- X The number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
AT MOST 1-2 VEHICLE TRIPS PER WEEK (<1/DAY).
- X Time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.
N/A
- X Specifications of the type and extent of emissions, potential hazards or nuisance characteristics generated by the proposed use. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for denial or termination of a Certificate of Occupancy.
NONE ANTICIPATED
- Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community including, but not limited to; noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference, may require additional safeguards or conditions of use as required by the Planning Commission or City Council.
NONE ANTICIPATED
- All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. City approval of a land use application shall be conditional upon evidence being submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.
NONE ANTICIPATED
- X Such other data as may be necessary to permit the deciding authority to make the required findings.

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

Applicant statement:

I would like to build a garden on Sunridge lot 39, which I own. The street address of that currently empty lot is 573 Sunridge. The lot is directly below my home, Sunridge lot 14, at 572 E 1st St. The garden lot will contain the current protected tree, several smaller/dwarf fruit and/or flowering trees, grapes, fruit bushes, other bushes, flowers, landscaping and paths. Care will be taken to respect vegetation height restrictions for the lot in Sunridge CC&Rs. Ten raised garden beds also are planned. These which will be used primarily for vegetables, herbs and flowers. There are deer in the surrounding area. To prevent destruction of the garden from deer entry (via jumping over the fence), I would like to request a higher fence limit than the six feet currently allowed.

The proposed fence would be a cedar post and cross-member fence with powder-coated wire grids at 4" intervals (see drawing that follows). The wire grid sheets are five feet high. I would like to run additional wires above that height to a maximum of 8 feet at the highest point (due to the lot grade). Visibility will not be impacted and the project will be done in a manner that should enhance the surrounding properties rather than detract from them.

A short distance of this fence will extend into the residential lot (Sunridge lot 14) to allow 1-2 potential future dogs to exit the house but remain contained. A drawing of the proposed fence follows.

Water will be sourced either from 572 E 1st St. or a separate meter at 573 Sunridge (the current empty lot). I am awaiting information regarding the cost of a separate meter. As required by the current CC&Rs, ground water from lots 13 and 14 will be piped through the easement on lot 39 to the weep hole at the street. No other drainage needs are anticipated, though care will be taken to maintain accessibility of any utilities (drainage, sewer) in the easement. No sewage disposal or additional utilities will be needed on lot 39. No farm animals (e.g. pigs, cows, chickens, etc.) are planned for the site. No marijuana will be grown on the site.

As a condition of buying the proposed garden lot (e.g. lot 39), an agreement was reached with the Sunridge developers that I would receive a variance waiving the Sunridge Subdivision requirement to build on the lot within 18 months. Formalization of the variance occurred somewhat later. A copy of the variance (an original and a later signed copy) are included. Should a house eventually be built on that lot, the variance specifies requirements for the structure.

Julie E. Redner 7/23/18
Julie E. Redner



TITLE NO. 0277008 *DM*
ESCROW NO. EU12-2595
TAX ACCT. NO. 1755063
MAP/TAX LOT NO. 19 01 14 #6300

Lane County Clerk
Lane County Deeds and Records

2012-042030



\$42.00

01311210201200420300010019

08/17/2012 02:40:07 PM

RPR-DEED Cnt=1 Stn=8 CASHIER 02
\$5.00 \$11.00 \$16.00 \$10.00

WARRANTY DEED -- STATUTORY FORM

SHADE TREE, INC., an Oregon Corporation, Grantor,

conveys and warrants to

JULIE REDNER, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

Lot 39, SUNRIDGE SECOND ADDITION, as platted and recorded July 26, 2005, Reception No. 2005-057003, Lane County Deeds and Records, in Lane County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Except the following encumbrances:

2012/13 TAXES WHICH ARE A LIEN BUT NOT YET DUE AND PAYABLE.
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

The true consideration for this conveyance is \$55,000.00.

Dated this 14th day of AUGUST, 2012.

SHADE TREE, INC.

BY: *Mia Nelson*

MIA NELSON, PRESIDENT

State of Oregon
County of Lane

This instrument was acknowledged before me on August 14, 2012 by MIA NELSON AS PRESIDENT OF SHADE TREE, INC.



Dena L. Mullikin
(Notary Public for Oregon)
My commission expires 4-17-16

SHADE TREE, INC.
40160 EAST FIRST STREET
LOWELL, OR 97452
GRANTOR'S NAME AND ADDRESS

JULIE REDNER
572 EAST FIRST STREET
LOWELL, OR 97452
GRANTEE'S NAME AND ADDRESS

Until a change is requested
all tax statements shall be
sent to the following address:
SAME AS GRANTEE

After recording return to:
CASCADE TITLE CO.
811 WILLAMETTE
EUGENE, OR 97401

② 572 E 1st St., Lowell

After recording return to:	
Order Number: 44294	<i>RM</i>
Western Title & Escrow 497 Oakway Road, Suite 340 Eugene, OR 97401	
Grantee Name(s)	
Julie E. Redner 572 East 1st Street Lowell, OR 97452	
Until a change is requested, all tax statements shall be sent to the following address:	
Same as Above	

Lane County Clerk
Lane County Deeds and Records

2011-012018



\$42.00

01210354201100120180010011

03/10/2011 01:38:21 PM

RPR-DEED Cnt=1 Stn=9 CASHIER 06
\$5.00 \$11.00 \$16.00 \$10.00

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Audrey Bell, Trustee of The Bell Family 1999 Revocable Trust dated June 21, 1999
Grantor(s) convey and warrant to

Julie E. Redner, Grantee the following described real property free of encumbrances
except as specifically set forth herein:

Lot 14, SUNRIDGE, as platted and recorded in File 75, Slide 1091, Lane County
Oregon Plat Records, in Lane County, Oregon.

Account No(s): **1672201**
Map/Tax Lot No(s): **19 01 14 00 03600**

This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the
date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is **\$270,000.00**. (Here comply with
requirements of ORS 93.030.)

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE
TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300,
195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS
2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS
INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT
OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF
THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR
FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF
NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO
195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO
9 AND 17, CHAPTER 855, OREGON LAWS 2009.**

Executed this 08 day of March, 2011

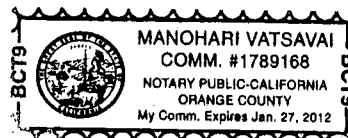
Bell Family 1999 Revocable Trust dated June 21, 1999

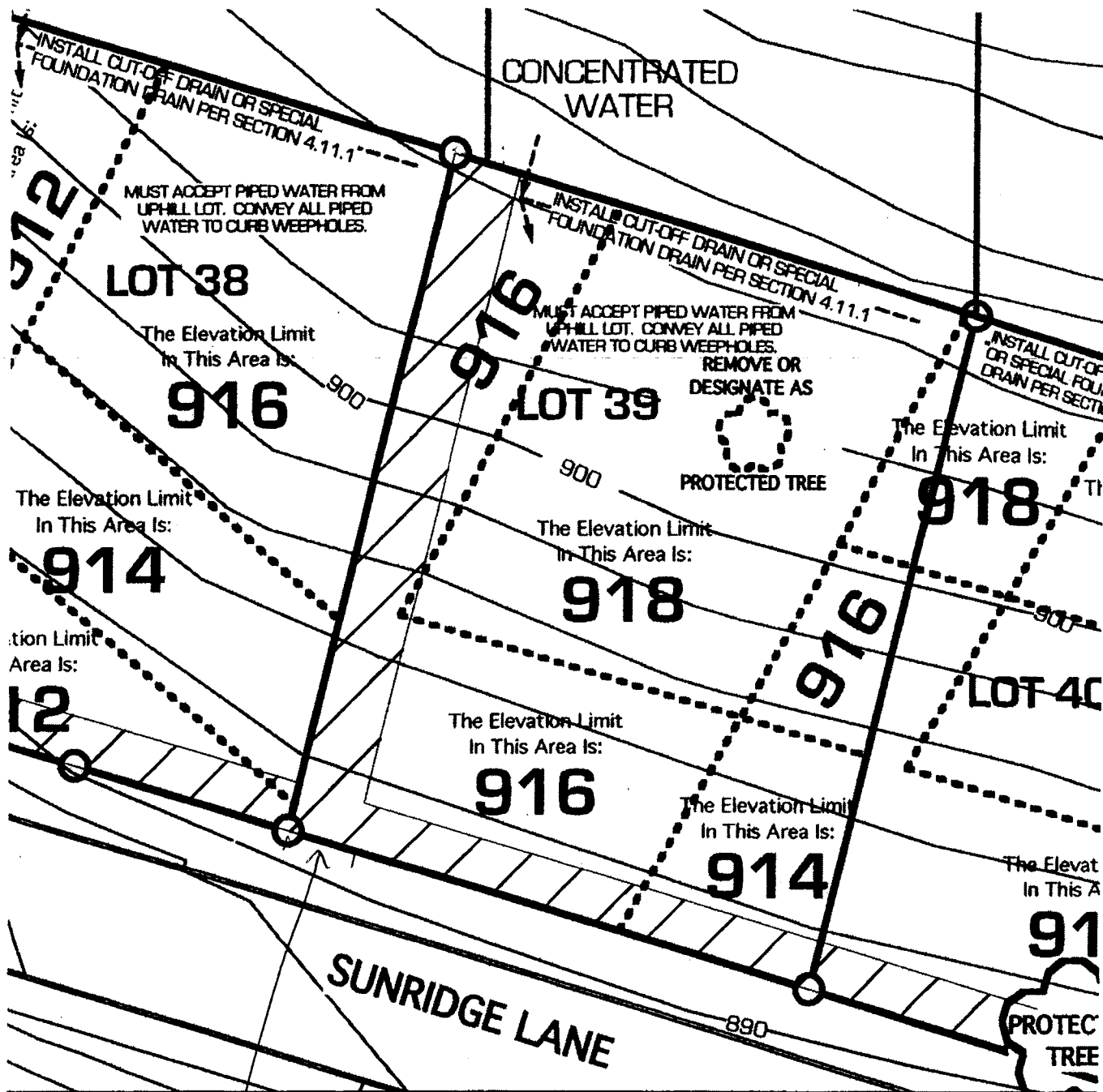
Audrey Bell
By: **Audrey Bell**
Its Trustee

State of ~~Oregon~~ ^{CALIFORNIA}, County of ~~Lane~~ ^{ORANGE}) ss.

This instrument was acknowledged before me on this 8th day of March, 2011 by **Audrey
Bell**, as Trustee of Bell Family 1999 Revocable Trust dated June 21, 1999

Manohari Vatsavai
Notary Public for ~~Oregon~~ ^{CALIFORNIA}
My commission expires: JAN 27th 2012





INDIVIDUAL LOT MAP SUNRIDGE SUBDIVISION LOT 39

SCALE: 1" = 20'

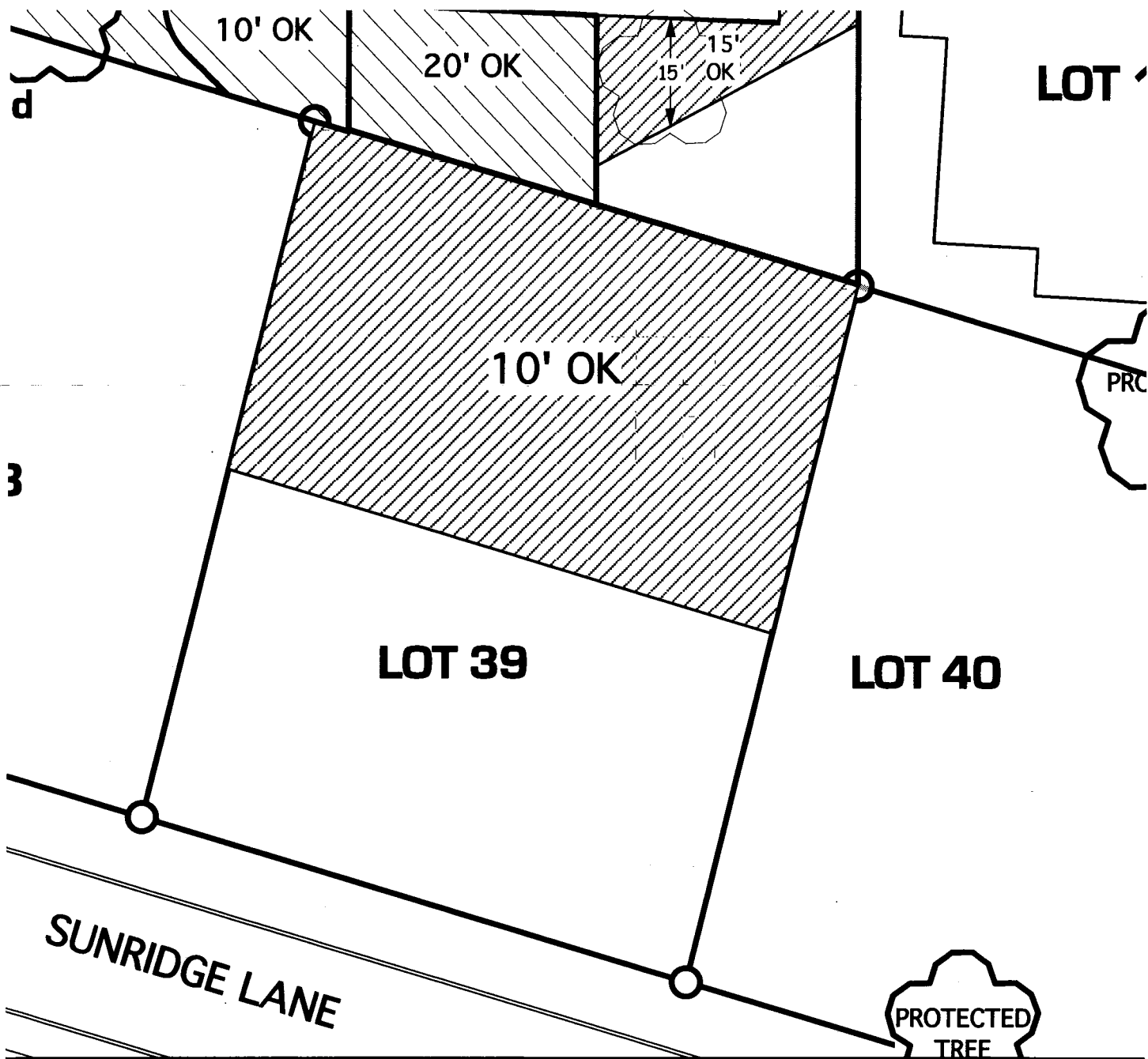
VERIFY ALL CONTOUR LOCATIONS.
ACCURACY IS NOT GUARANTEED.

GARDEN LOT
= #39



10 foot
sewer
easement
for lots
13 & 14

1705-16



VEGETATION HEIGHT EXCEPTION AREAS
ALL OTHER AREAS: PLANTS MUST BE 6 FEET OR LESS

LOT 39

SCALE: 1" = 20'



Map 19-01-14-13 Lot 01800
572 East 1st Street, Lowell, OR 97452


Map 19-01-14-13 Lot 01800
572 East 1st Street, Lowell, OR 97452

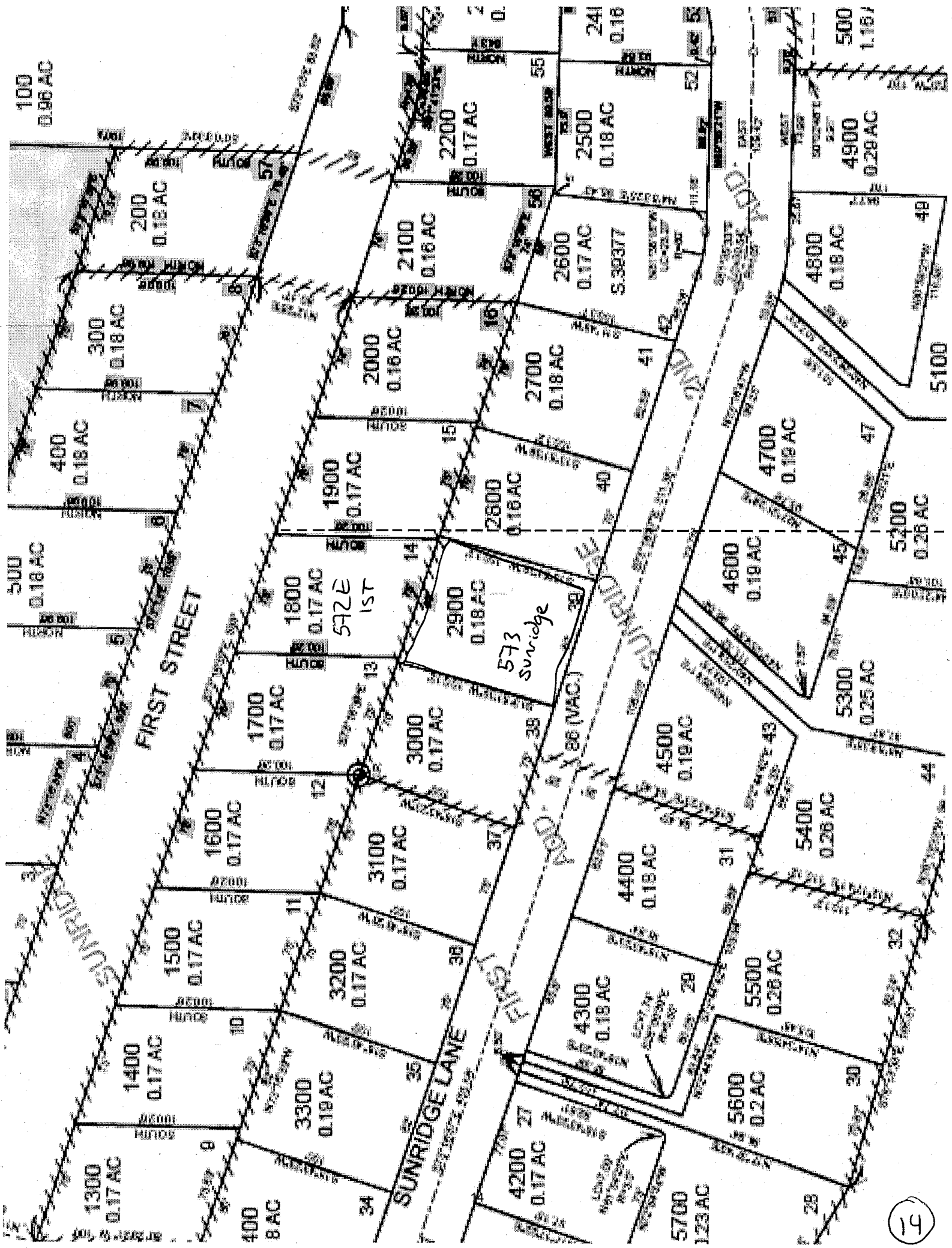
SQUARE FOOTAGE	
Existing Deck:	103 sq ft
New Deck:	85 sq ft
Deck Total:	188 sq ft

Covered deck addition to existing detached single family house

All work shall comply with all applicable current State and local codes. Before construction commences, the Building Contractor shall review all construction documents for accuracy, completeness, correctness, and code compliance and will thus accept full responsibility for these documents and the subsequent structure once construction has begun. Compliance with these codes and local standards of building practice shall be the sole responsibility of the Building Contractor. No alterations, substitutions, or omissions will be allowed without written permission from Rainbow Valley.

[illegible]

Redner Residence 572 East 1st Street Lowell, OR 97432 Julie Redner	<div style="text-align: center;">  RAINBOW VALLEY DESIGN AND CONSTRUCTION </div> 785 GRANT STREET • EUGENE, OR 97402 PHONE: 541.342.4871 FAX: 541.344.7856	DES: LR DFL: LR / MY DATE: 06.07.18 SUBMITTED	<div style="text-align: center;"> Redner Covered Deck </div> <hr/> REVISIONS DATE:	OF 6	SHEET 1
--	---	--	--	----------------	-------------------



2005-057006

After recording return to:
Shade Tree, Inc.
40160 East First Street
Lowell, OR 97452



\$26.00

00718865200500570060010015 07/26/2005 10:42:53 AM
RPR-ESMT Cnt=1 Stn=4 CASHIER 02
\$5.00 \$10.00 \$11.00

PRIVATE SANITARY SEWER EASEMENT

GRANTOR: Shade Tree, Inc., an Oregon corporation
GRANTEE: Robert and Geraldine Burr, as to Lot 13
Ryan and Lynette Alexander, as to Lot 14
BENEFITED PROPERTY: Lots 13 and 14 of Sunridge
BURDENED PROPERTY: Lot 39 of Sunridge Second Addition

1. **Grant of Easement.** SHADE TREE, INC., as GRANTOR, does hereby create and convey to ROBERT and GERALDINE BURR, as GRANTEE, and to RYAN and LYNETTE ALEXANDER, as GRANTEE, a perpetual, non-exclusive easement over, across and under the real property described below as "Easement Area" to inspect, operate, maintain, repair and replace private sanitary sewer drainage lines serving Lot 13 and Lot 14 of Sunridge, recorded as Document No. 2001-020173, Lane County Official Records. The terms of this easement are as set forth herein.

2. **Easement Area Defined.** The Easement Area shall be an area of land described as follows: Beginning at the northwest corner of Lot 39, Sunridge Second Addition, recorded as Document No. ~~2005-57003~~, official records of Lane County, Oregon; thence South 13°51'39" West 100.12 feet to the southwest corner of said Lot 39; thence South 73°16'37" East 10.00 feet; thence North 13°51'39" West; thence North 73°16'39" West 10.00 feet to the true point of beginning in Lowell, Lane County, Oregon.

3. **Terms of Easement.** Grantees shall be entitled to access to the Easement Area upon reasonable notice to Grantor. Buildings shall not be erected within the Easement Area. Grantees shall use care in working around fences and landscaping within the Easement Area when maintaining, repairing or replacing sanitary sewer lines, and shall promptly restore damaged areas in a workmanlike manner. Grantor reserves, for itself, its heirs and assigns, at all times and without restriction, the right to use the Easement Area in a manner not inconsistent with the full use and enjoyment by the Grantee of the rights herein granted. This easement is granted subject to all prior conditions, restrictions, easements and encumbrances of record, and shall run with the land and be binding on and inure to the benefit of any future parties, their heirs, successors and assigns.

4. **Use of the Easement Area.** The Grantor and Grantee shall cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the other.

5. **Binding Effect, No Merger.** The easement created herein shall run with the land and shall be binding on and shall inure to the benefit of any future parties, their heirs, successors and assigns. This easement is not personal but shall be appurtenant to each and every portion of the property for which the easement is created and conveyed. The easement granted in this document shall not merge into the title held by any party, it being the express intent of this instrument that such easement shall remain separate from the fee title.

6. **Attorney Fees.** If any suit, action, or other proceeding or appeal therefrom, is instituted to enforce, compel or clarify any right or obligation created in this agreement, the prevailing party shall be entitled to receive from the adverse party, in addition to costs and disbursements, an award of reasonable attorney fees to be set by the trial or appellate court.

DATED this 20th day of July, 2005.

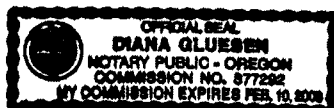
GRANTOR:

SHADE TREE, INC., by Mia Nelson, President

STATE OF OREGON, County of Lane, ss.

On July 20th 2005, personally appeared the above named Mia Nelson, and did say that she is the President of Shade Tree, Inc. and that this instrument was signed on behalf of the corporation and by the authority of its board of directors, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

Notary Public for Oregon
My Commission Expires: 2-10-2008



2014-042031

After recording return to:
Shade Tree, Inc.
40160 East First
Lowell, OR 97452



\$102.00

01463378201400420310080080

10/23/2014 11:54:57 AM

RPR-REST Cnt=1 Stn=15 CASHIER 01
\$40.00 \$20.00 \$10.00 \$11.00 \$21.00

**VARIANCE to DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
EQUITABLE SERVITUDES FOR SUNRIDGE SUBDIVISION**

Property: **Lot 39 of SUNRIDGE SUBDIVISION**
Parties: **SHADE TREE, INC., an Oregon corporation**
JULIE REDNER

In accordance with Section 8.1 of the Declaration of Covenants, Conditions, Restrictions and Equitable Servitudes for Sunridge Subdivision, recorded April 10, 2001, reception number 2001-020572, and as amended by that document recorded on January 31, 2005, reception number 2005-007739, and by that document recorded on July 26, 2005, reception number 2005-057010 [hereafter "the CC&Rs"], Declarant SHADE TREE, INC. does hereby grant a Variance to said Declaration as follows:

For Lot 39, the 18-month deadline for obtaining a building permit required by Section 3.1 is waived; provided, however, that after the end of the Development Period defined by the CC&Rs, construction of structures on Lot 39 must conform to building plans approved in writing by the owners of at least six of the following seven lots: 13, 14, 15, 38, 40, 43, and 45. Provided, however, that failure of the owner[s] of a lot to respond within 45 days to a request for approval or disapproval of building plans, if the request is made in accordance with the CC&Rs Section 11.1, shall constitute approval of said plans. Further provided, that this requirement to obtain prior approval of building plans shall remain in force only until construction of a residence on Lot 39 has been completed.] *

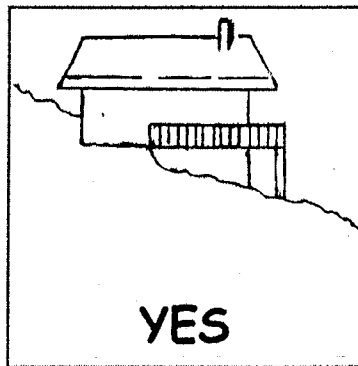
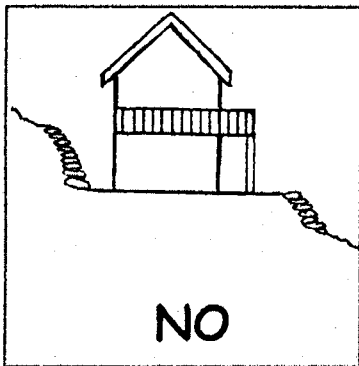
Approval or disapproval of building plans shall be based on compliance with the CC&Rs and on the following design guidelines:

HEIGHT RESTRICTION: Lot 39 has elevation limits from 914' to 918' above sea level, as illustrated in the CC&R's Individual Lot Map. Structures cannot not be higher than the elevation limits unless a variance has been granted in accordance with CC&Rs Section 8.2.

SENSITIVITY TO THE BUILT ENVIRONMENT: Structures should be sensitive to the impacts they will have on the views from adjacent lots. For example, neighboring houses may need to look across the front of Lot 39 to see the lake, so structures may need to be set back from the street farther than the minimum legally required setback. Or, the roof may need to be hipped to allow a view across the top of the roof. Windows should avoid looking directly into neighboring homes' windows, where feasible. Owners of neighboring lots may reject a design if the structure is not a good "fit" with the surrounding homes.

ROOFS: Hip roofs are preferred, as they impede views least of any roof style. Fake Mansard roofs, "A" frame buildings and dome structures are not allowed. Roof colors must be black, dark grey, or weathered wood tones; tan or light grey colors are not allowed. Roof penetrations (vents, fan housings etc.) must be on the back roof and not visible from the street. Solar panels, if installed, must be on the roof.

CHIMNEYS: Chimneys must have a minimum chase of 24" X 24" with the sides covered with the same siding used on the main body of the house.

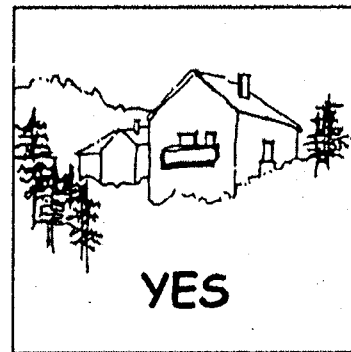
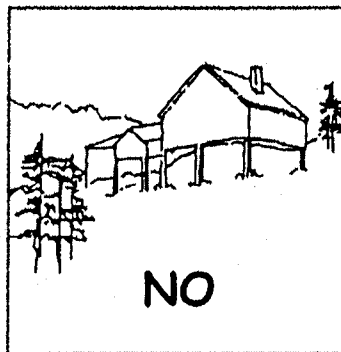


SENSITIVITY TO THE LAND:

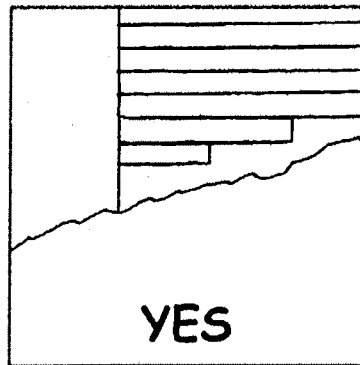
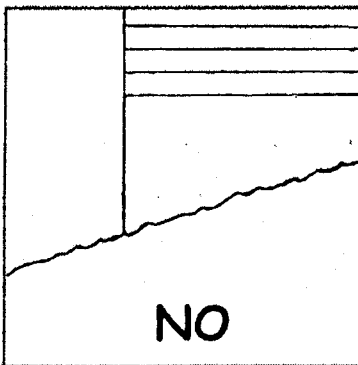
Structures should have a high degree of sensitivity to the topography of the lot and the adjacent street. Owners of neighboring lots may reject a design if the house is not a good "fit" with the lot. Structures should be designed to conform to the site, instead of changing the site to fit the structure.

SUPPORT STRUCTURES:

Support structures under a building should not be visible from outside the site, except when designed to be aesthetically integrated with the rest of the building design. Otherwise, exterior wall materials must be continued down to less than 18" vertically from the finish grade.



DRIVEWAYS: Driveway grades should be minimized. Designs that do not provide a reasonably level area just outside the garage may be rejected unless no feasible alternative exists. Driveways should be constructed so that all run-off water flows back to the street, or is collected with an area drain and piped the street or directly to the storm system.



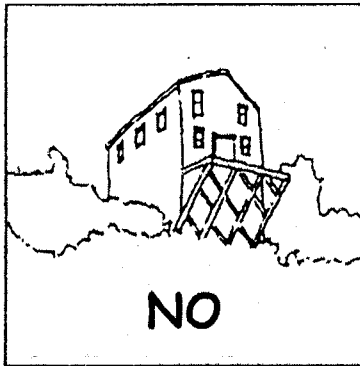
FOUNDATIONS:

Visible foundation walls are limited to less than 18" vertically.

FILL DIRT DISPOSAL: To protect natural drainage patterns, to reduce erosion and to preserve topsoil and existing vegetation, disposal of excavated soils is not be allowed on the lot.

WINDOWS: Where feasible, windows should be placed so they will not look directly into neighboring homes' windows. If Lot 38 or Lot 40 are still vacant, consider how those lots might be developed. Fake divided-lite window grilles are not allowed.

RETAINING WALLS: Cuts and fills need to be covered with dry set basalt stone (native from site or quarry, no mixing).

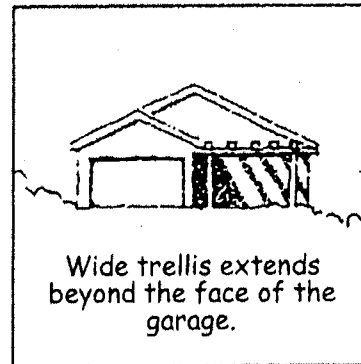
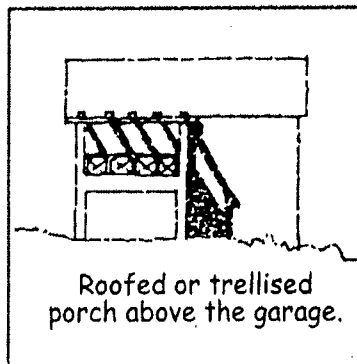
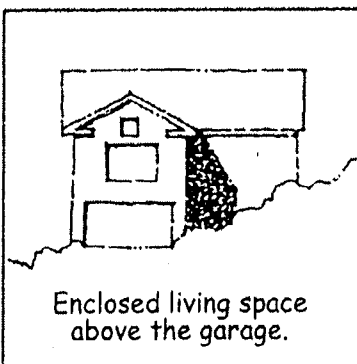
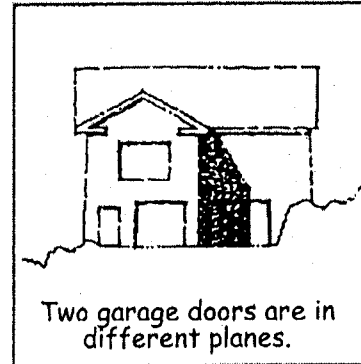
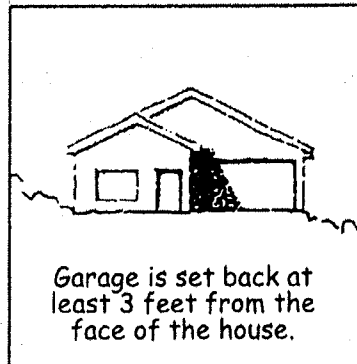
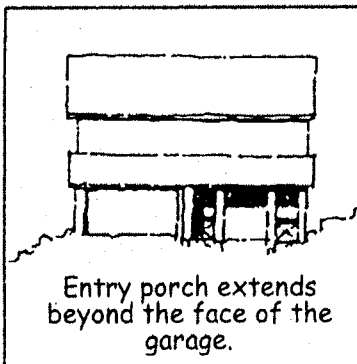


DECKS: Decks and their support structures must be carefully designed and detailed and be considered an integral part of the elevations. No X or knee bracing is allowed. Decks raised from 6-10 feet above the ground must be supported on columns at least 7" x 7". Columns supporting decks over 10 feet above the ground must be least 10" x 10". Columns may be boxed out to reach these required dimensions.

ELECTRIC METER BOXES: The electric meter box must be recessed or flush with the siding, <1 inch protruding from siding and not exceeding 15 inches wide and 34 inches high. Meter boxes must be installed so that they are not visible from the street, and also comply with Lane Electric guidelines. No exterior disconnect switches are allowed.


RECESSED LIGHTING: All recessed lighting on sloped ceilings must use fixtures that are designed for sloped ceilings (Halo H471CAT or equivalent).

GARAGES: Two 9-foot wide garage doors should be used, rather than one large door. The garage floor should be at the same level as the living area. If the garage faces the street, one or more of the below-illustrated mitigations may be required to improve aesthetics:



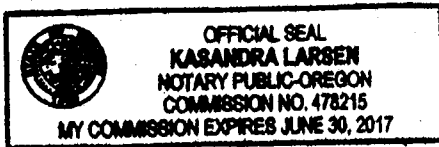
COLORS: Exterior colors must be approved in advance. The overall effect of selected colors should complement and blend with the natural rocks and vegetation of the hillside and with surrounding houses. White, yellows, blues, and bright colors are not be allowed except as accents. Exterior window and door parts may not be white, unless used with white trim. Propane tanks, electrical boxes, vents etc. must be painted to match the body color of the house.

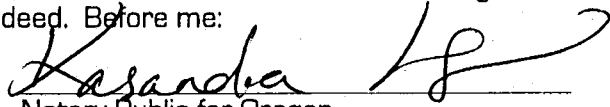
Dated this 20th day of November, 2013 by the DECLARANT:


SHADE TREE, INC., by MIA NELSON, President

STATE OF OREGON, County of Lane, ss.

On this 20th day of November, 2013, personally appeared the above named Mia Nelson, and did say that she is the President of Shade Tree, Inc. and that this instrument was signed on behalf of the corporation and by the authority of its board of directors, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:




Notary Public for Oregon
My Commission Expires: 6-30-17

CONCURRENCE FOR LOT 39:

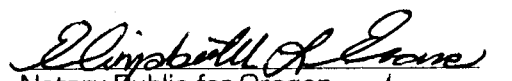
I, Julie Redner, accept the foregoing restrictions in exchange for the Declarant's waiver of the 18-month building permit deadline in the CC&Rs Section 3.1. I acknowledge that these restrictions run with the land, and hereby bind myself, my heirs, successors and assigns, and any other future parties having any right, title or interest in Lot 39,

Julie Redner

STATE OF OREGON)
) ss.
County of Lane)

On this 16 day of APRIL, ²⁰¹⁴2013, personally appeared the above named Julie Redner, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:




Notary Public for Oregon
My Commission Expires: 7/1/2018

Real Property Tax Lot Record

Lane County Assessment and Taxation

Print Date: October 23, 2014



In preparation of these records, every effort has been made to offer the most current, correct, and clearly expressed information possible. Nevertheless, inadvertent errors in information may occur. In particular but without limitation, Lane County disclaims any responsibility for typographical errors and accuracy of this information. The information and data included on Lane County servers have been compiled by Lane County staff from a variety of sources, and are subject to change without notice to the User. Lane County makes no warranties or representations whatsoever regarding the quality, content, completeness, suitability, adequacy, sequence, accuracy, or timeliness of such information and data.

In 2011, Assessment and Taxation was awarded an economic development grant which facilitated the scanning of the approximately 160,000 then-existing tax lot records. The scanning took place between February and June 2012.

The legal descriptions contained herein are for tax lot purposes only.

Included in this report:

1. A listing of documents affecting ownership and/or property boundary changes.
2. The scanned tax lot record image and any legal description changes made since.

Map & Tax Lot: 19-01-14-00-06300

Current Parcel/Account
1755063

TCA
07107

Status: Active

Document #	Type	Date	Effective Year	Tax Lot Acres
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2012-042030	Warranty Deed	08/14/2012	2012	0.18
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Comments:

Description Card				0.18
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Comments:

PARCEL RECORD - Cartographic Unit

1755063

Page 1 of 1

Formerly part of 19-01-11-00-00403, 19-01-14-00-01400, 01700 & 01402

Code Area	Township	Range	Section	1/16	Parcel Number	Type	Number	History of Parcel				Acres Remaining
								Exceptions/Additions	Date of Entry/ Acquisition	Volume	Deed Record Page	
	19	01	14	0	6300							
<div> <div>Map Number</div> <div>Tax Lot Number</div> </div>												
<div> <div>History of Parcel Prior to Re-mapping</div> <div>Previous Tax Lot Number</div> </div>												
<div> <div>Previous Account Number</div> </div>												
<div> <div>SUNRIDGE SECOND ADDITION</div> <div>LOT 39</div> </div>								New Subdivision Plat	2006	2005	057003	0.18
<div>Remarks</div>												

LANE COUNTY SURVEYOR'S OFFICE
C.S. FILE NO. 34377
FILING DATE: 20 JULY 05

Division of Chief Deputy Clerk
Lane County Bonds and Records
2005-07003
\$246.00
07/26/2005 10:42:51 AM
BPR-SUB 04-1 Stand Contract 02
\$5.00 \$220.00 \$10.00 \$11.00

SUNBRIDGE SECOND ADDITION

SE 1/4 SECTION 14, TOWNSHIP 19 SOUTH,
RANGE 1 WEST, WILLAMETTE MERIDIAN
LOWELL, LANE COUNTY, OREGON
MAY 31, 2005

RECORDED
DATE: 20 JULY 2005
COUNTY CLERK
BY: Mary Hedden

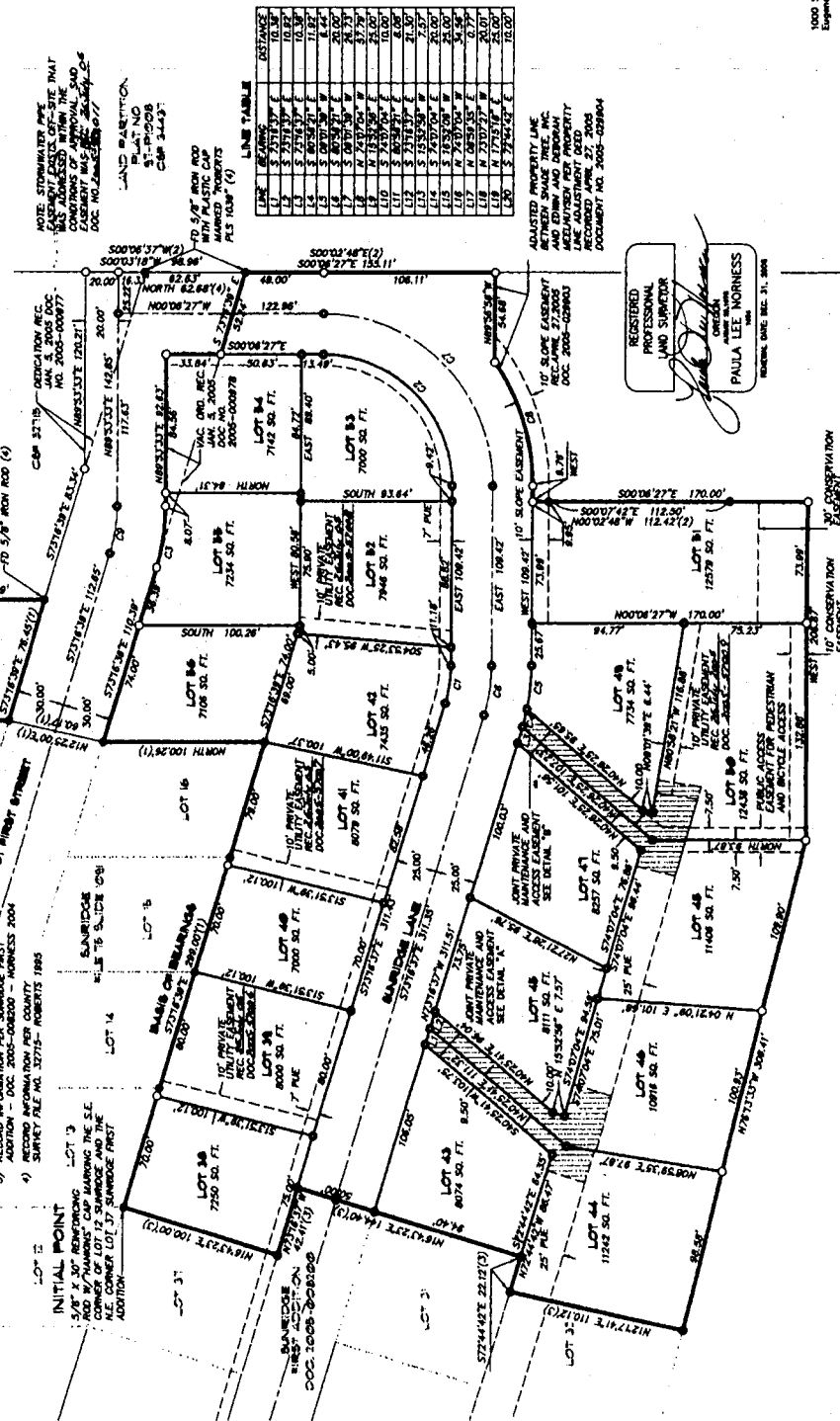
SCALE: 1" = 50'

- LEGEND**
- SET 5/8" X 30" REMORING ROD WITH ORANGE PLASTIC CAP STAMPED "TM"
 - 5/8" X 30" REMORING ROD WITH ORANGE PLASTIC CAP STAMPED "TM" TO BE POST MONUMENTED
 - FOUND 5/8" REMORING ROD WITH ORANGE PLASTIC CAP STAMPED "TM" - SET IN SUNBRIDGE FIRST ADDITION
 - FOUND 5/8" IRON ROD WITH PLASTIC CAP MARKED "HARRIS LS 487" - UNLESS OTHERWISE NOTED
 - XX(1) RECORD DATA PER REFERENCE NO.

- RECORDS**
- 1) RECORD INFORMATION PER SUNBRIDGE PLE 75 SIDE 101-HARRIS 1986
 - 2) RECORD INFORMATION PER COUNTY SURVEY FILE NO. 13407-HARRIS 1986
 - 3) RECORD INFORMATION PER SUNBRIDGE FIRST ADDITION - DOC. 2005-00800 - HARRIS 1985
 - 4) RECORD INFORMATION PER COUNTY SURVEY FILE NO. 12715-HARRIS 1985

CURVE TABLE

CURVE	BEARING	CHORD LENGTH	CHORD BEARING	CHORD BEARING	CHORD BEARING
C1	86.00°	21.33'	11.93°	86.00°	11.93°
C2	86.00°	21.33'	11.93°	86.00°	11.93°
C3	130.00°	38.18'	56.05°	130.00°	56.05°
C4	130.00°	38.18'	56.05°	130.00°	56.05°
C5	130.00°	38.18'	56.05°	130.00°	56.05°
C6	130.00°	38.18'	56.05°	130.00°	56.05°
C7	130.00°	38.18'	56.05°	130.00°	56.05°
C8	130.00°	38.18'	56.05°	130.00°	56.05°
C9	130.00°	38.18'	56.05°	130.00°	56.05°
C10	130.00°	38.18'	56.05°	130.00°	56.05°
C11	130.00°	38.18'	56.05°	130.00°	56.05°
C12	130.00°	38.18'	56.05°	130.00°	56.05°
C13	130.00°	38.18'	56.05°	130.00°	56.05°
C14	130.00°	38.18'	56.05°	130.00°	56.05°
C15	130.00°	38.18'	56.05°	130.00°	56.05°
C16	130.00°	38.18'	56.05°	130.00°	56.05°
C17	130.00°	38.18'	56.05°	130.00°	56.05°
C18	130.00°	38.18'	56.05°	130.00°	56.05°
C19	130.00°	38.18'	56.05°	130.00°	56.05°
C20	130.00°	38.18'	56.05°	130.00°	56.05°



LINE TABLE

LINE	BEARING	DISTANCE
1	S 89° 57' 12" E	100.00'
2	S 89° 57' 12" E	100.00'
3	S 89° 57' 12" E	100.00'
4	S 89° 57' 12" E	100.00'
5	S 89° 57' 12" E	100.00'
6	S 89° 57' 12" E	100.00'
7	S 89° 57' 12" E	100.00'
8	S 89° 57' 12" E	100.00'
9	S 89° 57' 12" E	100.00'
10	S 89° 57' 12" E	100.00'
11	S 89° 57' 12" E	100.00'
12	S 89° 57' 12" E	100.00'
13	S 89° 57' 12" E	100.00'
14	S 89° 57' 12" E	100.00'
15	S 89° 57' 12" E	100.00'
16	S 89° 57' 12" E	100.00'
17	S 89° 57' 12" E	100.00'
18	S 89° 57' 12" E	100.00'
19	S 89° 57' 12" E	100.00'
20	S 89° 57' 12" E	100.00'

SHEET INDEX
SHEET 1 SUNBRIDGE SECOND ADDITION
SHEET 2 SIGNATURES, APPROVALS, NARRATIVE

POD-NESS-PASSMORE, INC. DBA
POD & ASSOCIATES
LAND SURVEYING
CONSTRUCTION SUPERVISION - WATER RIGHTS EXAMINATIONS
1000 S. Broadway, Ste. 1 Eugene, OR 97402
Tel: (541) 344-1852 Fax: (541) 344-1853
JOS. M. POD-NESS, INC. DBA
POD & ASSOCIATES
LAND SURVEYING
CONSTRUCTION SUPERVISION - WATER RIGHTS EXAMINATIONS
1000 S. Broadway, Ste. 1 Eugene, OR 97402
Tel: (541) 344-1852 Fax: (541) 344-1853

PAGE 1 OF 2

23

Lane County Clerk
Lane County Deeds and Records

2015-015695



\$107.00

01493120201500156950090099

04/16/2015 11:00:44 AM

RPR-REST Cnt=1 Stn=15 CASHIER 02

\$45.00 \$20.00 \$10.00 \$11.00 \$21.00

2014-042031

After recording return to:
Shade Tree, Inc.
40160 East First
Lowell, OR 97452



01463378201400420310080080

\$102.00

10/23/2014 11:54:57 AM

RPR-REST Cnt=1 Stn=15 CASHIER 01
\$40.00 \$20.00 \$10.00 \$11.00 \$21.00

**VARIANCE to DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
EQUITABLE SERVITUDES FOR SUNRIDGE SUBDIVISION**

Property: **Lot 39 of SUNRIDGE SUBDIVISION**
Parties: **SHADE TREE, INC., an Oregon corporation**
JULIE REDNER

In accordance with Section 8.1 of the Declaration of Covenants, Conditions, Restrictions and Equitable Servitudes for Sunridge Subdivision, recorded April 10, 2001, reception number 2001-020572, and as amended by that document recorded on January 31, 2005, reception number 2005-007739, and by that document recorded on July 26, 2005, reception number 2005-057010 (hereafter "the CC&Rs"), Declarant SHADE TREE, INC. does hereby grant a Variance to said Declaration as follows:

For Lot 39, the 18-month deadline for obtaining a building permit required by Section 3.1 is waived; provided, however, that after the end of the Development Period defined by the CC&Rs, construction of structures on Lot 39 must conform to building plans approved in writing by the owners of at least six of the following seven lots: 13, 14, 15, 38, 40, 43, and 45. Provided, however, that failure of the owner(s) of a lot to respond within 45 days to a request for approval or disapproval of building plans, if the request is made in accordance with the CC&Rs Section 11.1, shall constitute approval of said plans. Further provided, that this requirement to obtain prior approval of building plans shall remain in force only until construction of a residence on Lot 39 has been completed.

Approval or disapproval of building plans shall be based on compliance with the CC&Rs and on the following design guidelines:

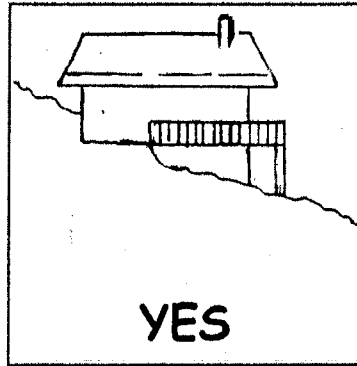
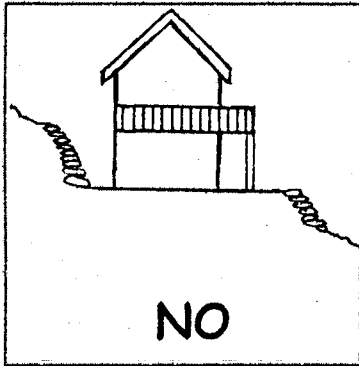
HEIGHT RESTRICTION: Lot 39 has elevation limits from 914' to 918' above sea level, as illustrated in the CC&R's Individual Lot Map. Structures cannot not be higher than the elevation limits unless a variance has been granted in accordance with CC&Rs Section 8.2.

SENSITIVITY TO THE BUILT ENVIRONMENT: Structures should be sensitive to the impacts they will have on the views from adjacent lots. For example, neighboring houses may need to look across the front of Lot 39 to see the lake, so structures may need to be set back from the street farther than the minimum legally required setback. Or, the roof may need to be hipped to allow a view across the top of the roof. Windows should avoid looking directly into neighboring homes' windows, where feasible. Owners of neighboring lots may reject a design if the structure is not a good "fit" with the surrounding homes.

ROOFS: Hip roofs are preferred, as they impede views least of any roof style. Fake Mansard roofs, "A" frame buildings and dome structures are not allowed. Roof colors must be black, dark grey, or weathered wood tones; tan or light grey colors are not allowed. Roof penetrations (vents, fan housings etc.) must be on the back roof and not visible from the street. Solar panels, if installed, must be on the roof.

CHIMNEYS: Chimneys must have a minimum chase of 24" X 24" with the sides covered with the same siding used on the main body of the house.

RECORDED AT THE REQUEST OF JULIE E. REDNER TO CORRECT THE
LACK OF MY NOTARIZED SIGNATURE ON PAGE #4, PREVIOUSLY RECORDED AS
RECORDED NUMBER 2014-042031 ON 10/23/14 AT 11:54:57 AM.

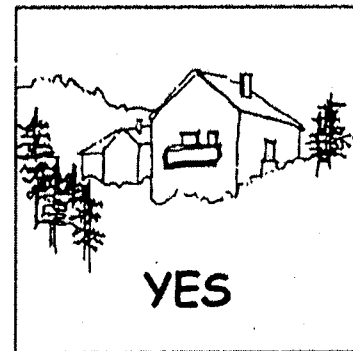
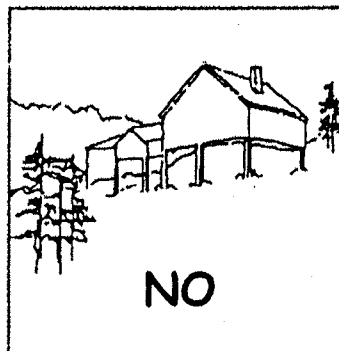


SENSITIVITY TO THE LAND:

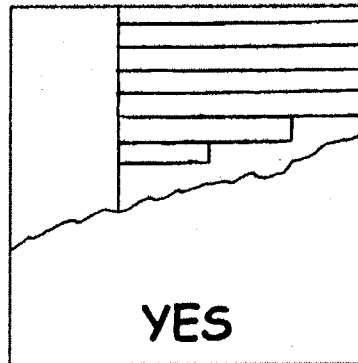
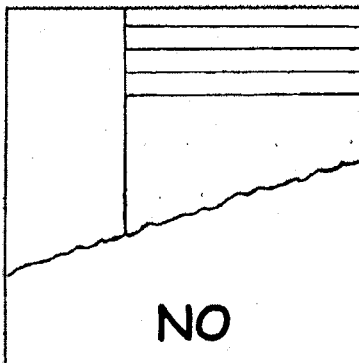
Structures should have a high degree of sensitivity to the topography of the lot and the adjacent street. Owners of neighboring lots may reject a design if the house is not a good "fit" with the lot. Structures should be designed to conform to the site, instead of changing the site to fit the structure.

SUPPORT STRUCTURES:

Support structures under a building should not be visible from outside the site, except when designed to be aesthetically integrated with the rest of the building design. Otherwise, exterior wall materials must be continued down to less than 18" vertically from the finish grade.



DRIVEWAYS: Driveway grades should be minimized. Designs that do not provide a reasonably level area just outside the garage may be rejected unless no feasible alternative exists. Driveways should be constructed so that all run-off water flows back to the street, or is collected with an area drain and piped to the street or directly to the storm system.

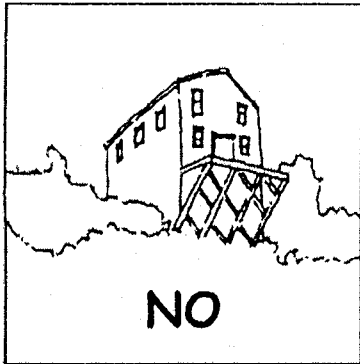


FOUNDATIONS: Visible foundation walls are limited to less than 18" vertically.

FILL DIRT DISPOSAL: To protect natural drainage patterns, to reduce erosion and to preserve topsoil and existing vegetation, disposal of excavated soils is not be allowed on the lot.

WINDOWS: Where feasible, windows should be placed so they will not look directly into neighboring homes' windows. If Lot 38 or Lot 40 are still vacant, consider how those lots might be developed. Fake divided-lite window grilles are not allowed.

RETAINING WALLS: Cuts and fills need to be covered with dry set basalt stone (native from site or quarry, no mixing).

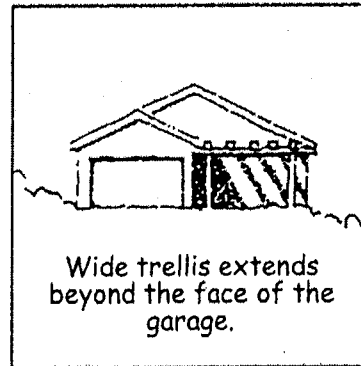
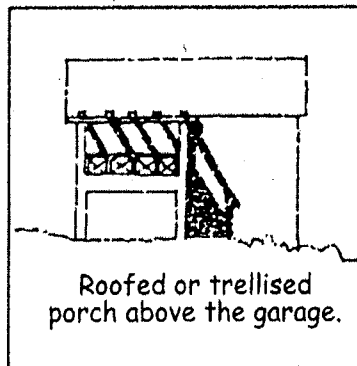
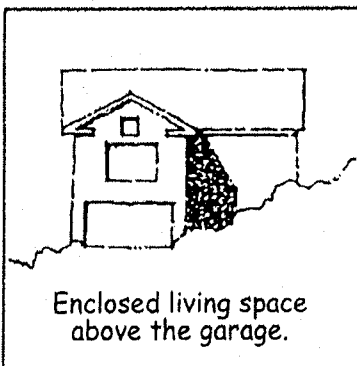
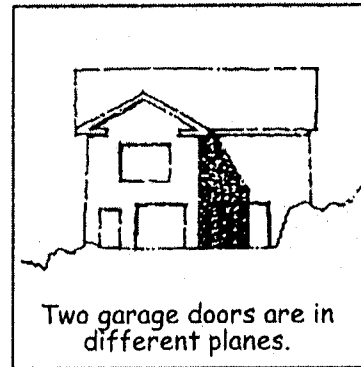
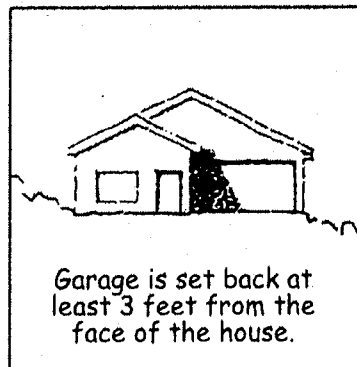
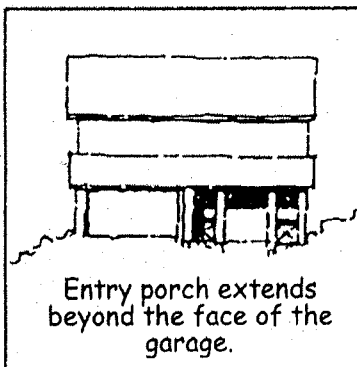


DECKS: Decks and their support structures must be carefully designed and detailed and be considered an integral part of the elevations. No X or knee bracing is allowed. Decks raised from 6-10 feet above the ground must be supported on columns at least 7" x 7". Columns supporting decks over 10 feet above the ground must be least 10" x 10". Columns may be boxed out to reach these required dimensions.

ELECTRIC METER BOXES: The electric meter box must be recessed or flush with the siding, <1 inch protruding from siding and not exceeding 15 inches wide and 34 inches high. Meter boxes must be installed so that they are not visible from the street, and also comply with Lane Electric guidelines. No exterior disconnect switches are allowed.

RECESSED LIGHTING: All recessed lighting on sloped ceilings must use fixtures that are designed for sloped ceilings (Halo H471CAT or equivalent).

GARAGES: Two 9-foot wide garage doors should be used, rather than one large door. The garage floor should be at the same level as the living area. If the garage faces the street, one or more of the below-illustrated mitigations may be required to improve aesthetics:



COLORS: Exterior colors must be approved in advance. The overall effect of selected colors should complement and blend with the natural rocks and vegetation of the hillside and with surrounding houses. White, yellows, blues, and bright colors are not be allowed except as accents. Exterior window and door parts may not be white, unless used with white trim. Propane tanks, electrical boxes, vents etc. must be painted to match the body color of the house.

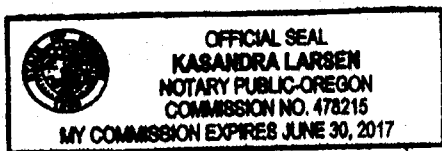
Dated this 20th day of November, 2013 by the DECLARANT:

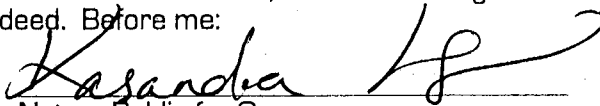


SHADE TREE, INC., by MIA NELSON, President

STATE OF OREGON, County of Lane, ss.

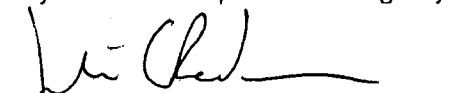
On this 20th day of November, 2013, personally appeared the above named Mia Nelson, and did say that she is the President of Shade Tree, Inc. and that this instrument was signed on behalf of the corporation and by the authority of its board of directors, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:




Notary Public for Oregon
My Commission Expires: 6-30-17

CONCURRENCE FOR LOT 39:


I, Julie Redner, accept the foregoing restrictions in exchange for the Declarant's waiver of the 18-month building permit deadline in the CC&Rs Section 3.1. I acknowledge that these restrictions run with the land, and hereby bind myself, my heirs, successors and assigns, and any other future parties having any right, title or interest in Lot 39,


Julie Redner

STATE OF OREGON }
 } ss.
County of Lane }

On this 16 day of APRIL, ²⁰¹⁴~~2013~~, personally appeared the above named Julie Redner, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:




Notary Public for Oregon
My Commission Expires: 7/1/2016

Real Property Tax Lot Record

Lane County Assessment and Taxation

Print Date: October 23, 2014



In preparation of these records, every effort has been made to offer the most current, correct, and clearly expressed information possible. Nevertheless, inadvertent errors in information may occur. In particular but without limitation, Lane County disclaims any responsibility for typographical errors and accuracy of this information. The information and data included on Lane County servers have been compiled by Lane County staff from a variety of sources, and are subject to change without notice to the User. Lane County makes no warranties or representations whatsoever regarding the quality, content, completeness, suitability, adequacy, sequence, accuracy, or timeliness of such information and data.

In 2011, Assessment and Taxation was awarded an economic development grant which facilitated the scanning of the approximately 160,000 then-existing tax lot records. The scanning took place between February and June 2012.

The legal descriptions contained herein are for tax lot purposes only.

Included in this report:

1. A listing of documents affecting ownership and/or property boundary changes.
2. The scanned tax lot record image and any legal description changes made since.

Map & Tax Lot: 19-01-14-00-06300

Status: Active

Current Parcel/Account	TCA
1755063	07107

Document #	Type	Date	Effective Year	Tax Lot Acres
2012-042030	Warranty Deed	08/14/2012	2012	0.18

Comments:

Description Card	0.18
------------------	------

Comments:

PARCEL RECORD – Cartographic Unit

Page 1 of 1

[illegible]

LANE COUNTY SURVEYOR'S OFFICE
C.S. FILE NO. 39377
FILING DATE: 20 JUNE 05

Division of Chief Deputy Clerk
Lan County Records and Information
07/26/2005 10:42:53 AM
RPR-SUBD 001-1, 51-44, 001-12, 001-22
\$0.00 \$220.00 \$10.00 \$11.00

SUNRIDGE SECOND ADDITION

SE 1/4 SECTION 14, TOWNSHIP 19 SOUTH,
RANGE 1 WEST, WILLAMETTE MERIDIAN
LOWELL, LANE COUNTY, OREGON
MAY 31, 2005

RECORDED

DATE: 26 JUNE 2005
COUNTY CLERK
BY: Mark H. Hodge

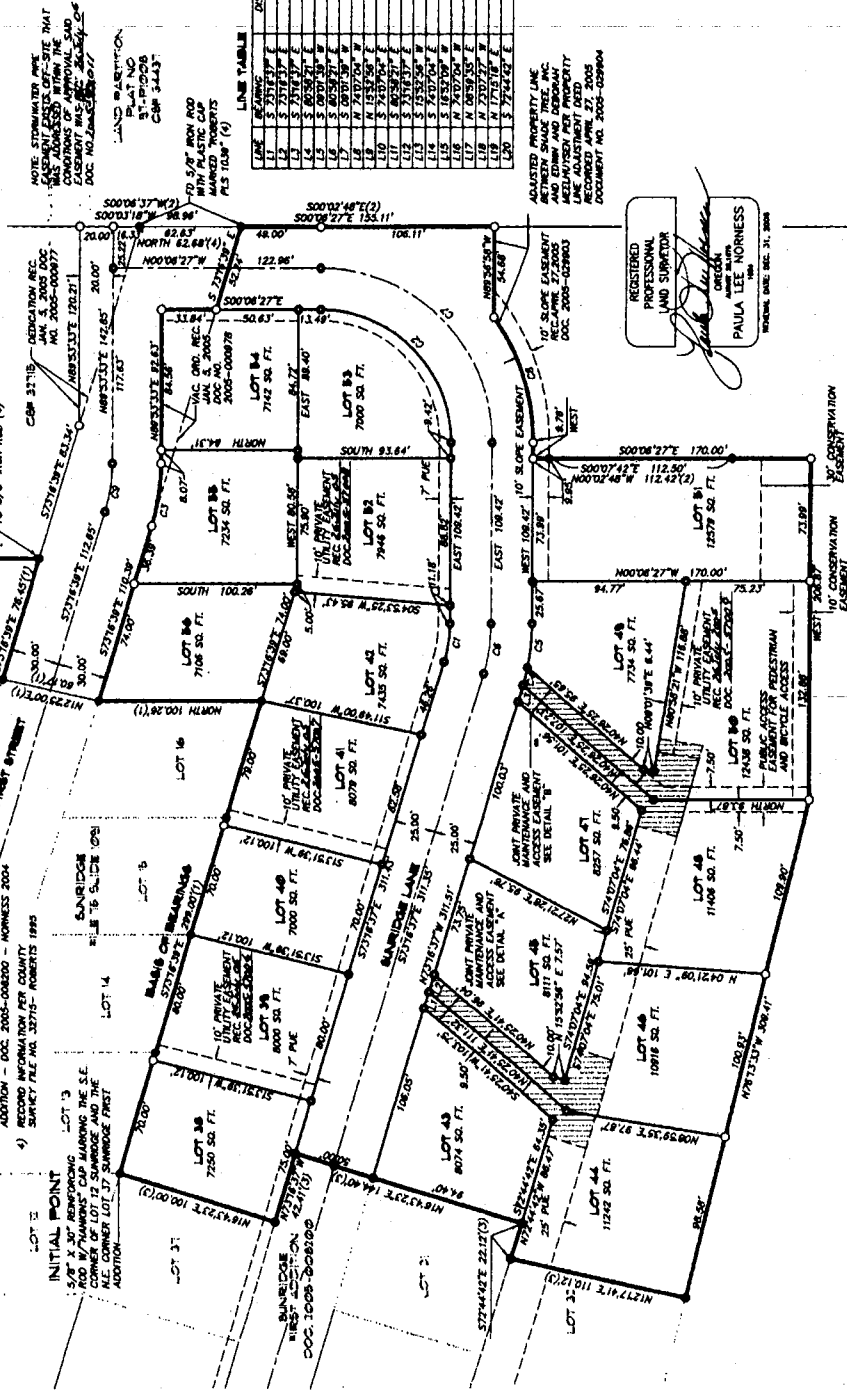
SCALE: 1" = 50'

LEGEND

- SET 5/8" X 30" REINFORCING ROD WITH ORANGE PLASTIC CAP STAMPED "TH"
- 5/8" X 30" REINFORCING ROD WITH ORANGE PLASTIC CAP STAMPED "TH" TO BE POST MONUMENTED
- FOUND 5/8" REINFORCING ROD WITH ORANGE PLASTIC CAP STAMPED "TH" - SET IN SUNRIDGE FIRST ADDITION
- FOUND 5/8" MON ROD WITH PLASTIC CAP MARKED "HANNONS LS 687" - UNLESS OTHERWISE NOTED
- XX(1) RECORD DATA FOR REFERENCE NO.

- 1) RECORD INFORMATION PER SUNRIDGE FILE 75 SLIDE 1081-HANNONS 2001
- 2) RECORD INFORMATION PER COUNTY SURVEY FILE NO. 13407-HANNONS 1998
- 3) RECORD INFORMATION PER SUNRIDGE FIRST ADDITION - DOC. 2005-02860 - HANNONS 2004
- 4) SURVEY FILE NO. 32710-HANNONS 1995

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	80.00'	23.33'	23.33'	N 81°18'18" W	16.43°24'
C2	80.00'	19.87'	19.87'	S 49°54'48" W	80°00'00"
C3	80.00'	11.34'	11.34'	N 81°18'18" W	16.43°24'
C4	120.00'	11.34'	11.34'	N 81°18'18" W	16.43°24'
C5	120.00'	26.72'	26.72'	S 84°03'04" E	17°14'29"
C6	100.00'	30.63'	30.63'	S 81°13'13" E	16°43'24"
C7	100.00'	16.51'	16.51'	N 45°59'54" E	80°00'00"
C8	100.00'	26.72'	26.72'	S 81°13'13" E	16°43'24"



LINE	BEARING	DISTANCE
L1	S 73°15'37" E	10.39'
L2	S 73°15'37" E	10.39'
L3	S 73°15'37" E	10.39'
L4	S 73°15'37" E	10.39'
L5	S 73°15'37" E	10.39'
L6	S 73°15'37" E	10.39'
L7	S 73°15'37" E	10.39'
L8	S 73°15'37" E	10.39'
L9	S 73°15'37" E	10.39'
L10	S 73°15'37" E	10.39'
L11	S 73°15'37" E	10.39'
L12	S 73°15'37" E	10.39'
L13	S 73°15'37" E	10.39'
L14	S 73°15'37" E	10.39'
L15	S 73°15'37" E	10.39'
L16	S 73°15'37" E	10.39'
L17	S 73°15'37" E	10.39'
L18	S 73°15'37" E	10.39'
L19	S 73°15'37" E	10.39'
L20	S 73°15'37" E	10.39'

SHEET INDEX

SHEET 1 SUNRIDGE SECOND ADDITION
SHEET 2 SIGNATURES, APPROVALS, NARRATIVE

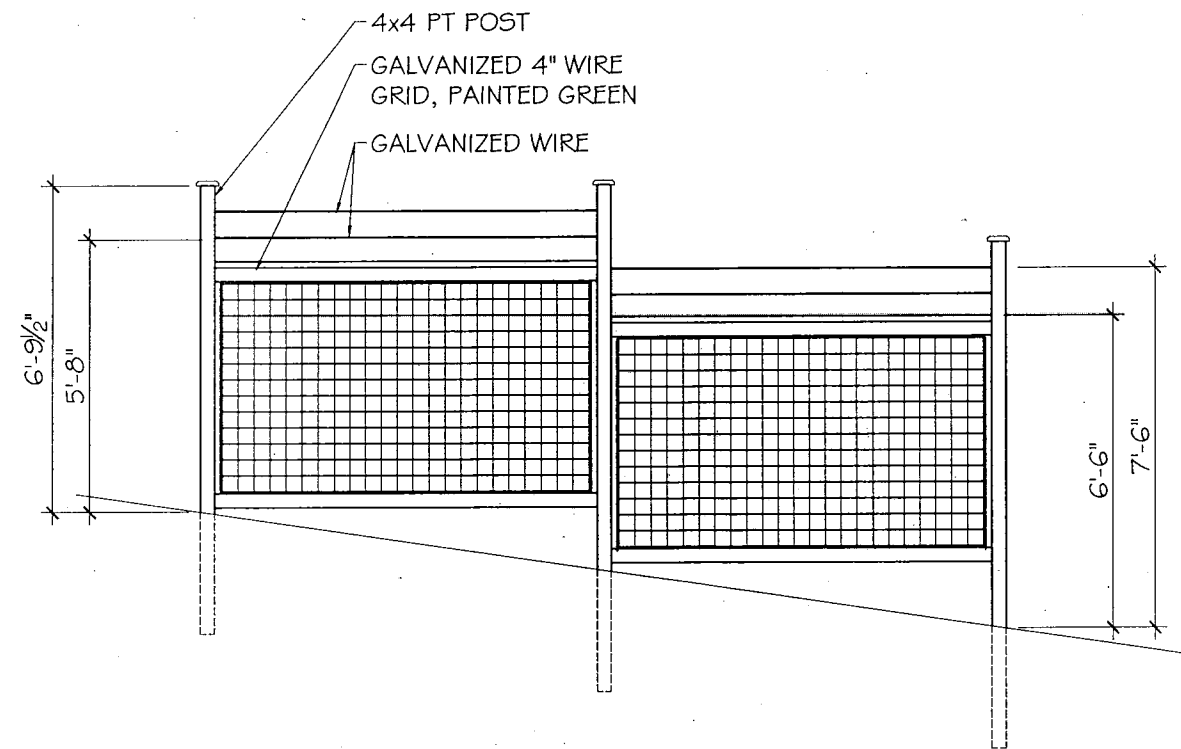
FORD-JESS-FASBENDER, INC. DBA
FORD & ASSOCIATES
LAND SURVEYING
CONSTRUCTION SUPERVISOR
1000 S. Berthoud, Ste. 1
Eugene, OR 97402
(541) 344-4852
Fax: (541) 344-4853
www.fordassoc.com
JOB NO. 4124.00
DOC. NO. 4124-200400.00
DRAWN BY: PLW/TJM

PAGE 1 OF 2

19-01-1403 T.L.1400 & 1700 AND 19-01-11 T.L.403
HP DESIGN ET 330 PLOTTER, HP 6516A04 PIGMENT BASED INK ON BULLROG #878041J POLYESTER FILM

Redner Garden Fence

Map 19-01-14-13 Lot 2900
572 E 1ST ST Lowell, OR 97452



A
1 Garden Fence
SCALE: 1/4" = 1'-0"

785 GRANT STREET
EUGENE, OR 97402
PHONE: 541.342.4871
FAX: 541.344.9856

RAINBOW VALLEY
DESIGN AND CONSTRUCTION

DES: lr
DRF: my
DATE: 02-07-18

REVISIONS
DATE:

Redner Residence

572 E 1st STREET
LOWELL, OR 97452

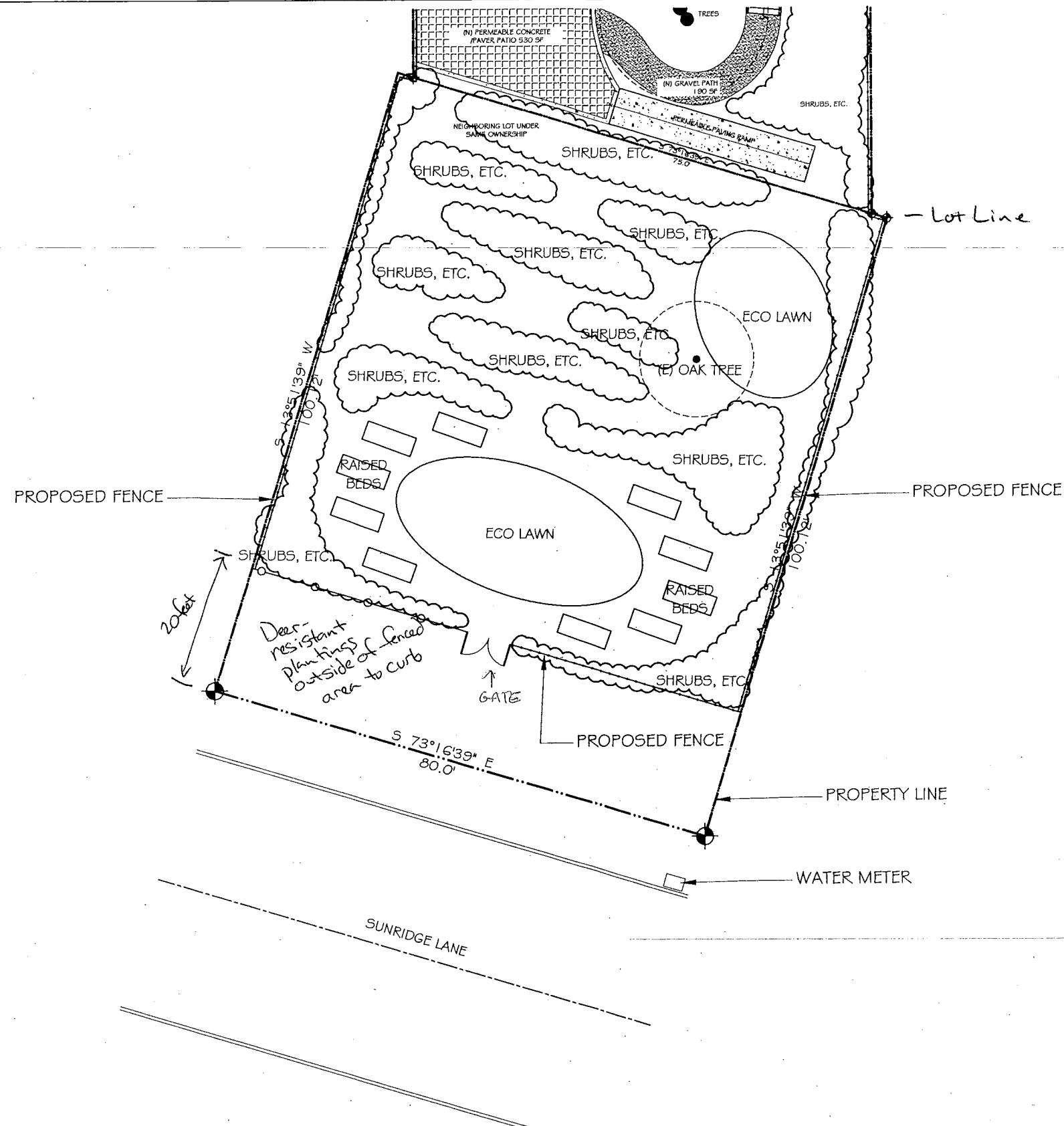
SHEET
1

OF
1

Redner Garden Fence

Ctentative plan

① Empty Lot @ 573 Sunridge, Lowell
Map 19-01-14-13 Lot 2900
572 E 1ST ST Lowell, OR 97452



↑ 572 E 1st St.
↓ 573 Sunridge

Redner Residence

572 E 1st STREET
LOWELL, OR 97452

REVISIONS
DATE:

DES: lr

DRF: my

DATE: 02-07-18

785 GRANT STREET
EUGENE, OR 97402
PHONE: 541.342.4871
FAX: 541.344.9856
RAINBOW VALLEY
DESIGN AND CONSTRUCTION

A
34
9
Garden Fence plan
SCALE: 1" = 20'-0"

August 9, 2018

Henry O. Hearley
Assistant Planner
Lane Council of Governments
859 Willamette St., Suite 500
Eugene, OR 97401

RE: Application for Conditional Use Permit and Variance

Dear Mr. Hearley,

Thank you for your letter.

To clarify our intentions, all we are trying to do is to put in a large garden on the lot we own behind our home at 572 E. 1st St., which is located on lot #39 of the Sunridge subdivision. For that garden, we are trying to build a fence that is tall enough to protect it from the deer in the area.

We believe that our proposed garden falls into the allowed use category rather than the conditional use category as below. Perhaps through a misunderstanding, we were instructed to obtain a conditional use permit, but we now believe a conditional use permit may not be required. All of the produce from our garden will be for personal use (with what we suspect will be a fair amount of sharing with neighbors). We are not going to sell anything. Looking at the relevant City of Lowell Oregon ordinances, it appears that conditional use permits are required only when the produce is offered for sale. Section 9.722 (b) Agricultural Use Standards of the city code provides that:

"The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for sale (emphasis added) is a home occupation conditional use in all residential districts."

Section 9.722 (a) Agricultural Use Standards of the city code provides that:

"Limited agricultural use of property in the city is allowed (emphasis added) under the following conditions and Standards" (a) "The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for on-site home consumption is allowed on any lot within the city (emphasis added), as long as such crops are controlled and don't become a nuisance to the neighboring properties."

Because we are only putting in a garden for personal use and not for sale, it seems that we should not have been required to file for a conditional agricultural use permit. Do you agree? If so, should the conditional use permit application simply be withdrawn?

I will answer the questions in your letter below to prevent further delay, should the application for both the conditional use permit and the variance for the fence be deemed necessary.

Sec. 9.251. - Conditional uses.

○ *Decision criteria.* Conditional uses listed in this Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the following findings:

- (3) That the proposed development will not cause negative impacts to traffic flow or to pedestrian and vehicular safety and future street rights-of-way are protected.

The proposed garden will not impact traffic flow, or pedestrian or vehicular traffic in any way because there will be no added pedestrian or vehicular traffic resulting from use of the lot as a garden, especially when compared to increased traffic if the lot were used for a residence. The setback of 20 feet from the curb for any fencing (which is proposed to be a see-through wire mesh fence) will assure that future street rights-of-way are protected. Any landscaping in that area could simply be removed if street changes are made. Our side of the road does not have sidewalk requirements.

- (4) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties.

No signs will be erected in the garden. The only potential future lighting would be low-voltage, low-to-the-ground lighting of garden paths that would be turned on only when in use. This is substantially less lighting than if we were to build a house on the lot. Traffic will not be interfered with, visibility will not be limited, and there will be no negative impact on neighboring properties.

- That proposed utility connections are available, have the capacity to serve the proposed development and can be extended in the future to accommodate future growth beyond the proposed land division.

A connection for a potential water meter exists on the lot and has the capacity to serve the proposed garden. If needed, water and electricity could come from the lot above, since both lots are under the same ownership. We will conserve water during the planning and planting of the garden space. The only potential future growth beyond the proposed use of this lot that we can envision is that we or someone else someday wants to put a house on the lot. Since the lot was initially intended for this purpose, the normal utility connections for residential use will be adequate.

- That the proposed development will not cause negative impacts to existing or proposed drainageways including flow disruptions, flooding, contamination or erosion.

No negative impacts will occur to existing or proposed drainageways, including flow disruptions, flooding, contamination or erosion. As a good percentage of the gardening will be for the purpose of growing food, use of noxious chemicals will not occur. Use of chemicals is highly regulated in the Sunridge neighborhood.

- That the proposed development will not cause negative impacts, potential hazards or nuisance characteristics as identified in section 9.204(u) of the application site plan consistent with the standards of the zoning district and complies with the applicable standards of all regulatory agencies having jurisdiction.

No emissions, nuisance characteristics or hazards will occur. Efforts will be made to maintain a tidy appearance. Negative impacts on noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference will not occur. It is anticipated that the proposed use will enhance the nearby properties rather than detract from them.

I would like to maintain my right to someday build a dwelling on the space for the proposed garden. I understand that I may have to make a formal request to revert the property to its original use.

Section 9.252 Variances:

• *Decision criteria.* A variance may be granted in the event that all of the following circumstances exist:

- (1) That there are circumstances or conditions affecting the property or use.

There are deer in the area. Deer are easily capable of jumping a six-foot fence. While a solid cedar fence of that height can deter deer to some extent, we are hoping to instead install a wire grid fence with extra single wires above to minimize any visual disruption for the neighbors, thereby allowing them to also enjoy the garden space. It would not make sense to go to the considerable expense of planting an elaborate garden without taking effective steps to protect it from local deer.

- That the variance is necessary for the proper design and/or function of the proposed development or land division.

Again, it would not make sense to go to the expense of installing a garden if local deer can easily jump the fence and consume the contents of that garden. An effective fence, such as the one we propose, is therefore necessary for the proposed use of the lot. As above, we are hoping to build a wire grid fence to allow neighbors to enjoy the view of the garden instead of a building much less expensive solid wood fence or a much more obtrusive and less attractive 45-degree deer fence. We hope to minimize any interference with neighbors' views, enhance the neighborhood and protect our investment of plantings.

- That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

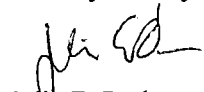
No detrimental impacts on the public welfare will occur. Indeed, the garden will likely enhance the enjoyability of the neighborhood and perhaps increase neighborhood cohesion through sharing of produce. No negative impacts on the neighbor's views will occur; the impacts on views or properties will be much more positive than would be the case if a house were built on the site.

- That the granting of the variance will not conflict with the purpose and intent of the district or zone, this Code, or other related ordinances of the City.

As noted in the fourth paragraph on the first page of this letter, by our reading, gardens are an allowed use for home consumption on any lot within the city. No produce, flowers, etc. will be offered for sale. The granting of the variance will therefore not conflict with the purpose and intent of any ordinances or with City goals, zones or districts.

I hope that these answers sufficiently address your questions. If I have inadvertently omitted information that you need, please contact me, via either telephone (541-554-5303) or email (julredner@yahoo.com).

Thank you for your consideration,



Julie E. Redner
572 E 1st St.
Lowell, OR 97452

August 9, 2018

Jared Cobb
City of Lowell
107 E 3rd St.
Lowell, OR 97452

Dear Jared:

It is possible that there has been a misunderstanding and I want to make clear what our intentions are.

All we are trying to do is put in a large garden. For that garden, all we are trying to do is build a fence around it that is tall enough to protect it from the deer in the area.

As you know, the Sunridge lots are too small for any more than minimal garden space, and our goal is to create a beautiful garden area in lot # 39 and to incorporate it, basically as a back yard, into the use of our home on lot # 14 at 572 E 1st.

All of the produce from the garden will be for personal use (with what we suspect will be a fair amount of sharing with neighbors). We are not going to sell anything. It appears that conditional use permits are required only when the produce is offered for sale. Section 9.722 (b) Agricultural Use Standards of the city code provides that:

"The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for sale (emphasis added) is a home occupation conditional use in all residential districts."

Section 9.722 (a) Agricultural Use Standards of the city code provides that:

"Limited agricultural use of property in the city is allowed (emphasis added) under the following conditions and Standards" (a) "The raising of crops in the general field of horticulture including berry, brush, tree, flower and vegetables for on-site home consumption is allowed on any lot within the city (emphasis added), as long as such crops are controlled and don't become a nuisance to the neighboring properties."

Because we are only putting in a garden for personal use and not for sale, it seems that we should not have been required to file for a conditional agricultural use permit. Do you agree? If so, should the conditional use permit simply be withdrawn?

We could then deal only with the much simpler issue of the variance for the fence.


With respect to the fence, please understand that we are paying extra money to make the fence beautiful and transparent. We chose this route specifically to minimize any visual disruption for the neighbors. We chose a wire grid fence, over a much less expensive cedar fence, or a much more obtrusive and less-attractive 45 degree deer fence, so that it only minimally interferes with the neighbors' views and enhances the neighborhood.

For comparison purposes, we note that another city homeowner has been allowed to do what we are asking and has even been lauded for it, i.e., the current winner of the City of Lowell's "Garden of the Month." Fences in good repair is one of the criteria for winning that award from the city. Visual inspection of the fence on the lot shows that it has an extension, presumably to prevent deer entry, beyond the six foot limit.

I understand that you are charged with following the letter of the code. We are not in any way complaining about our neighbor's fence, as we understand it is needed to keep the deer out, and we would not want her to go to the expense or effort to obtain a special permit. We are simply asking to be allowed to build a similar-height fence.

Please advise me as to whether the conditional use permit for the garden and the variance for the fence, both with quasi-judicial review, remain necessary. The requirements honestly, seem extreme, given that all we want is a garden for personal consumption and a fence to protect it. If necessary, however, we will proceed.

Thank you for your consideration,


Julie E. Redner
541-554-5303

conditional use provisions of **Section 9.251** and the home occupation standards of **Article 9.7**.

C. Boats, trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation.

(c) **Conditional Uses.** In an R-1 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 9.251** and the applicable Use Standards of **Article 9.7**.

- (1) Home occupation.
- (2) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670 .
- (3) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657 A.
- (4) Semi-public uses such as grange halls, churches, public utility facilities
- (5) Light Agriculture in accordance with applicable standards of Article 9.7.
- (6) Bed and Breakfast.
- (7) Duplexes on corner lots which have a minimum of 10,000 square feet in area.

(d) **Development Standards.**

- (1) Minimum lot area: 7,000 square feet.
- (2) Minimum lot width: 60 feet, except for corner lots which must have no less than 65 feet on any property line adjoining a street
- (3) Minimum Lot Depth: 80 feet
- (4) Maximum Building coverage including accessory buildings, provided that any patio structure used solely for open space and swimming pool not structurally covered shall not be counted as a structure for ascertaining coverage: 35%
- (5) Maximum building height – 2 stories, excluding basements/daylight basements, or 30 feet, whichever is lower. Accessory buildings are limited to one story.
- (6) Yards (all measurements are from the property line unless indicated otherwise):
 - A. Front Yard
 1. For Streets with constructed or planned curbs and/or sidewalks, 20 feet from the outside edge of the curb or sidewalk but no less than 10 feet from the property line.
 2. Where no curbs or sidewalks are constructed or planned, 15 feet, except all garages, carports or other parking structures taking access from the front of the property shall be set back 20 feet.
 - B. Side yard setbacks:
 1. Interior side yard: 5 feet for single story and 7 ½ feet for two story structures.
 2. Alley side yard: 5 feet
 3. Street side yard: For Streets with constructed or planned curbs and/or sidewalks, 15 feet from the outside edge of the curb or sidewalk but no less than 5 feet from the property line except for parking structures which shall be set back at least 20 feet from a curb or sidewalk. Where no curbs or sidewalks are constructed or planned, 10 feet, except all parking structures taking access from the side street shall be set back 20 feet.
 - C. Rear yard: 10 feet

- (c) **Discontinuance of a Nonconforming Use.**
 - (1) If a nonconforming use involving a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use unless approved by the Planning Commission.
 - (2) If a nonconforming use not involving a structure is discontinued from active use for a period of six (6) months, further use of the property shall be for a conforming use.
- (d) **Change of a Nonconforming Use.** If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the district in which it is located.
- (e) **Destruction of a Nonconforming Use or Structure.** If a nonconforming structure or a structure containing a nonconforming use is totally or substantially destroyed by any cause, a future structure or use on the site shall be either in accordance with the provisions of the district in which the property is located or the property owner may apply for a Conditional Use Permit to continue with the existing use or to replace the structure in its present location. A residence may be replaced in any zoning district.
- (f) **Repairs and Maintenance.** Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring, or plumbing, provided the building is not increased in cubic content or floor area.
- (g) **Completion of Structure.** Nothing contained in this Code shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this Code, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one (1) year from the time the permit is issued.

SECTION 9.406 reserved for expansion.

SECTION 9.410 PRIMARY LAND USE DISTRICTS

SECTION 9.411 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1

- (a) **Purpose.** To provide areas suitable and desirable for low density, urban, single-family residential use with provisions for associated residential or public service uses.
- (b) **Permitted Uses.** In an R-1 District, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code:
 - (1) One single-family dwelling or manufactured dwelling per legal lot.
 - (2) Residential Care Homes for 5 or less people. as provided in ORS 197.660 -670. (Statutory)
 - (3) Group Child Care Home for 12 or less children as provided in the applicable provisions of ORS 657 A. (Statutory)
 - (4) Accessory buildings subject to the following standards:
 - A. Accessory buildings shall not be used for dwelling purposes.
 - B. No sales, except authorized garage/yard sales, shall be made from an accessory structure unless it has been approved as a Home Occupation under the

CTIY of LOWELL
NOTICE OF PUBLIC
HEARING

Mailing Date 9/13/2018

Notice is hereby given for a Public Hearing by the Lowell Planning Commission for a variance to fence height standards as listed in Lowell Development Code (LDC) Section 9.528(c) for a single-family zoned residential lot on the property located at 573 Sunridge Lane, Lowell, OR, 97452.

The Hearing will occur on October 3, 2018 at 7:00 pm in the Lowell City Hall located at 107 East Third Street.

Requested Action: A Variance from the maximum height of a side, rear or interior fence of 6 feet to a maximum height of 8 feet at the highest point.

Owner/Applicant: Julie E. Redner
Property Location: 573 Sunridge Lane, Lowell, OR, 97452
Assessor Map: 19-01-14-13
Tax Lot: 02900
Existing Area: 0.18 acres
Existing Zone: R-1 Single-Family Residential

The Lowell Land Use Development Code specifies the applicable procedures and criteria for evaluation of the requested action. Applicable Code Sections include 9.252 Variances, 9.304 Notification and Section 9.306 Quasi-Judicial Public Hearings. The specific criteria will be addressed in the Staff Report.

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.

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 variance request requires a Public Hearing. Oral testimony may be presented at the Hearing or written testimony may be delivered or mailed to the Lowell City Hall located at 107 East Third Street, Lowell, Oregon 97452 or emailed to Henry Hearley, City Planner, at hhearley@lcog.org.

Written Testimony shall be received by the City no later than 4:00 pm on October 3, 2018.

For additional information please write to City Hall at the above address or call City Hall at (541) 937-2157 or fax to 541-937-2066.

Henry Hearley
541-682-3089
City Planner
Lane Council of Governments



Subject Property