

CITY OF LA GRANDE
Planning Commission Regular Session

Tuesday, March 14, 2023
6:00pm

The meeting is available for viewing on Facebook Live at the following link:
<https://www.facebook.com/LaGrandeCityManager>

AGENDA

a. **CALL TO ORDER/ROLL CALL**

2. **AGENDA APPROVAL**

Chairperson asks if there are any additions or changes to the Agenda
(NO MOTION NEEDED)

3. **CONSENT AGENDA**

a. **Consider:** Approving Minutes of the February 14, 2023 meeting.

4. **PUBLIC COMMENTS**

Individuals who wish to comment on any item printed on this Agenda may do so during the time that item is under discussion. Individuals who wish to speak about non-Agenda items may do so during this portion of the Agenda. Please print your name and address on the Public Comments Sign-in Sheet, located on the podium. When addressing the Commission, speak loudly and clearly and state your name. In the event the Chairperson does not announce a time limit for comments, each speaker is asked to confine their comments to three minutes in length, whether the comments are in-person or virtual.

5. **NEW BUSINESS**

6. **PUBLIC HEARING**

a. Subdivision Permit and Variance permit
File Number: 01-SUB-23 and 02-VAR-23
Applicant: MBM Estates, LLC

7. **OLD BUSINESS**

8. **CITY PLANNER COMMENTS**

9. **COMMISSION COMMENTS**

Kendra VanCleave
Planning Secretary

All meetings of the La Grande Planning Commission are 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 five days before the scheduled meeting by calling (541) 962-1307. Also, persons interested in participating in the meeting virtually and providing public comments shall contact City Staff at mboquist@cityoflagrande.org or by calling 541-962-1307 no later than 5:00pm the day prior to meeting to make arrangements.

CITY OF LA GRANDE
COMMISSION ACTION FORM

Commission Meeting Date: March 14, 2023

COMMISSION ACTION: CONSIDER CONSENT AGENDA

MOTION: I move that we accept the Consent Agenda as presented.

OR

MOTION: I move that we accept the Consent Agenda as amended.

EXPLANATION:

A Consent Agenda includes routine items of business with limited public interest, which may be approved by one Motion of the Commission. Any Commissioner may, by request, remove any item of business from the Consent Agenda.

a. Consider: Minutes of the February 14, 2023, Regular Session

COMMISSION ACTION (Office Use Only)

- Motion Passed
- Motion Failed

Recessed: _____

Work Session: _____

Other: _____

Action Tabled: _____

Vote: _____

CITY OF LA GRANDE

Planning Commission Meeting

Regular Session

February 14, 2023

6:00 p.m.

La Grande City Hall
1000 Adams Avenue

MINUTES

COMMISSIONERS PRESENT:

Liberty Avila, Chair
Ann Morrison, Vice Chair
Dave Felley
Matthew Gougherty
Roxie Ogilvie

STAFF PRESENT:

Michael Boquist, City Planner
Kendra VanCleave, Planning Secretary

CITIZENS PRESENT:

Kaiger Braseth

CALL TO ORDER/ROLL CALL

AGENDA APPROVAL

CONSENT AGENDA

PUBLIC COMMENTS

NEW BUSINESS

- a. Elect Chair and Vice Chair

PUBLIC HEARING

- a. Variance Permit
File Number: 01-VAR-23
Josh Gustafson

STAFF REPORT

COMMISSIONERS ABSENT:

DISCUSSION/DISPOSITION

AVILA, Chair, called this Regular Session of the Commission to order at 6:03 p.m. and conducted a Roll Call; a quorum was determined to be present.

The Agenda was revised to include that a new Chair and Vice Chair need to be elected for the beginning of the year. The Agenda was approved as revised.

MORRISON introduced the following Motion, with GOUGHERTY providing the Second.

MOTION: That the Consent Agenda be approved as presented for the January 10, 2023 meeting.

MSC: Unanimous
NONE

OGILVIE made a Motion, to retain the current officers as Liberty Avila Chair and Ann Morrison as Vice Chair with FELLEYY providing a Second.

USC: Unanimous
(PUBLIC HEARING OPENED 6:05 PM)

AVILA asked for the Rules of Order to be Read and asked for Commissioner declarations. There were none.

AVILA asked for the staff report.

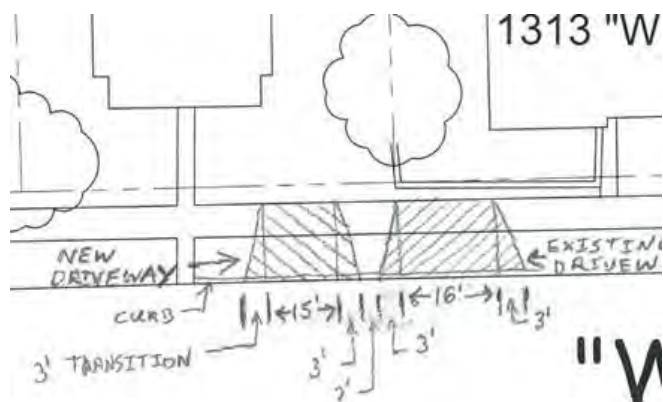
BOQUIST stated the applicant is requesting the approval of a variance to deviate from the City's minimum private driveway design standard. This

request is to reduce the minimum driveway separation distance from fifteen feet (15') to two (2) feet, resulting in a variance of thirteen feet (13'). 2. The subject property is developed with a single-family home. The property has alley access for off-street parking, but has not historically had a dedicated driveway and parking off W Avenue, similar to other properties in the vicinity.

The applicant's narrative explains that this variance arose from having limited space for a driveway approach off W Avenue. There is insufficient area along the West property boundary to accommodate an off-street parking space, but sufficient space exists along the East property boundary. However, the neighboring property has an existing driveway that sits immediately adjacent to this boundary, which presents a conflict for the applicant in meeting the City's minimum driveway separation standards.

The applicant is looking to create an off-street parking space off W Avenue due to there being limited parking available on-street. The parcels along W Avenue are narrow with houses close together, resulting in fewer on-street parking spaces being available per house. Also, the street is narrow with parking allowed on both sides. With vehicles parked on both sides of the street, the street becomes limited to one lane of traffic flow and additional congestion.

Public Works is in support of the request.



BOQUIST stated after looking at the proposal, the driveway does not line up with the driveway that is constructed on their property, will mess up the front yard and will have a 2' curb obstacle to navigate around. BOQUIST continued he asked a question to Public Works about having one large continuous curb cut which would be more accommodating since they are applying for a variance. Public Works looked at the property

again and would support an alternative variance opportunity, if the Commission was open to it and give the property owner a choice with the 2' separation or merge with the neighbor's driveway.

BOQUIST stated the shared driveway scenario Public Works would manage through the permitting process and require the neighboring property owner to sign a letter of support or no objection.

OGILVIE commented she grew up in that neighborhood and the street is narrow and most of the lots are 3000 sq ft or less. The driveway(s) are a good idea to allow more parking and safer for neighborhood.

FELLEY asked by removing 15' of curb it removes on street to off-street parking. BOQUIST commented yes for this one space.

BOQUIST stated there are 4 review criteria.

1. Having some peculiar condition that not ordinarily exist in similar zones.
2. The variance won't create a safety hazard
3. The variance won't adversely affect adjacent property owners. (This is where the signature piece would come in from neighbor).
4. Terms of Ordinance will work unnecessary hardship on applicant.

GOUGHERTY asked if there are other instances of shared driveways. BOQUIST commented yes there are several all over town.

The applicant was not in attendance to provide testimony.

AVILA asked for testimony in favor, opposition or neutral there was none.

(PUBLIC HEARING CLOSED 6:21 PM)

OGILVIE made the following Motion, with MORRISON providing the Second.

MOTION

MOTION: I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be amended to give an alternate option to merge and share driveways with your neighbor and that the Proposed Conditional Use Permit be approved.

VOTE

USC: Unanimous

PUBLIC HEARING OPENED 6:05 PM)

- b. Zone Designation Change
File Number: 04-ZON-22
Kaiger Braseth

AVILA announced that the Rules of Order were read in their entirety at the first public meeting and asked for declarations and challenges. There were none.

AVILA asked for the staff report.

STAFF REPORT

BOQUIST opened with the application requesting the Planning Commission and City Council's approval to rezone the subject properties from Interchange Commercial (IC) to General Commercial (GC)

The purpose of this rezone request is (1) to encourage and support the revitalization of underutilized properties by expanding the allowed uses that may be developed through rezoning to General Commercial; and, (2) to address conflicts with nonconforming uses such as dwellings, local retail stores, contractor businesses, and warehouse uses which are not permitted in the Interchange Commercial zone. Such conflicts will be resolved through rezoning the proposed properties to General Commercial which more appropriately fits the uses that exist on the affected properties and the overall the character of the surrounding area.

The properties affected by this proposed to be rezoned include the following:

Braseth: 1702 21st Street

Braseth: 2407 E. Q Avenue

American Best – Sandman: No Address (vacant)

American Best – Sandman: 2410 R Avenue

Zeng: 1701½ Albany Street

Zeng: 1701 Albany Street, T3S, R38E

All Air HVAC: 1703 Albany Street

Habitat for Humanity – Restore: 2304 R Avenue



Conforming Properties with Permitted Uses:

American Best – Sandman (Hotel): 2410 R Avenue

American Best – Sandman (Hotel - Vacant): No Address

Non-Conforming Properties with Grandfathered Uses, which will Become Conforming and Permitted as a Result of this Rezoning:

Braseth (Warehouse, Storage, Contractor): 2407 E. Q Avenue

Braseth (Warehouse, Storage, Contractor – Vacant): 1702 21st Street

Zeng (SF Residential): 1701½ Albany Street

Zeng (SF Residential): 1701 Albany Street

All Air HVAC (Building Contractor): 1703 Albany Street

Habitat for Humanity – Restore (Retail): 2304 R Avenue

BOQUIST continued that the zone change is following the Comprehensive goals and policies applicable.

1. Goal 1 citizen involvement – notification and public hearing process.
2. Goal 2: Land use planning – identify what the need is. La Grande is running out of available general commercial zoned lands. The rezone meets the need for General Commercial land.
3. Goal 9: Economic Development – Commercial elements that support offering additional opportunities for expansion and growth.

OGILVIE asked if new housing is allowed. BOQUIST responded not new housing but, the existing housing is grandfathered in. Back before the code was changed, when a business came in to convert a house to commercial use, the code required that conversion be permanent and the issue came up that people weren't willing to do that because they didn't want to lose an opportunity if the business didn't work out. Therefore, the code changed that an existing house can flip flop between house to a commercial use within the General Commercial zone.

FELLEY asked if that would change with the rezone for the current housing. BOQUIST commented without the rezone to General Commercial the Interchange Commercial residential is not allowed and couldn't flip flop.

FELLEY asked if losing the hotel that is conforming to the current zoning (interchange commercial) if it becomes General Commercial and someone decides they don't want a hotel anymore is that an issue or significant impact. BOQUIST responded depends on what it is being replaced with and market demands. The owner of a couple of the hotels in the zone change proposal also owns the one the hotel across the interchange which is for sale and deteriorating. As part of the sale, there is a "no compete" clause that is can't be a hotel if sold therefore, it will be demolished anyway most likely.

AVILA asked for testimony from the applicant.

APPLICANT TESTIMONY

Kaiger Braseth commented the General Commercial zone gives more opportunities.

AVILA asked for testimony in favor, opposition or neutral. There was none.

GOUGHERTY asked why was it zoned interchange commercial. BOQUIST responded it was the type of zoning established in the 70's and they may have wanted to promote this type of commercial use in this location.

There was no Commission Discussion

(PUBLIC HEARING CLOSED 6:37PM)

MORRISON made the following Motion, with OGILVIE providing the Second.

MOTION

MOTION: I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be adopted and the Proposed Zone Designation Change be recommended to City Council for approval.

VOTE

USC: Unanimous

OLD BUSINESS:

None

CITY PLANNER COMMENTS:

BOQUIST commented there is an application for a subdivision that will be going to Planning Commission on the March 14th regular session. BOQUIST commented the work session dates need to be finalized.

The group looked over the potential dates from the doodle poll and there was consensus to have a work session on February 23rd and March 7th.

COMMISSIONER COMMENTS:

AVILA asked if the topic of deed restriction could be listed on the Agenda for a future meeting. BOQUIST responded he could put it on the agenda for a future work session.

There being no further business to come before this Regular Session of the Commission, adjourned the meeting at 6:55 pm. The Commission is scheduled to meet again in Regular Session, Tuesday, March 14, 2023 at 6:00 p.m., in the Council Chambers of City Hall, 1000 Adams Avenue, La Grande, Oregon.

ATTEST:

APPROVED:

Kendra VanCleave
CEDD Secretary
Date Approved:

Chairperson

CITY of LA GRANDE

PLANNING COMMISSION ACTION FORM

Commission Meeting Date: **February 14, 2023**

PRESENTER:

Michael Boquist, Community Development Director

COUNCIL ACTION:

**PUBLIC HEARING FOR A SUBDIVISION AND 4 VARIANCES
FILE NUMBER 01-SUB-23 & 02-VAR-23
APPLICANT: MBM ESTATES**

1. CHAIR: Open the Public Hearing and ask that the Rules of Order for this and the following Public Hearing be read in their entirety. Request declarations and challenges.
2. CHAIR: Request Staff Report
3. CHAIR: Request that Public Testimony be read into the Record
4. CHAIR: Invite Commission Discussion
5. CHAIR: Close the Public Hearing and Entertain Motion

The Commission could approve the subdivision and all variance with one motion.

OR

If the Commission would like to modify or deny one or more variances requested, it is recommended that the Commission consider a motion and decision on each request separately. (Please see page 22 of the Decision Order where each request is listed separately.)

Suggested Motion 1 (Approve as Presented): I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be (adopted / amended) and that the Proposed Subdivision and Variances be Approved; or,

Suggested Motion 2 (Conditionally Approve): I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be amended and that the Proposed Subdivision and Variances be Conditionally Approved (list the required conditions); or

Suggested Motion 3 (Disapproval): I move that the Finding of Fact and Conclusions set forth in the Draft Decision Order be amended and that the Proposed Subdivision and Variances be Denied; or

Suggested Motion 4 (Table or Continue): I move that the public hearing for the proposed subdivision and variance be Tabled to the April 11, 2023 (or later date?), Regular Session to allow time for the applicant to submit the requested information for the Planning Commission's consideration.

6. CHAIR: Invite Additional Commission Discussion

7. CHAIR: Ask for the Vote

EXPLANATION: The applicant is requesting the Planning Commission's consideration and approval of a Preliminary Subdivision Plat that includes twenty-nine (29) lots with thirty-two (32) dwelling units, and four (4) variances that request relief from City standards for on-street parking, minimum lot size, minimum residential density and minimum building setbacks. A fifth (5th) variance may be necessary for a deviation from the maximum driveway width and minimum driveway separation standard.

See Attached Staff Report and Applicant's submittal and justification.

Based on the analysis and Findings of Fact in the Decision Order, the Planning Commission has four (4) options with respect to the Subdivision and Variance applications:

Option 1 (Approve): Approve the Subdivision and Variance requests as presented; or,

Option 2 (Conditionally Approve): Approve the Subdivision and Variance requests as amended, with Conditions to address specific requirement or mitigate issues;

Option 3 (Disapproval): Deny the Subdivision and Variance requests.

Option 4 (Table or Continue): If insufficient information has been provided, or if the application needs to be revised to address a specific requirement(s), the Commission may Table or Continue the public hearing to a future meeting date (such as April 11, 2023) to allow the applicant time to submit revisions to satisfy one or more requirements.

Staff Recommendation: The Community Development Director recommends Option #2 or #4, based on how the Commission chooses to address required on-street parking, 18th Street right-of-way dedication and variances. See Decision Order Findings for more information.

The Planning Commission's decision on this application is a final decision, unless appealed to the City Council.

COMMISSION ACTION (Office Use Only)

Motion Passed Motion Failed

Vote: _____

Action Tabled: _____

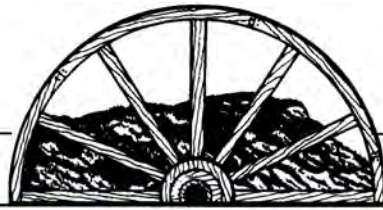
Recessed: _____

RULES OF ORDER FOR A QUASI-JUDICIAL PUBLIC HEARING

The following is a step-by-step description of the order of events necessary to hold a Public Hearing.

PLANNING TECH I READS TO THE PUBLIC:

- A. The Planning Commission will conduct one (1) Public Hearing tonight to consider a subdivision and variance permit File Number: 01-SUB-23 and 02-VAR-23 Applicant: MBM Estates, LLC.
- B. The Hearing will proceed as follows:
 1. The Chairperson will request the Staff Report, which includes applicable criteria and standards for the issue under consideration in the application. As part of the Staff Report, the Applicant may have the opportunity to address the Commission prior to public testimony.
 2. The Chairperson will then ask for public testimony relating to the application. The Chairperson may state a time limit for testimony; if no time limit is announced, testimony will be limited to three minutes. All testimony must be directed toward the applicable criteria. Oregon Land Use Law requires that all issues raised by a participant during the Hearing must be sufficiently clear and specific to allow the Hearing body and other parties an opportunity to respond to those issues. Failure to raise the issues during the Hearing may invalidate a future appeal.
 3. The order of testimony this evening will begin with that of Proponents (those in favor), followed by Opponents (those opposed), and ending with those Neutral. An opportunity will be provided to parties (proponents first then opponents) to clarify any issues raised or to rebut testimony.
 4. If additional documents or new evidence is introduced during the Hearing, any participant may request a continuation of the Hearing. Any participant may request that the Hearing Record be kept open for seven (7) days to submit additional written evidence or testimony for the purpose of responding to new evidence. Unless waived, the applicant has seven (7) days to submit a written response.
 5. The proceedings are being electronically recorded, to be converted to written Minutes. When testifying, please step to the podium and state your name.
 6. Members of the Planning Commission may ask questions of the Staff or Hearing participants, if present, at any time. The Chairperson will then close the Hearing or continue the Hearing at a specified time and place.
 7. All decisions must be based on findings of fact from the Staff Report or evidence and testimony received which relate to the criteria of the land use decision.
- C. A Commissioner must declare any ex parte or pre-hearing contact, including the person's name and the nature of the discussion, as well as any site visitations to the area in question. Commissioners should declare any personal or financial interests in this matter and may disqualify themselves from participation in this Hearing. ***Does any Commissioner wish to make a declaration?***
- D. Does anyone in the audience wish to challenge the right of any Commissioner to hear this matter? ***Let the Record show that (there are no challenges) OR _____.***



PLANNING COMMISSION DECISION ORDER OF _____

HEARING BODY(IES): Planning Commission
 HEARING DATE(S): Tuesday, March 14, 2023
 HEARING TIME(S): 6:00 p.m.
 HEARING LOCATION: City Hall Council Chambers, located at 1000 Adams Avenue, La Grande, Oregon.

I. Application Information

File Number: 01-SUB-23 & 02-VAR-23

Proposal: The applicant is requesting Preliminary Plat Approval of a Subdivision that includes twenty-nine (29) lots with thirty-two (32) dwelling units. To support the proposed subdivision, the applicant is also requesting four (4) variances relief from City standards for (see Exhibit A):

1. On-street parking
2. Minimum lot size
3. Minimum residential density
4. Minimum building setbacks
5. Driveway Width and Separation (Needed, but Not Requested)

Applicant: MBM Estates LLC

Address/Location: 300 Block of 16th Street and 18th Street; T3S, R38E, Section 08DD, Tax Lots 300, 500 and 501; Union County Ref. #5910, #5911, and #15354

Decision Order Prepared By: Michael J. Boquist, Community Development Director



II. Schedule of Procedural and Public Hearing Requirements

In accordance with Land Development Code Ordinance 3252, Series 2021, Articles 9.3 and 9.4, Land Development Code Amendments are subject to the City Council's review and decision authority, upon receiving a recommendation from the Planning Commission. In accordance with Article 9.5, public hearings for the consideration of the proposal were scheduled as follows:

- February 10, 2023.....Subdivision and Variance Applications received.
- February 14, 2023.....Applications were deemed complete and public notice was mailed to surrounding property owners within 100' and to development review agencies.
- March 4, 2023.....Advertised notice was published in *The Observer*, advertising the public hearing before the Planning Commission for March 14, 2023.
- March 14, 2023.....Public Hearing before the Planning Commission
- March 27, 2023.....Expiration of Appeal period.

(Note: The actual Expiration of Appeal Period is 12 days from the date the Planning Commission decision is mailed to the applicant. If such day falls on a weekend or Holiday, the Appeal Period will expire at 5:00 p.m. on the next business day.)

III. Public Notice Information

Public notice was issued in accordance with City and State laws. Notice was provided in accordance with Land Development Code Ordinance 3252, Series 2021, Article 9.6, Section 9.6.001(B). Notice of the public hearing was published in the local newspaper of general circulation, with mailed notice provided to the applicant and to the owners of record of property located within one hundred feet (100') of the subject property. Additionally, all public hearing materials, including the Draft Decision Order was published on the City of La Grande – Planning Division's webpage.

IV. Review Process and Appeals

Subdivision and Variance applications are quasi-judicial land use actions that are subject to the Planning Commission's review and approval. The Planning Commission's review includes a public hearing where testimony is accepted from interested persons and which results in a decision being issued in accordance with Chapter 9 of Land Development Code Ordinance 3252, Series 2021.

A decision of the Planning Commission is final unless appealed to the City Council within twelve (12) days from the date the Planning Commission decision is mailed to the applicant. If the subject property is located within the Urban Growth Boundary, the decision of the City Council may be appealed to the Union County Board of Commissioners in accordance with the Joint Management Agreement and Union County Ordinance.

V. Staff Recommended Conclusions and Order

Based on the analysis and Findings of Fact in this Decision Order, the Planning Commission has four (4) options with respect to the Subdivision and Variance applications:

Option 1 (Approve): Approve the Subdivision and Variance requests as presented; or,

Option 2 (Conditionally Approve): Approve the Subdivision and Variance requests as amended, with Conditions to address specific requirement or mitigate issues;

Option 3 (Disapproval): Deny the Subdivision and Variance requests.

Option 4 (Table or Continue): If insufficient information has been provided, or if the application needs to be revised to address a specific requirement(s), the Commission may Table or Continue the public hearing to a future meeting date (such as April 11, 2023) to allow the applicant time to submit revisions to satisfy one or more requirements.

Staff Recommendation: The Community Development Director recommends Option #2 or #4, based on how the Commission chooses to address required on-street parking, 18th Street right-of-way dedication and variances. See Decision Order Findings below for more information.

VI. General Facts and Overview

1. The development site is located in the 300 address block between 16th Street and 18th Street, North of Gekeler Lane.



2. The properties are zoned High Density Residential (R-3), which allows a variety of dwelling types that include single-family, duplexes, tri-plexes and greater, apartment complexes, condominiums, etc.

LDC Section 2.2.006(A)

- The purpose of this zone is to provide higher concentrations of dwelling units.
 - This zone is intended to implement the Comprehensive Plan designation of High Density Residential land use of densities of eleven (11) or more dwelling units per acre
3. The development site is comprised of three (3) parcels (properties) that amount to a little over four (4) acres in size, and all of them being vacant/undeveloped.
 4. For interpreting the density standard, “net” acreage is interpreted as:
 - (gross acres) – (public street rights-of-way) = (net acres)
 5. The minimum residential density required for the proposed subdivision is 34 dwelling units, based on the following calculation:
 - (4.13 gross acres) – (1.02 acres of public street ROW) = (3.11 net acres)
 - (3.11 net acres) x (11+ units/acre) = (34.21+ dwelling units)
 6. The property is also encumbered by a City sewer main line easement across the South boundary of the development. This creates constraints with achieving the minimum residential density 34 dwelling units, and meeting other development standards, including minimum lot size square footage, dimensions and setbacks.
 7. Because of the City sewer main line easement encumbrance, the applicant is requesting three (3) variances to alleviate the development constraints cause by this:
 - Density Variance to allow a reduction from 34 to 32 dwelling units.
 - Lot Size Variance to allow for smaller parcels.
 - Setback Variance to allow the single-family homes to fit on the smaller parcels.
 8. A fourth (4th) variance is being request to allow the on-street parking requirement to be transferred and placed on each private lot parcel, which would be protected and required to remain available for guest parking via a deed restriction on each parcel.
 - Note: This variance and the proposed parking alternative has raised some concerns, which are discussed in the Agency Comments section below, as well as in the variance discussions and parking requirements discussions in their respective sections below.
 9. The development is proposed to be constructed in four (4) phases, which City Code allows subdivision to be developed in phases, one per year, over a maximum of eight (8) years.

VII. Agency Comments

In accordance with City of La Grande Land Development Code Ordinance (LDC) 3252, Series 2021, Chapter 9, notice of the land use application was mailed to the following agencies: City of La Grande Building Department, City of La Grande Fire Department, City of La Grande Planning Department, City of La Grande Police Department, City of La Grande Public Works Department, Avista Utilities, Charter Communications, City Garbage Service, Frontier Communications, Oregon Department of Transportation, and Oregon Trail Electric Cooperative.

1. City of La Grande Police Department (See Exhibit B): The City of La Grande Police Chief submitted comments in neutral to this development, but raising concerns and an objection

regarding the proposed alternative parking plan that eliminates on-street parking and relocates such parking to within the private driveways of each parcel.

The Chief's concerns discuss the elimination of on-street parking will likely result in a shortage of visitor parking, which the on-street parking is intended to accommodate. Additionally, the narrowing of the roadway and elimination of on-street parking will result in other challenges as parcel delivery vehicles, emergency service vehicles and other would have no area to park, potentially impeding the roadway or through access.

Based on law enforcement experience, it is expected that residents and/or guests will frequently violate the no parking within the roadway regulation during social gatherings and events at homes. These are common activities in residential areas and this development does not appear to take this into consideration. These conflicts will likely result in increased law enforcement calls and responses for parking enforcement, and whereby this situation is anticipated to create an undue burden on City law enforcement resources.

The City only has one dedicated parking enforcement officer that works a daytime/weekday shift and monitors and regulates parking throughout the City. Residential gathering often occur during evenings and weekends when the City does not have a parking enforcement officer on staff. As a result, these calls will result in an undue burden on other law enforcement officers whose responsibilities are to respond to more urgent and higher priority calls for service.

It is the Police Chief's opinion that the elimination of on-street parking without a sufficient public parking alternative sets the residents and City up for conflicts, which we will likely regret into the foreseeable future. As a result, the Police Chief does not support this parking variance.

2. City of La Grande Public Works Department: The Public Works Director provided comments explaining that the sewer main line easement extending through the southerly portion of this property, as written, includes a couple inaccuracies that need to be corrected with a revised or updated easement. The Public Works Director is requesting this updated easement be included as a condition of approval to the Planning Commission's decision for this request.

The easement was written based on the actual construction location of the sewer line. The easement exists, it is valid, and it is recorded with the Union County Clerk and attached to the deed. However, it was written as an access utility easement that was based on the location of the sewer mainline (as constructed). But, when constructed the mainline was not located in the center of the planned easement. As such, the easement presents a greater encumbrance on the applicant's property than it was originally intended.

To resolve this, the Public Works staff has met with the applicant and all have agreed that it would be in the best interest of both parties (City and property owners) to re write the easement to only contain the southernmost 30' of the property and to remove the reference that is based on the location to the sewer main.

By rewriting this easement, it would also assist a secondary need that is required by the City's Storm Water Master Plan. Along the southern boundary of the applicant property is the Mill Creek overflow ditch. This ditch extends from Birnie Park near 6th & C Avenue, East to the Drive-In Theater property. This ditch carries storm water runoff from southwest portion of La Grande and discharges it into the Gekeler Slough near the Drive-In Theater, where it is then carried out towards Ladd Marsh and ultimately into Catherine Creek.

In the early 1900's, the Mill Creek overflow ditch was constructed and runs through many private properties without a written easement. As such, it is only protected by a prescriptive right or easement. As this is a critical storm water management ditch, the City's Storm Water Master Plan requires that an easement for this ditch be established as part of new developments. In this case, the easement is needed along the entire South boundary of this property, which will be included and addressed in the sewer easement discussed above.

3. No written comments or concerns were received from notified affected agencies.

VIII. Public Comments

In accordance with City of La Grande Land Development Code Ordinance (LDC) 3252, Series 2021, Chapter 9, public notice was mailed to the owners of properties located within one hundred feet (100') of the subject property.

1. No written comments or concerns were received from notified affected public.

IX. Analysis of Applicable Standards

Subdivisions and Variances are required to satisfy the review criteria contained in the City of La Grande Land Development Code Ordinance 3252, Series 2021 (LDC), Article 4.3, Section 4.3.002, and Article 8.4, Section 8.4.003, as well as other applicable criteria and standards of the Land Development Code, other City Ordinances and State law.

X. LDC Section 4.3.002 – Subdivision Review Criteria

The preliminary plat of a proposed subdivision may be approved only if the reviewing authority finds that it satisfies the following criteria:

- A. *The preliminary plat of the proposed subdivision is in conformance with all applicable provisions of this Code, other Ordinances and State Law.*

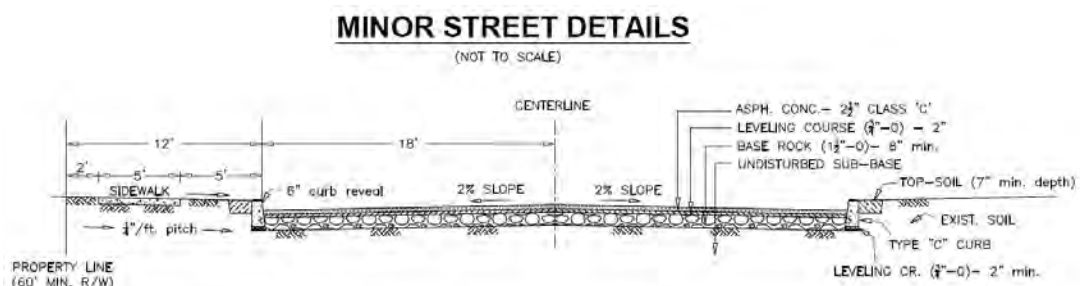
- (1) LDC Section 6.2.010 – Existing Streets: *Whenever existing streets, whether adjacent to or within a development, are of inadequate width, the additional necessary right-of-way within the development boundary shall be provided at the time of the land division.*

Finding: This standard is not met, but could be satisfied with a condition of approval or revised preliminary subdivision plat.

The property borders on 16th Street and 18th Street. The Public Works Director has identified that 16th Street is classified as a residential “collector” street and 18th Street is a residential “minor” street. These classifications are intended to function differently for moving traffic through the City. They also have different construction design standards with regards to their amenities or improvement, but both require 60’ wide street rights-of-way.

For this development, the 16th Street right-of-way adjacent to this subdivision is currently 60’ wide and has sufficient right-of-way width to eventually be upgraded to full City collector street standards. No additional right-of-way is needed.

18th Street, however, has a 40’ wide right-of-way and is of insufficient width to develop to City’s adopted 60’ minor street design standards (see below).



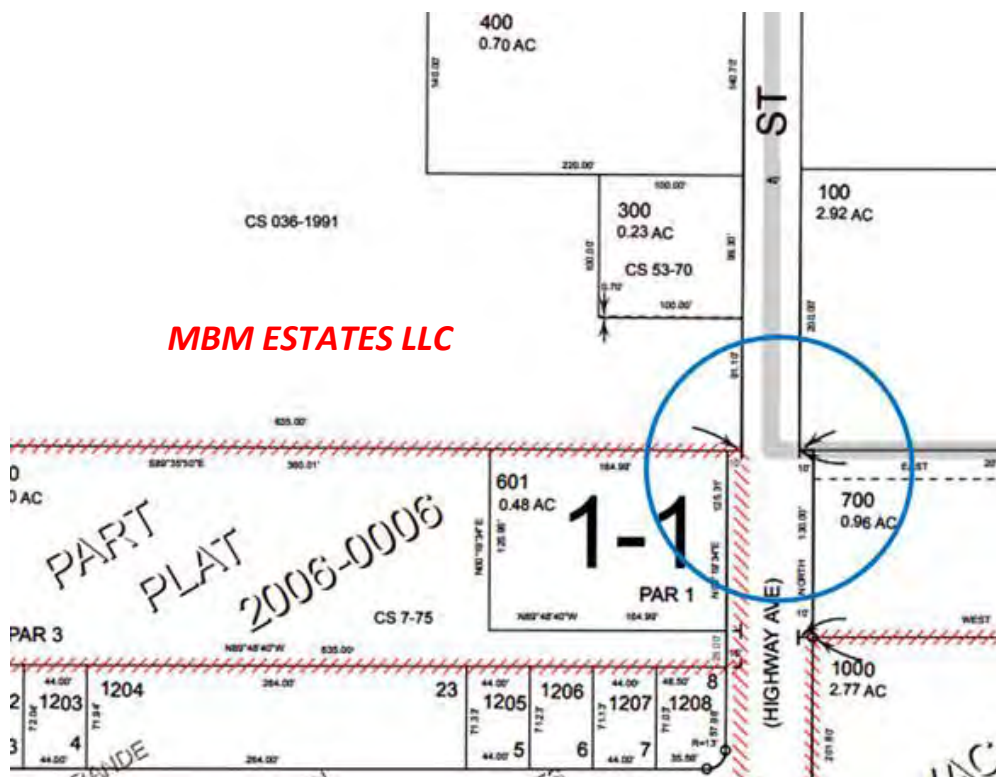
In accordance with this Code Section, *Whenever existing streets, whether adjacent to or within a development, are of inadequate width, the additional necessary right-of-way within the development boundary shall be provided at the time of the land division.*

In this case, to achieve a 60' wide right-of-way width for 18th Street, the additional necessary right-of-way within the development boundary would include the dedication of 10' strip of land parallel with the 18th Street, that would be added to the 18th Street public street right-of-way.

Again, this dedication of land is required in accordance with LDC Section 6.2.010. It is also consistent with past dedications of rights-of-way property all property South of this development, extending to Gekeler Lane. See Assessor Map below, illustration where the existing 60' right-of-way along 18th Street ends and transitions to the nonconforming 40' wide right-of-way adjacent to the proposed subdivision.

The requirement for a 10' dedication of land can be addressed either as a Condition of Approval, or the Planning Commission Table can this public hearing to a future meeting and ask the applicant to submit a revised Preliminary Plat be submitted that reflects this dedication.

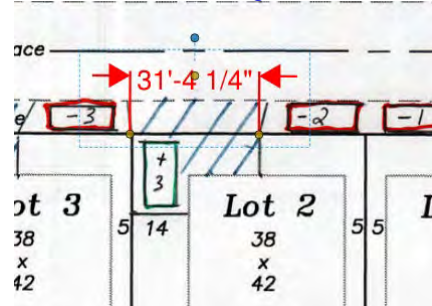
Staff Comment: If the Commission is able to address all other issues presented through Conditions of Approval, Staff recommends that this dedication of right-of-way also be included as a Condition of Approval so a final decision can be issued on this request.



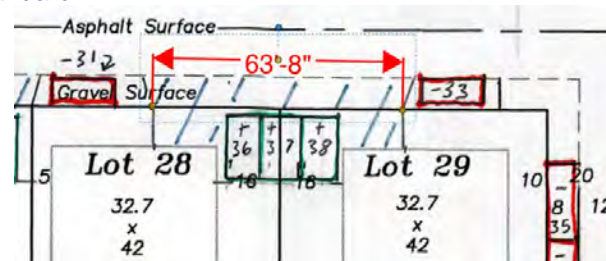
(2) **City Right-of-Way Ordinance 2979):** Each property within this development is subject to the City's Right-of-Way Ordinance 2979 which specifies the maximum allowed driveway construction width and spacing between driveways.

- Driveway Width - 25' maximum allowed
- Driveway Spacing – 15' minimum separation required.

Finding:: This standard is not met. The preliminary subdivision plat does not specify the widths of driveways, but at the 1"=40' scale of the plat drawing, all of the driveways measure 30'+ in width, exceeding the maximum allowed standard by 5'+.



Also, At least 3 of the lots have merged driveways, measuring over 60' in width, which exceed the maximum driveway width standard as well as not meeting the 15' driveway spacing standard.



A variance from this Ordinance standard(s) was not requested by the applicant. To address this requirement, a revised plan must be submitted that meets the driveway width and separation requirements, or a variance request must be submitted along with the required justification that meets the review criteria outlined in the Ordinance 2979. (Note: A place holder for this variance has been included in the Variance discussions below.)

- B.** The circulation plan, which includes streets, signage, lighting, clustered mailboxes, bicycle and pedestrian facilities for the proposed subdivision will permit its development in accordance with this Code and the La Grande/Island City Transportation System Plan.

Finding: Sheet #2 of the preliminary subdivision plat addresses all of these requirements, including street signage, clustered mailboxes, location of fire hydrants, etc. City Code and the City's Transportation System Plan does not require street lighting or specifies any bicycle or pedestrian improvements extending through the subject property or as a requirement of private streets. This standard is met.

- C.** The future street plan for the proposed subdivision will permit the development of adjoining land or is provided access that will allow its development in accordance with this Code.

Finding: The development plans for a through street, similar to most the platted neighborhoods in La Grande and in the vicinity. The development does not provide an option for a through connection to the properties to the vacant parcels to the North and South. (See illustration below)



The subject property is 635' wide from 16th Street to 18th Street. A typical subdivision block in La Grande is roughly 300'-400', which suggests there is sufficient land area to provide a through North-South connecting street to the adjacent vacant properties.

In this case, the property to the North is beginning to develop with duplexes and has a long-term master-planned for an East-West through street without a North-South connector. As such, requiring a North-South connector of this development (MBM Estates), would likely not connect to the North and requiring such connection would be in conflict with the plans for both developments.

- D. The site of the proposed subdivision is physically suitable for the type and density of the proposed development.*

Finding: The subject property is zoned High Density Residential (R-3). It is a large open parcel with few encumbrances overall. If developed as a multi-family housing development, the property could support an apartment complex with 44+ dwelling units with few if any variances being necessary.

As a single-family housing development, the creation of street rights-of-way reduces the land area to 3+/- acres which results in a density requirement of 34 units. However, the property is irregular in shape with a sewer main line easement encumbering the South 30'-40' which makes the property very narrow and challenging to develop a single-family home subdivision.

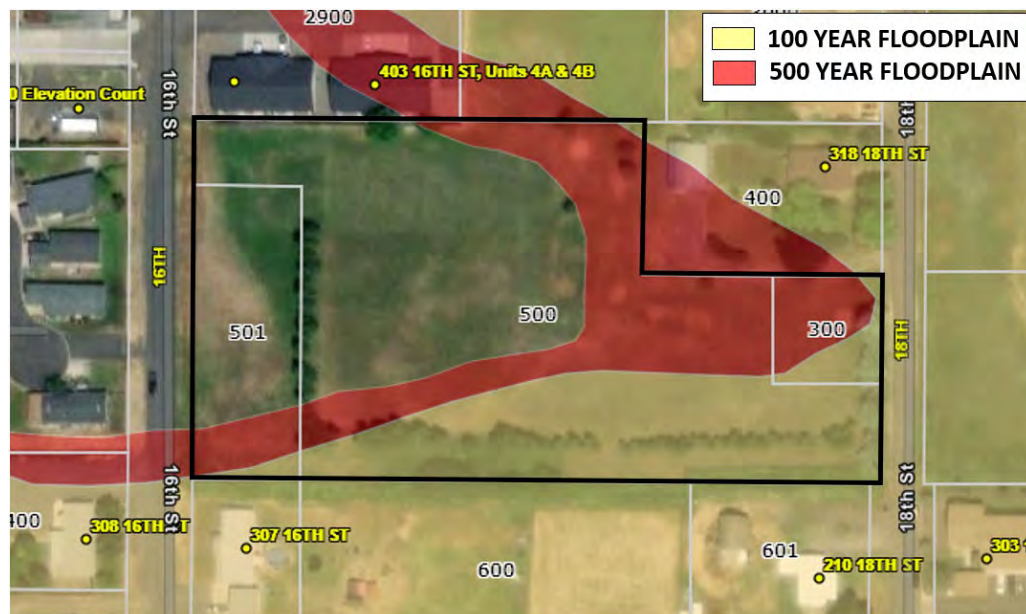
With the variances proposed for lot size, density, etc. the applicants have prepared a preliminary subdivision plat the demonstrates that the property is large enough and physically suitable for 32 lots.

- E. The existing public water and wastewater systems are available adequate to serve the proposed development.*

Finding: The subject property has City water access available from both 16th Street and 18th Street, as well as a sewer main extending through the should portion of the site. The City of La Grande Public Works Department has met with the applicant and reviewed the preliminary plat and determined that the existing public water and wastewater systems have the capacity and are available to serve this development.

- F. Development of the site is consistent with the need to minimize flood and landslide damage.*

Finding: A portion of the development is located within the 100-year floodplain (aka Special Flood Hazard Area).



The City of La Grande is a member or participant in the National Flood Insurance Program which requires development within the floodplain to “not cause adverse change in the location and extent of the floodplain or increase flood elevations.” [LDC Section 3.12.010(A)(4)(b)].

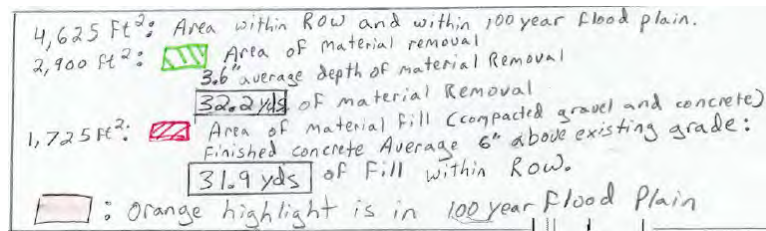
As part of an application submittal for development within the floodplain, an applicant must submit sufficient information for the City to determine that “no adverse change” will occur to the floodplain. This may be achieved by one of the following:

1. An applicant providing an estimate for the amount of fill proposed to be added to the floodplain during development (elevating portions of the site, construction of

roads, other). Then, submitting sufficient justification that demonstrates an equal or greater amount of fill being removed, thus resulting in zero (0) change to the floodplain.

- If a greater amount of fill is proposed to be added to the floodplain vs. what will be removed, this will result in some level of change to the floodplain. In this case., the applicant is required to hire an engineer to conduct a floodplain analysis. The engineer would calculate the amount of fill being added to the floodplain vs. what will be removed. Then, determine whether such change will result in a change in the "location and extend of the floodplain or increase flood elevations."

For this development, the applicant provided the information in #1 above. See subdivision plan sheet for the floodplain analysis. Below are excerpts for this plan sheet, which identifies the areas of fill and the areas of removal. Per this analysis, the project will result in a greater amount of fill being removed from the site vs. what will be added. This results in a positive change to the floodplain.



- G.** For commercial and/or industrial lots with existing areas of two and one half (2 ½) acres or more; and residential lots with existing areas of one half (½) acres or more, zoning approval shall not be granted until the City approves a Master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable City standards. All development proposed shall comply with the approved Master Plan, unless a new Master Plan is approved by the City.

The approved Master Plan shall be filed with the County Clerk and all development proposed shall comply with the approved Master Plan. The Master Plan shall be considered null and void only when a new Master Plan is approved by the City and filed with the County Clerk.

Finding: This subdivision includes the full development and buildout of the subject property. As a result, a separate master plan is not required.

- H.** Any other criteria as may be pertinent.

Finding: None identified.

XI. LDC Section 4.3.004 – Subdivision Submittal Requirements

- A.1.** *Preparation and Submission – This code section addresses the application form and number of copies required to be submitted.*

Finding: This standard was adequately satisfied.

- A.2.** *Information Required – This code section addresses the scale the preliminary plat must be drawn to, including a North arrow, and legal information that must be printed on the plat map.*

Finding: This standard was adequately satisfied.

- A.3.** *Existing Conditions – This code section requires a plan sheet that identifies the characteristics and location of existing development on the property.*

Finding: In this case, the property is vacant/undeveloped and has historically been used as a pasture for livestock. The existing topographic conditions and floodplain boundaries are provided on the floodplain analysis submittal. But other than this condition, the site is relatively level with no existing development or notable features to identify. This standard was adequately satisfied.

- A.4.** *Proposed Plan of Development – This code section requires the plan to show all proposed streets, street signage, planned utilities, fire hydrants, clustered mailboxes for USPS, other.*

Finding: The preliminary plat includes all required information. This standard was adequately satisfied.

- A.5.** *Accompanying Statement – This code section relates to information that is difficult or cannot easily be reflected on the development plan sheets, such as deed restrictions, zoning classification, etc.*

Finding: All known and relevant information has been provided on the plan sheets and accompanying variance request narrative. This standard was adequately satisfied.

- A.6.** *Drainage Plan – This Code section requires the applicant to provide a storm water drainage plan, designed to collect and manage all storm water on-site, or direct it to a City managed storm water collection system.*

Finding: For this project, a City managed storm water drainage system is not available in the vicinity. As a result, the project plans for all storm water to be collected and retained on-site within the 40' wide street right-of-way in bioswales.

The variance request to eliminate on-street parking, relocating these spaces onto each private lot, has resulted in sufficient space within the right-of-way to develop an on-site storm water system using bioswales. The private roadway is proposed to be narrowed to 24' wide, with 8' wide bioswales on each side of the street to collect and manage storm water.

- A.7.** *Street Tree Plan – This Code section requires a street tree plan to show the location of street trees throughout the development. City Codes requires street trees to be planted where there is adequate space.*

Finding: A street tree planting plan has been provided that identifies the planting of 2 or more street trees in front of each property within the gravel parkway strip/storm water bioswale. This standard was adequately satisfied.

XII. Variance 1 – Street Parking Variance

1. CITY STANDARD THAT THE APPLICANT IS REQUESTING RELIEF FROM:

LDC Section 6.2.005(F) – Private Streets: *In no case will the widths of newly constructed streets be less than:*

3. Private Streets – Parking on Both Sides

Thirty-six feet (36') with two feet (2') wide gravel shoulders and parking on both sides.

Exception: For properties that have topographic or other physical site constraints that makes strict adherence to this standard difficult, the Planning Commission may allow a reduced street width by eliminating on-street parking on one or both sides, along some street sections, in exchange for providing an equal or greater number of on-street parking spaces through an alternative street design within the development that reasonably services the impacted properties. In no case shall the paved street width be less than twenty-two feet (22').

Also refer to HB/ORS that only allows City to require 1 off-street parking space per dwelling. The City would not have the legal authority to enforce the retention of the proposed off-street parking space. Enforcement would be limited to owners within the development pursuing legal action via Circuit Court to enforcing the CC&Rs.

2. DESCRIPTION OF VARIANCE REQUEST:

As allowed through the “Exception” provided above, the applicant is requesting to eliminate on-street parking and reduce the paved street width from the required 36' to 24' wide. To support this exception, the alternative design proposed includes the creation of additional off-street parking within the private driveways which is intended to accommodate guest/visitor parking. These parking spaces are proposed to be protected and reserved for this purpose through restrictive covenants and a deed restriction.

See applicant’s submittal and narrative for more information, including a parking map showing the parking analysis for on-street parking to be eliminated and replaced with off-street private parking.

3. LDC Article 8.4 - VARIANCES

LDC Section 8.4.001 – Purpose: *The purpose of a Variance is to permit justifiable departures from the requirements of this Code where their literal application would impose an undue or unnecessary hardship on the citizens of La Grande or the owners of property within the City, except that no Variance shall be granted for a parcel of property which would authorize a use or activity not permitted by the land use zone regulations governing the parcel of property.*

LDC Section 8.4.002(B) – Review Procedure: *The Variance request must be for relief from a physical requirement of the Land Development Code. Cost shall not be used as a factor in considering a Variance.*

LDC Section 8.4.003 – Review Criteria: A Variance may be granted only in the event that all of the following circumstances are found to exist. These criteria shall be addressed in writing and accompany the Variance application.

- A. *Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.*

Finding: The applicant's narrative and justification discusses the exception or extraordinary circumstances as being the property's narrow shape, geological features and an easement encumbrance created by a City sewer main line that extends through the southerly portion of the property from 16th Street to 18th Street. These circumstances affect the ability to provide additional street right-of-way for on-street parking.

- B. *The variance is necessary for the preservation of a property right of the applicant, substantially the same as owners of other property in the same zone or vicinity.*

Finding: The applicant's narrative and justification discusses that the property is bordered to the North and South with developments that have narrower streets and similar densities.

- C. *The variance would not be detrimental to the purposes of this Ordinance or to property in the same zone for which the variance is requested, or otherwise conflict with the objectives of any City plan or policy.*

Finding: The applicant's narrative and justification discusses that the proposed road width and creation of additional off-street parking is consistent with the intent of the zone to maximize the number of dwellings per acre.

- D. *The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.*

Finding: The property is vacant/undeveloped. There are no existing violations.

- E. *The Variance requested is the minimum Variance which will alleviate the hardship.*

Finding: The applicant's narrative and justification discusses the creation of one (1) additional off-street parking space on each property is the minimum to alleviate the hardship.

XIII. Variance 2 – Building Setback Variance

1. CITY STANDARD THAT THE APPLICANT IS REQUESTING RELIEF FROM:

Section 5.3.001 – Purpose (Building Setbacks and Yards): *The purpose of requiring yards is to provide for yard area around structures to ensure adequate privacy, desirable and safe visibility, and outlook from nearby roads and buildings; natural light, ventilation, and sunlight; access to and around buildings; buffering between uses; and space for landscaping, gardening, and recreation.*

Section 5.3.003, 5.3.004 and 5.3.005 – Front, Side and Rear Yard Setbacks:

- *Front Yard Setback: 15' for main dwelling and 20' for garages/covered parking*
- *Street Side Yard Setback: 15' for main dwelling and 20' for garages/covered parking*

- *Rear Yard Setback: 20'*

2. **DESCRIPTION OF VARIANCE REQUEST:**

The applicant is requesting a variance to reduce the front yard setback from 15' for the dwelling and 20' for the garage to 10', and the rear yard from 20' to 10'

Staff Comments: An additional variance may be needed for the street side yard of Lot 1 and Lot 12, bordering 18th Street. As a result of the City requirement for a 10' right-of-way dedication, these 2 lots will need to be reduced in width in order to allocate the 10' to the 18th Street right-of-way. These lots are proposed to have a 20' setback from the 18th Street property line. This dedication of right-of-way may require a variance to reduce this setback by 10', an equal amount as the dedication.

Alternatively, the Commission could require the applicant to submit a revised preliminary plat that reconfigures the widths of other parcels to accommodate this 10' right-of-way dedication.

3. **LDC Article 8.4 - VARIANCES**

LDC Section 8.4.001 – Purpose: *The purpose of a Variance is to permit justifiable departures from the requirements of this Code where their literal application would impose an undue or unnecessary hardship on the citizens of La Grande or the owners of property within the City, except that no Variance shall be granted for a parcel of property which would authorize a use or activity not permitted by the land use zone regulations governing the parcel of property.*

LDC Section 8.4.002(B) – Review Procedure: *The Variance request must be for relief from a physical requirement of the Land Development Code. **Cost shall not be used as a factor in considering a Variance.***

LDC Section 8.4.003 – Review Criteria: A Variance may be granted only in the event that all of the following circumstances are found to exist. These criteria shall be addressed in writing and accompany the Variance application.

- A. *Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.*

Finding: Similar to the parking variance, the applicant's narrative and justification discusses the exception or extraordinary circumstances as being the property's narrow shape, geological features and an easement encumbrance created by a City sewer main line that extends through the southerly portion of the property from 16th Street to 18th Street. These circumstances affect the ability to meet the City's standard lot size which would support the City standard setbacks.

- B. *The variance is necessary for the preservation of a property right of the applicant, substantially the same as owners of other property in the same zone or vicinity.*

Finding: The applicant's narrative and justification discusses that the property is bordered to the North and South with developments that have narrower streets, smaller lots and similar densities. Also, there are examples throughout the City where properties have reduced setbacks in residential zones. Maintaining similar setbacks throughout this subdivision will provide a consistent, orderly and logical development pattern.

Additionally, the applicant referred to the City's LDC Section 5.3.002 which provides for exceptions to front yard setbacks based on evaluating the average setback of other homes along the same block. This provision allows for the front yard setback to be reduced to a minimum of 10'. The applicant states that this variance request will be consistent with this exception within the Code.

Staff Comment: While having similar setbacks throughout this subdivision may be comparable to this exception option, this exception option does not apply to this development and should not be used as valid justification to support this variance.

The intent of this exception option is address older subdivision within the City that were platted and developed in the early 1900's, well before the City had land use standards and established setbacks. The City did not have setback standards prior to the 1970's, and as such, homes constructed before this time were often located closer to the street or sidewalk. Because of this, the City created this exception option to help new construction better fit in with the established development patten of an older neighborhood.

New subdivisions and neighborhoods do not share these older characteristics and were/are required to develop to the current Code standard. As a result, this exception generally does not apply to neighborhoods or subdivision created after the 1970's.

- C. *The variance would not be detrimental to the purposes of this Ordinance or to property in the same zone for which the variance is requested, or otherwise conflict with the objectives of any City plan or policy.*

Finding: The applicant's narrative and justification discusses

- D. *The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.*

Finding: The property is vacant/undeveloped. There are no existing violations.

- E. *The Variance requested is the minimum Variance which will alleviate the hardship.*

Finding: The applicant's narrative and justification explains that this variance is the minimum necessary to alleviate the hardship and meet the density intended for the zone. Also, having consistent or same setbacks throughout the subdivision will provide an orderly and logical development pattern.

XIV. Variance 3 – Minimum Residential Density Variance

1. CITY STANDARD THAT THE APPLICANT IS REQUESTING RELIEF FROM:

LDC Section 2.2.006 – High Density Residential Zone (R-3): *This zone is intended to implement the Comprehensive Plan designation of High Density Residential land use of densities of eleven (11) or more dwelling units per acre.*

Finding: As discussed in the General Facts and Overview Section above, item #5, the minimum residential density required for the proposed subdivision is 34 dwelling units, based on the following calculation:

- $(3.11 \text{ net acres}) \times (11+ \text{ units/acre}) = (34.21+ \text{ dwelling units})$

2. DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance to reduce minimum density from 34 dwelling units to 32 dwelling units.

3. LDC Article 8.4 - VARIANCES

LDC Section 8.4.001 – Purpose: *The purpose of a Variance is to permit justifiable departures from the requirements of this Code where their literal application would impose an undue or unnecessary hardship on the citizens of La Grande or the owners of property within the City, except that no Variance shall be granted for a parcel of property which would authorize a use or activity not permitted by the land use zone regulations governing the parcel of property.*

LDC Section 8.4.002(B) – Review Procedure: *The Variance request must be for relief from a physical requirement of the Land Development Code. **Cost shall not be used as a factor in considering a Variance.***

LDC Section 8.4.003 – Review Criteria: A Variance may be granted only in the event that all of the following circumstances are found to exist. These criteria shall be addressed in writing and accompany the Variance application.

- A. *Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.*

Finding: Similar the above variances, the applicant's narrative and justification discusses the exception or extraordinary circumstances as being the property's narrow shape, geological features and an easement encumbrance created by a City sewer main line easement that extends through the southerly portion of the property from 16th Street to 18th Street. All of the property lying within this easement (roughly 0.5+/- acres) is undevelopable as homes cannot be constructed over this easement area.

By subtracting out the undevelopable area through this variance request, the developable "net" land area would be reduced from 3.11 net acres to 2.59 acres. This would reduce the density requirement to 28 total dwelling units.

The proposed development of 32 units provides the maximum dwelling density meeting the intent of the zone, which exceeds the minimum 28 units if the variance is supported.

Staff Comment: For comparison, the proposed density is consistent with the Medium Density Residential (R-2) zone, which has target density range of 5-10 dwelling units per acre.

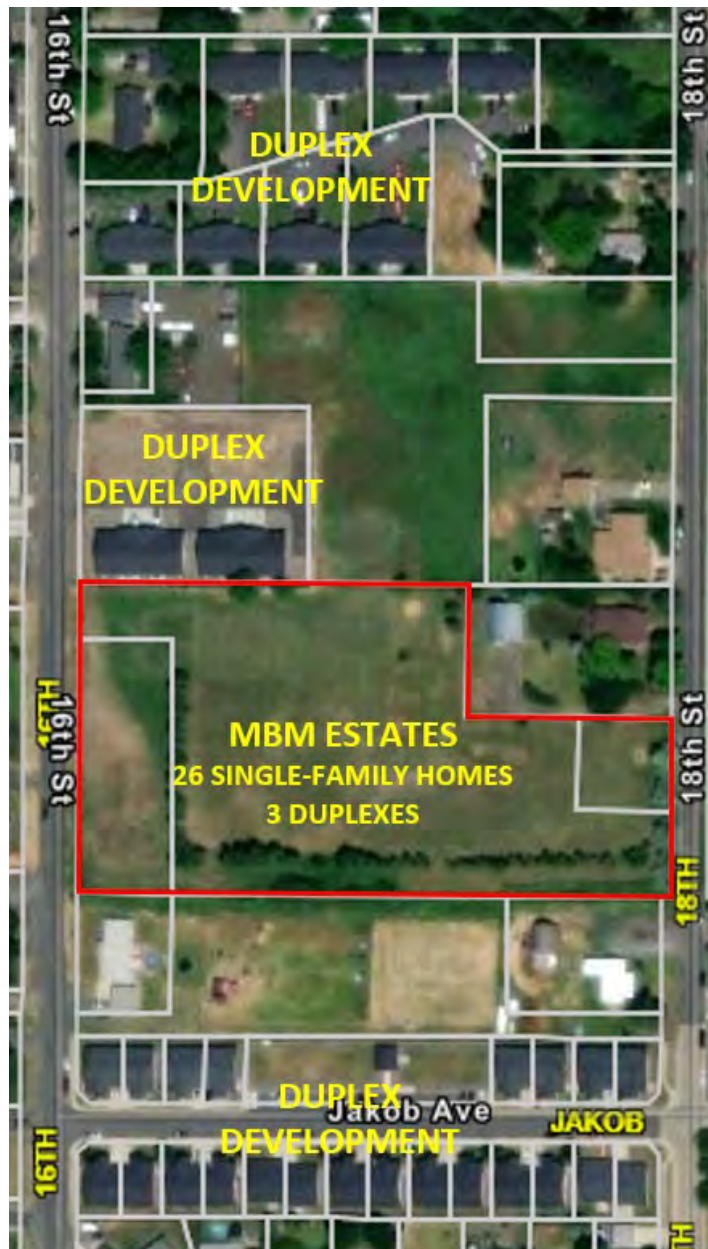
Based on the above, the reduced density standard through this variance (28 units) amounts to 9 units per acre. 32 Units amounts to slightly above 10 unit per acre. Both of these are comparable and consistent with the target density allowed for the Medium Density Residential Zone.

- B. *The variance is necessary for the preservation of a property right of the applicant, substantially the same as owners of other property in the same zone or vicinity.*

Finding: The applicant's narrative and justification discusses that it is the desire of MBM Estates to provide affordable single and multi-family housing opportunities as

intended and established as an outright use in the zone. The property is bordered to the North and South with developments that have similar densities.

Staff Comment: It should be pointed out that the development to the North and South with similar densities are predominantly multi-family duplex developments.



- C. *The variance would not be detrimental to the purposes of this Ordinance or to property in the same zone for which the variance is requested, or otherwise conflict with the objectives of any City plan or policy.*

Finding: The applicant's narrative and justification discusses that this request is only a slight reduction in the required minimum density. Due to the hardship circumstances discussed above, the applicant finds the proposed 32 dwelling unit density to be significantly higher than the minimum of 28 based on this variance justification.

- D. *The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.*

Finding: The property is vacant/undeveloped. There are no existing violations.

- E. *The Variance requested is the minimum Variance which will alleviate the hardship.*

Finding: The applicant's narrative and justification discusses this request of 32 dwelling units proposed, being a 5.9% reduction to the density standard. Which, given the limitations on the property, this is the minimum variance to alleviate the hardship.

XV. Variance 4 – Minimum Lot/Parcel Size Variance

1. CITY STANDARD THAT THE APPLICANT IS REQUESTING RELIEF FROM:

LDC Section 2.2.006(D)(1) – High Density Residential Zone (R-3) Minimum Lot Area: Minimum Lot Area - Five Thousand (5,000) Square Feet for Single-Family and Duplex Dwellings. Seven Thousand (7,000) Square Feet for Apartments and Condominiums with Three (3) Dwelling Units, Plus One Thousand (1,000) Square Feet for Each Additional Unit. Lots Intended for Common Wall Residences Shall be no Less Than Three Thousand (3,000) Square Feet in Size per Unit.

2. DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance to reduce minimum parcel size for several of the lots from the 5,000 square feet minimum to as small as 3,100 square feet.

3. LDC Article 8.4 - VARIANCES

LDC Section 8.4.001 – Purpose: *The purpose of a Variance is to permit justifiable departures from the requirements of this Code where their literal application would impose an undue or unnecessary hardship on the citizens of La Grande or the owners of property within the City, except that no Variance shall be granted for a parcel of property which would authorize a use or activity not permitted by the land use zone regulations governing the parcel of property.*

LDC Section 8.4.002(B) – Review Procedure: *The Variance request must be for relief from a physical requirement of the Land Development Code. Cost shall not be used as a factor in considering a Variance.*

LDC Section 8.4.003 – Review Criteria: A Variance may be granted only in the event that all of the following circumstances are found to exist. These criteria shall be addressed in writing and accompany the Variance application.

- A. *Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.*

Finding: Similar the above variances, the applicant's narrative and justification discusses the exception or extraordinary circumstances as being the property's narrow shape, geological features; and, an easement encumbrance created by a City sewer main line easement that extends through the southerly portion of the property from 16th Street to 18th Street which limits the opportunities in meet the minimum density at or above the minimum parcel size. Additionally, the West side off the property has a

significant rise in elevation that creates additional challenges in siting homes on parcels constructing roads.

- B. *The variance is necessary for the preservation of a property right of the applicant, substantially the same as owners of other property in the same zone or vicinity.*

Finding: The applicant's narrative and justification discusses that it is the desire of MBM Estates to provide affordable single and multi-family housing opportunities as intended and established as an outright use in the zone. The property is bordered to the North and South with developments that have similar densities.

- C. *The variance would not be detrimental to the purposes of this Ordinance or to property in the same zone for which the variance is requested, or otherwise conflict with the objectives of any City plan or policy.*

Finding: The applicant's narrative and justification explains that the proposed variance allowing reduced parcel sizes will allow the subdivision to better meet the required density standard. The narrative also states that past subdivision and planned unit development have been approved for similar minimum parcel sizes, and that the City is currently considering a Code amendment to change the minimum allowed parcel size in the land use code to 3,000 feet which is consistent with this request.

- D. *The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.*

Finding: The property is vacant/undeveloped. There are no existing violations.

- E. *The Variance requested is the minimum Variance which will alleviate the hardship.*

Finding: The applicant's narrative and justification explains that this variance is the minimum necessary to alleviate the hardship and meet the density intended for the zone. Also, having consistent or same setbacks throughout the subdivision will provide an orderly and logical development pattern.

XVI. Variance 5 – Maximum Driveway Width & Minimum Driveway Separation Variance

4. **CITY STANDARD THAT THE APPLICANT IS REQUESTING RELIEF FROM:**

Right-of-Way Ordinance 2979, Series 2001 – Regulating the Construction of Driveways: *This Ordinance establishes a maximum driveway wide of 25' wide, and that individual driveways must be separate by a minimum of 15'.*

5. **DESCRIPTION OF VARIANCE REQUEST:**

As discussed above (*Decision Order, Section X(A)(2), page 8*), a variance from the driveway standards was not requested but may be necessary to support this development if an alternative design is not proposed to address this standard.

- All of the driveways within the development appear to measure 30'+ in width, exceeding the maximum allowed standard by 5'+.
- At least 3 of the lots have merged driveways, measuring over 60' in width, which exceed the maximum driveway width standard as well as not meeting the 15' driveway spacing standard.

6. ORDINANCE 2979, SECTION 9 – VARIANCE REVIEW CRITERIA FOR DRIVEWAYS:

The Planning Commission, or on appeal, the City Council, may grant Variances from the regulations and requirements of this Ordinance as a quasi-judicial land use matter, provided that findings are adopted demonstrating that all of the following criteria are met:

- A. *The Variance requested arises from peculiar physical conditions not ordinarily existing in similar zones in the City, or is due to the nature of the business or operation upon the applicant's property.*

Finding: Place Holder. A variance has not been requested, thus no Finding have been developed.

- B. *The Variance requested is not against the public interest, particularly health, safety and general welfare.*

Finding: Place Holder. A variance has not been requested, thus no Finding have been developed.

- C. *Granting the Variance will not adversely affect the rights of adjacent property owners or tenants.*

Finding: Place Holder. A variance has not been requested, thus no Finding have been developed.

- D. *The terms of this Ordinance will work unnecessary hardship upon the applicant.*

Finding: Place Holder. A variance has not been requested, thus no Finding have been developed.

XVII. Conclusions and Order

Based on the Findings of Fact above, the Planning Commission concludes that the Preliminary Subdivision Plat (meets/does not meet) the requirements established in LDC Article 4.3.

Based on the Findings of Fact above, the Planning Commission concludes that the Variance request for a reduced street width and the elimination of on-street parking (meets/does not meet) the requirements established in LDC Article 8.4.

Based on the Findings of Fact above, the Planning Commission concludes that the Variance request for reduced building setbacks (meets/does not meet) the requirements established in LDC Article 8.4.

Based on the Findings of Fact above, the Planning Commission concludes that the Variance request for a reduced residential density (meets/does not meet) the requirements established in LDC Article 8.4.

Based on the Findings of Fact above, the Planning Commission concludes that the Variance request for a reduced lot or parcel size (meets/does not meet) the requirements established in LDC Article 8.4.

XVIII. Order and Conditions of Approval

Based on the Findings of Fact above, the Planning Commission hereby **(denies/approves/conditionally approves)** the Preliminary Subdivision plat subject to the conditions below.

Based on the conclusions above, the Planning Commission hereby **(approves/denies)** the Variance request for a reduced street width and the elimination of on-street parking.

Based on the conclusions above, the Planning Commission hereby **(approves/denies)** the Variance request for reduced building setbacks.

Based on the conclusions above, the Planning Commission hereby **(approves/denies)** the Variance request for a reduced residential density.

Based on the conclusions above, the Planning Commission hereby **(approves/denies)** the Variance request for a reduced lot or parcel size.

If requested - Based on the conclusions above, the Planning Commission hereby **(approves/denies)** the Variance request for increasing the width of driveways and reducing the minimum driveway separation distance.

Conditions of Approval:

1. *(Option if parking variance or an alternative is not approved):* Development of some or all streets to the full City Private Street standard, which includes 36 feet of paved road width (2 – 10' travel lanes, and 8' parking lane on each side).
2. The Preliminary Plan shall be amended to reflect a ten-foot (10') dedication of land as public street right-of-way along the entire property frontage bordering 18th Street, which would be allocated towards widening the 18th Street right-of-way.
3. Prior to the commencement of construction and prior to obtaining any City services within the development, the sewer main line easement extending across the southerly portion of the property shall be updated to more accurately reflect the location of this easement in relation to property lines and the sewer main line as constructed, being off-set within this easement and not centered. This easement shall also include an access and storm water utility easement for the Mill Creek overflow ditch that borders the South property boundary in accordance with the City's adopted Storm Water Master Plan.

XIX. Standard Conditions of Approval for Land Use Applications

1. **Changes:** Minor variations to an approved development plan shall be permitted provided the revised development plan substantially conforms to the original approved plan, conditions of approval and all applicable standards contained in the City of La Grande Land Development Code Ordinance.
2. **Public Works Standards:** Where a development involves work within the public right-of-way, a Right-of-Way Permit shall be obtained from the Public Works Department in advance of commencing with any work in the right-of-way. All improvements within the public right-of-way shall be in conformance with the most recent adopted City of La Grande "Engineering Standard Drawings and Specifications for Construction Manual."
3. **Building Permits:** The City of La Grande Building Department shall be contacted early in the process and in advance of development to coordinate and obtain required building, plumbing,

- electrical and/or mechanical permits. All required permits shall be acquired in advance of construction.
4. **Occupancy:** All required improvements shall be installed prior to any site or building occupancy, unless acceptable bonding is provided in accordance with the Land Development Code Ordinance.

XX. Other Permits and Restrictions

The applicant and property owner are herein advised that the use of the property involved in this application may require additional permits from the City of La Grande or other local, State or Federal Agencies.

The City of La Grande land use review, approval process and any decision issued does not take the place of, or relieve the applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use decision herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

The land use approvals granted by this decision shall be effective only when the rights granted herein have been exercised by the filing of the Final Subdivision Plan. Within one (1) year of the date of approval of a preliminary plat, the subdivider shall prepare and submit a final plat which conforms to the approved preliminary plat and the survey. In the event of appeal of decision, the one (1) year time limit shall be from the date when all appeals are concluded.

Prior to the expiration date of the time limit for the submission of a final plat, a subdivider may apply for a one (1) year extension of time on forms provided by the Community Development Department/Planning Division accompanied by the fee established by Resolution of the City Council. A maximum of three (3) of such extensions may be granted by the Community Development Director/Planner following the date of tentative approval and upon a written finding that the facts upon which the approval of the preliminary plat was based have not changed to an extent sufficient to warrant re-filing of the preliminary plat, and after a finding that no other development approvals would be affected. If a time extension is not requested or approved, the subdivider shall file a new application for review of the preliminary plat

XXI. Appeals

The Planning Commission's decision shall be considered final unless appealed to the City of La Grande City Council within twelve (12) days from the date the decision is mailed to the applicant, pursuant to LDC Section 9.3.005 and Article 9.7.

APPLICATION FOR LAND USE REVIEW

**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**
Planning Division
 1000 Adams Avenue, P.O. Box 670
 La Grande, OR 97850
 (541) 962-1307
 Fax (541) 963-3333



LAND USE APPLICATIONS

- | | | |
|--|--|---|
| <input type="checkbox"/> Annexation Petition
<input type="checkbox"/> Appeal of Planning Division Decision
<input type="checkbox"/> Appeal of Planning Commission Decision
<input type="checkbox"/> Appeal of Landmarks Commission Decision
<input type="checkbox"/> Comprehensive Plan Document or Map Amendment
<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Duplex Division
<input type="checkbox"/> Fence Height Waiver
<input type="checkbox"/> Floodplain Development Permit <i>(Separate Applic. Required)</i>
<input type="checkbox"/> Geologic Hazard Site Plan
<input type="checkbox"/> Historical Landmarks Review
<input type="checkbox"/> Home Occupation Permit
<input type="checkbox"/> | <input type="checkbox"/> Land Development Code Amendment
<input type="checkbox"/> Land Use Approval Time Extension
<input type="checkbox"/> Livestock Permit
<input type="checkbox"/> Lot Line Adjustment
<input type="checkbox"/> Major Land Partition
<input type="checkbox"/> Minor Land Partition
<input type="checkbox"/> Planned Unit Development
<input type="checkbox"/> Preliminary Land Use Review
<input type="checkbox"/> Public Right-of-Way Encroachment
<input type="checkbox"/> Public Right-of-Way Dedication
<input type="checkbox"/> Public ROW Vacation <i>(Separate Applic. Required)</i> | <input type="checkbox"/> Site Plan Review
<input type="checkbox"/> Segregation of Tax Lot
<input type="checkbox"/> Sign Permit
<input checked="" type="checkbox"/> Subdivision
<input type="checkbox"/> Temporary Use Permit
<input type="checkbox"/> Variance - Administrative
<input type="checkbox"/> Variance - Commission
<input type="checkbox"/> Wetland Development Permit
<input type="checkbox"/> Zoning Approval
<input type="checkbox"/> Zone Change Designation
<input type="checkbox"/> |
|--|--|---|

OWNER/APPLICANT INFORMATION

Applicant/Agent: <u>MBM Estates LLC</u>	Land Owner: <u>Brock Family Trust</u>
Mailing Address: <u>PO Box 241</u>	Mailing Address: <u>61857 Riddle Rd.</u>
City/State/Zip: <u>North Powder, OR 97867</u>	City/State/Zip: <u>La Grande, OR 97850</u>
Telephone: <u>541-231-5128</u>	Telephone: <u>541-910-8088</u>
Fax: <u>N/A</u>	Fax: <u>N/A</u>
Email: <u>mbmestatesLG@gmail.com</u>	Email: <u>ucemjb@gmail.com</u>

PROJECT INFORMATION

Site Address: _____ Description: _____

Legal Desc.: T 3 S, R 38 E, Section 8DD, Tax Lot 300,500,501

Project Value: 1,160,000 *(Based on contractors bid estimate.)* 29 lots @ \$40K per Lot

APPLICANT/OWNER CERTIFICATION

- The applicant/owner understands and agrees that:**
- The applicant/owner assumes all legal and financial responsibilities for establishing and clearing marking the location of all necessary property lines as determined necessary by the City for the proposed development;
 - Building setbacks shall be measured from an established property line, not from the street, curb, sidewalk, or other improvement that is not based on a recorded survey;
 - Any approvals associated with this request may be revoked if found in conflict with information represented in this application;
 - The approval of this request does not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by City of La Grande ordinances, codes or regulations;
 - The applicant hereby authorizes City officials of the City of La Grande to enter the property and inspect activity in conjunction with the proposed development project.
 - **ASBESTOS:** If the project includes demolition, Oregon law may require an asbestos inspection by an accredited inspector. The applicant/owner hereby understands and agrees to have an asbestos inspection performed, if required by law, and to have a copy of the inspection report available on-site for the duration of the project.

Applicant Signature: *[Signature]* Owner Signature: *[Signature]*

**APPLICATION FOR
LAND USE REVIEW**

PAGE 2

**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**
Planning Division
1000 Adams Avenue, P.O. Box 670
La Grande, OR 97850
(541) 962-1307
Fax (541) 963-3333



CITY of LA GRANDE
THE HUB OF NORTHEASTERN OREGON

STAFF USE ONLY FOR ZONING APPROVAL

Project Elements:

- Demolition New Structure
 Addition to Structure Alterations/Repairs

Demolition Defined: "Any wrecking that involves the removal of any load-supporting structural member or intentional burning."

Dwelling Standards: 1 2 3 4 5 6 7 8 9 10 11 12 N/A
Required for MH/SF/Duplex & Apartments [Section 3.2.003]

Access. Bldg. Standards Met: Yes No N/A *[Article 5.9]*

Setbacks Met: Yes No *[Article 5.3]*

Front: _____ Left: _____ Right: _____ Rear: _____

Livestock setbacks: _____

Floodplain: Yes No Zone: _____ BFE: _____

*If yes, an Elevation Certificate may be required
If yes, a Floodplain Development Permit may be required. [Article 3.12]*

Geologic Hazard Zone: Yes No

If yes, a Geologic Hazard Waiver is required. [Article 3.4]

Riparian Zone/Wetlands: Yes No

If yes, a wetland delineation and DSL Permit may be required. [Articles 3.9 and 3.19]

Fire Protect. Agrmt. Req.: Yes No *[Article 3.2]*

Parks & Recreation SD: Yes No *[Article 7.1]*

ROW Improvement Req.: Yes No *[Article 6.3]*

LID Agreement Req.: Yes No *[Article 6.3]*

City of La Grande

Zone: R3.

Date Approved:

Date Submitted:

File Number: 01-sub-23/02-AR-23

FEB 10 2023

Application Fee: 600.00

Received
Planning/Economic Dev Dept.

Receipt Number: _____

COMMENTS:

Land Use Application Fee Schedule

Annexation Petition	\$1000	Minor Land Partition	\$250 + \$5/lot
Appeal of Planning Division Decision	\$75	Planned Unit Development	\$500 + \$5/lot + Actual Costs for Advertising and Public Notice
Appeal of Planning Commission/Landmarks Commission Decision	\$150	Public Right-of-Way Encroachment	\$50 + Document Recording Fees
Comprehensive Plan Designation Change	\$300 + Actual Costs for Advertising and Public Notice	Public Right-of-Way Dedication	\$0
Comprehensive Plan Document Amendment	Actual Costs	Public Right-of-Way Vacation	Actual Costs
Conditional Use Permit	\$375	Preliminary Land Use Review (Pre-Application Meeting)	\$0
Duplex Division	\$250 + \$5/lot	Segregation of Tax Lot	\$25
Fence Height Waiver	\$25	Sign Permit	\$75
Floodplain Development Permit	\$75	Site Plan Review - New/Expansion	\$75 (Projects \$0-\$50k) \$150 (Projects \$50k-\$100k) + \$0.50/\$1000 over \$100k
Geologic Hazard Site Plans	\$75	Subdivision	\$500 + \$5/lot + Actual Costs for Advertising and Public Notice
Historical Landmarks Review	\$75	Temporary Use Permit	\$125
Home Occupation Permit	\$75	Variance Permit (Administrative)	\$175
Land Development Code Amendment	Actual Cost	Variance Permit (Planning Commission)	\$450
Land Use Approval Time Extension	\$25	Wetland Plan Review	\$75
Lot Line Adjustment	\$150	Zone Change/LDC Amendment	\$300 + Actual Costs for Advertising and Public Notice
Livestock Permit	\$25	Zoning Approval	\$25.00
Major Land Partition	\$500 + \$5/lot		

**Applications based on actual costs require a deposit to cover the estimated fees. If there is a shortage of funds discovered during the review process, an additional deposit may be required to be paid. Any surplus or deficit of fees paid will be refunded or billed to the applicant.*

**Application fee for multiple planning actions is equal to the greatest single fee, not the sum of all fees.*

**Application fee may be increased to include third party engineering and/or consulting fees when required.*

S:\Community Development\PLANNING\FORMS\APPLICATIONS\Version 2021\Land Use Application.docx

FEB 10 2023

Received
Planning/Economic Dev Dept.

MBM Estates Variance application

MBM Estates is proposing four variances as a part of the preliminary plat application. The variances include a parking variance, front and rear setback variance, R-3 dwelling density standard variance and minimum parcels size variance. Below the variance criteria are addressed in detail. Broadly, the requested variances are proposed to meet the intent of the zone, high density residential development. The variances are required to address extraordinary physical limitations to the property including size, shape, topographical challenges and encumbrances on the property. The variances are necessary to preserve property rights and are similar and consistent in character and appearance with surrounding developments. The variances are not proposed to remedy an existing land use violation. The variances are the minimum request that may be applied to alleviate the hardships. The proposed MBM Estates development provides affordable single and multi-family housing opportunities consistent with the housing needs analysis and as intended and established as an outright use in the zone.

Proposed Off Street Parking Variance

SECTION 6.2.005 - MINIMUM STREET IMPROVEMENTS. The following street improvements shall be required for development and shall be provided at the expense of the developer:

E. Elimination of parking, reduction of improved street width.

2. New Developments: In special instances, strict application of the requirements of this Section may not be necessary, when provisions are made during development for adequate off-street parking. In such cases, on-street parking may be eliminated to allow for reduced pavement width. Privately maintained streets may allow for a reduction in street width required in the above Sections. Typical examples of development where this Section might apply are industrial parks, planned unit development, or a high-density housing project.

F. In no case will the widths of newly constructed streets be less than:

3. Private Streets – Parking on Both Sides Thirty-six feet (36') with two feet (2') wide gravel shoulders and parking on both sides. Exception: For properties that have topographic or other physical site constraints that makes strict adherence to this standard difficult, the Planning Commission may allow a reduced street width by eliminating on-street parking on one or both sides, along some street sections, in exchange for providing an equal or greater number of on-street parking spaces through an alternative street design within the development that reasonably services the impacted properties. In no case shall the paved street width be less than twenty-two feet (22').

MBM Estates is proposing a forty foot (40') dedicated right-of-way and twenty-four foot (24') paved surface with no on street parking. In order to assure adequate parking for each parcel and in addition to the covered parking requirement, MBM is proposing an additional thirteen feet by twenty feet (13' x 20') parking area per dwelling (1-space) as well as additional parking places identified on the submitted parking plan. Each parcel's additional parking area will be deed restricted in perpetuity (or until released by the City of La Grande in exchange for the

development of on-street parking) to be free from encroachment or obstruction. Signage and Physical barriers, preventing on street parking, will be utilized to ensure parking intuitively occurs fully on the parcels. 100% off-street parking will provide an obstacle free right-of-way (ROW) for unimpeded travel lanes, emergency responder access, garbage services, snow removal and etc. The dedicated right-of-way will allow law enforcement and code enforcement the authority to maintain the no on street parking requirement assuring a safe and functional transportation system.

- A. *Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.*

The parcels narrow shape, geographical features, encumbrance in the form of a sewer line easement granted to the City of La Grande along the southern border and the density standard for the R-3 zone of 11 dwellings per acre allow for minimal available area for right-of-way, parking, and lots meeting the City's minimum development standards. City of La Grande Public Works supports reducing the current sewer line easement by seven and a half feet (7.5') to 22.5 feet, however due to relative location of the sewer line easement, an additional ten feet (10.1') to fifteen feet (14.6') strip of property lay south of this easement that is unusable for the entire length of the parcel. Combined, the southernmost 0.51 acres of the property is encumbered and undevelopable because of this sewer easement. The west side of the parcel has topography challenges caused by a significant rise in elevation, limiting parcel/dwelling locations and transportation siting options. This affects the ability to provide additional right-of-way dedicated to parking. The proposed road surface and off-street parking (protected by a deed restriction) allows the best available balance between the R-3 intended dwelling density, parking and traffic flow.

- B. *The variance is necessary for the preservation of a property right of the applicant, substantially the same as owners of other property in the same zone or vicinity.*

The road width and dedicated off street parking allows maximum development density per the intent of the R-3 zone and the desires of the developer. The parcel is bordered by properties to the North and South that are developed to the same or similar densities. Additionally, there are three (3) developments just North of this property that include private roads, which were necessary to allow those properties to develop to minimum City density standards.

- C. *The variance would not be detrimental to the purposes of this Ordinance or to property in the same zone for which the variance is requested, or otherwise conflict with the objectives of any City plan or policy.*

The road width and dedicated off street parking are consistent with the intent of the zone, to maximize the number of dwellings per acre.

- D. *The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.*

There are no land use violations associated with the parcel.

E. *The Variance requested is the minimum Variance which will alleviate the hardship.*

A dedicated off-street parking area (13'x20') that accommodates one (1) vehicle per parcel and the additional parking identified on the parking plan, in addition to the required covered parking is the minimum variance that will alleviate the hardship and maintain the intent of the zone.

Proposed Setback Variance

SECTION 5.3.003 - FRONT YARDS The front yard is measured at right angles from the nearest point on the front property line to the building line. A. Residential Zones 1. Development in subdivisions recorded prior to the 2003 Code shall have a minimum front yard of twenty feet (20'). 2. Development in residential zones, including the R-P Zone, within newly created subdivisions recorded subsequent to the 2003 Code, shall have a minimum front yard of fifteen feet (15'), and twenty feet (20') for the garage, measured from the garage door along the center of the driveway to the established property line.

SECTION 5.3.005 - REAR YARD The rear yard is measured at right angles to the rear property to form a line parallel to the rear property line. A. Residential Zones - There shall be a minimum rear yard of twenty feet (20') in all residential zones, except where otherwise provided within this Subsection. 1. This requirement applies to development in residential zones, including the R-P Zone, within subdivisions recorded prior to the 2003 Code except where otherwise provided by this section. a. Twenty feet (20').

MBM Estates is proposing a ten foot (10') front and rear setback for dwellings for the majority of the parcels located within the subdivision. Standard development code prescribes twenty foot (20') front and rear yard setbacks for dwellings. Due to the parcels narrow shape, the request to dedicate the forty-foot (40') right-of-way to public use, the unusable property encumbered and affected by the sewer easement and the attempt to comply with the zone density standard, MBM Estates is proposing the reduced front and rear yard setback.

A. *Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.*

The parcels narrow shape, geographical features, encumbrance in the form of a sewer line easement granted to the City of La Grande along the southern border and the density standard for the R-3 zone of 11 dwellings per acre allow for minimal available area for front and rear yard setbacks. City of La Grande Public Works supports reducing the current sewer line easement by seven and a half feet (7.5'), however due to relative location of the sewer line, an additional ten feet (10.1') to fifteen feet (14.6') lay south of the easement and are therefore unusable for the entire length of the parcel. This affects the ability to provide additional set back space. The west side of the parcel has a significant rise in elevation limiting parcel/dwelling location and

transportation siting options. The proposed reduced setback allows the best available balance between the intended dwelling density and set back standards.

- B. The variance is necessary for the preservation of a property right of the applicant, substantially the same as owners of other property in the same zone or vicinity.*

Decreasing the front and rear yard setbacks allows maximum development density per the intent of the R-3 zone and the desires of the developer. The parcel is bordered by properties to the North and South developed to the same or similar densities and setbacks. There are examples of reduced setbacks granted both recently and historically throughout the City of La Grande residential zones. The consistent application of the same setbacks throughout the proposed subdivision maintains a consistent, orderly and logical development pattern. Land use code section 5.3.002 (cited below) allows for the setback to be the average of the setback where 50% are less than the standard and a 10' minimum.

SECTION 5.3.002 – PROPERTY LINE LOCATION RESPONSIBILITIES AND EXEMPTION TO YARD STANDARDS

- 4. Where lots comprising more than fifty percent (50%) of the block frontage are developed with front yards less than the depth required herein, the setback may be the average of such existing front yards but shall not be less than ten feet (10').*

The proposal would compliant with this provision of the code for front yard setback. All lots will maintain a ten-foot (10') setback and the average for all lots would be ten feet (10'), thereby meeting this exception within the code.

- C. The variance would not be detrimental to the purposes of this Ordinance or to property in the same zone for which the variance is requested, or otherwise conflict with the objectives of any City plan or policy.*

The reduced setback is consistent with the intent of the R-3 zone, to maximize the number of dwellings per acre and to assure consistent, logical and orderly development patterns.

- D. The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.*

There are no land use violations associated with the parcel.

- E. The Variance requested is the minimum Variance which will alleviate the hardship.*

The requested setbacks are the minimum variance that will alleviate the hardship and maintain the intent of the zone. The proposed reduced setback allows the best available balance between the intended dwelling density and set back standards. The consistent application of the same setbacks throughout the proposed subdivision provides for the orderly and logical development pattern. The property meets SECTION 5.3.002 (4) PROPERTY LINE LOCATION RESPONSIBILITIES AND EXEMPTION TO YARD STANDARDS.

Proposed Density Standard Variance

Section 2.2.006 High Density Rural Residential

- A. *PURPOSE: The purpose of this zone is to provide higher concentrations of dwelling units where the level of public services can adequately accommodate such development. The High-Density Residential Zone, which provides for multi-family residential units, is appropriate in areas adjacent to large parks, schools, and major employment centers, and along arterials that can be efficiently served by public transit. This zone is intended to implement the Comprehensive Plan designation of High-Density Residential land use of densities of eleven (11) or more dwelling units per acre.*

MBM Estates is proposing to vary slightly from the density standard with thirty-two (32) dwelling units rather than the code prescribed thirty-four (34) dwellings. The dwelling density is calculated by the total land area of 179,740 square feet less the proposed road right-of-way of 44,617 feet equaling 135,123 square feet or 3.1 acres. 3.1 acres at 11 dwellings per acres equals 34 dwellings. The easement located on the south side of the property in twenty-two and a half feet (22.5'), however due to relative location of the sewer easement, an additional ten feet (10.1') to fifteen feet (14.6') lay south of the easement and are therefore unusable for the entire length of the parcel. The total amount of property lying within the easement and the unusable property lying south of the easement totals 22,259 square feet or an additional reduction of 0.51 acres. Removing the .051 acres of encumbered property would reduce the property calculation to 2.59 acres. 2.59 acres at 11 dwelling per acre would equal 28 total dwellings. The proposed development includes a mix of single and multi-family development. Due to the parcels narrow shape, the request to dedicate the forty-foot (40') right-of-way to public use, the unusable property encumbered by the easement and the topographical challenges of the property, there are limited opportunities for multi-family dwellings on the parcels. As a result, MBM Estates is requesting to vary slightly from the density standard.

- A. *Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.*

The parcels narrow shape, geographical features and encumbrance in the form of a sewer line easement granted to the City of La Grande along the southern border limit the potential development options and development density. City of La Grande Public Works has agreed to reduce the current easement by seven and a half feet (7.5') to twenty two and a half feet (22.5'), however due to relative location of the sewer easement, an additional ten feet (10.1') to fifteen feet (14.6') lay south of the easement and are therefore unusable for the entire length of the parcel. The total amount of property lying within the easement and the unusable property lying south of the easement totals 22,259 square feet or an additional reduction of 0.51 acres. The west side of the parcel has a significant rise in elevation limiting parcel/dwelling location and transportation siting options. The proposed slight reduction in the number of dwellings provides the maximum dwelling density meeting the intent of the zone.

B. The variance is necessary for the preservation of a property right of the applicant, substantially the same as owners of other property in the same zone or vicinity.

It is the desire of MBM estates to provide affordable single and multi-family housing opportunities as intended and established as an outright use in the zone. The parcel is bordered by properties to the North and South developed to the same or similar densities.

C. The variance would not be detrimental to the purposes of this Ordinance or to property in the same zone for which the variance is requested, or otherwise conflict with the objectives of any City plan or policy.

MBM Estates is requesting only a slight reduction in the density standard. The parcels narrow shape, topographical challenges and forty-foot (40') public use right-of-way limit the ability to comply with the density standard. If the City of La Grandes sewer easement, and inaccessible area south of the right-of-way totaling 0.51 acres, were excluded from the density calculation, the density standard would fall to 28 total dwellings and therefore this proposal exceeds the density standard significantly.

D. The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.

There are no land use violations on the property.

E. The Variance requested is the minimum Variance which will alleviate the hardship.

MBM estates proposed thirty-two (32) dwellings is a 5.9% reduction to the density standard. Given all of the limitations of the property, this is the minimum variance to alleviate the hardship. If the infringed upon and encumbered ground in connection with the sewer easement were removed from the calculation, the proposed development would exceed the density standard by 14% or four (4) dwellings [4.1 acres – 1.02 acres (ROW) – 0.51 acres (encumbered property) = 2.57 acres net X 11 dwellings per acre = 28 total dwellings].

Proposed Minimum Parcel Size Variance

2.2.006 High Density Residential (R-3)

D. PROPERTY DEVELOPMENT STANDARDS: 1. Minimum Lot Area - Five Thousand (5,000) Square Feet for Single-Family and Duplex Dwellings.

MBM Estates is proposing some parcels below the current minimum parcel size of five thousand (5,000) square feet within the subdivision. The smallest parcel would be three

thousand one hundred (3,100) square feet with the largest being six thousand four hundred (6,400) square feet. Due to the parcels narrow shape, the request to dedicate the forty-foot (40') right-of-way to public use, the unusable property encumbered and affected by the sewer easement and the attempt to comply with the zone density standard and topographical challenges, MBM Estates is proposing some of the parcels fall below the current minimum parcel size. It is worth noting that the City is currently underway with revisions to the zoning code that include a minimum parcel size of three thousand (3,000) square feet within the R-3 zone.

- A. *Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other property in the same zone or vicinity. Such circumstances are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.*

The parcels narrow shape, geographical features and encumbrance in the form of a sewer line easement granted to the City of La Grande along the southern border limit the potential development options and development density. City of La Grande Public Works has agreed to reduce the current easement by seven and a half feet (7.5') to twenty two and a half (22.5'), however due to relative location of the sewer easement, an additional ten feet (10.1') to fifteen feet (14.6') lying south of the easement and are therefore unusable for the entire length of the parcel totaling 0.51 acres. This affects the potential development options. The west side of the parcel has a significant rise in elevation limiting parcel/dwelling location and transportation siting options. These factors also limit the opportunity to increase parcel size. The parcels not meeting the current minimum parcel size increase the ability to meet the R-3 zone density standard.

- B. *The variance is necessary for the preservation of a property right of the applicant, substantially the same as owners of other property in the same zone or vicinity.*

It is the desire of MBM estates to provide affordable single and multi-family housing opportunities as intended and established as an outright use in the zone. The parcel is bordered by properties to the North and South developed to similar minimum parcel sizes and densities.

- C. *The variance would not be detrimental to the purposes of this Ordinance or to property in the same zone for which the variance is requested, or otherwise conflict with the objectives of any City plan or policy.*

The proposed variance in minimum parcel size allows the subdivision to better meet the density standard. The purpose and intent of the zone is for increased dwelling densities. Past subdivision and planned unit developments have been approved for similar minimum parcel sizes in order to provide additional density. Proposed changes to the zone currently under review would allow for the proposed minimum parcel size.

D. The hardship necessitating the Variance does not arise as a result of a violation of this Ordinance since its effective date.

There are no land use violations on the property.

E. The Variance requested is the minimum Variance which will alleviate the hardship.

The proposed minimum lot sizes are the minimum variance that will alleviate the hardship and maintain the intent of the zone. The proposed parcel sizes allow the best available balance between the intended dwelling density and minimum parcel size. The various parcels proposed provide for the orderly and logical development of the property to meet the objectives of the zone. The City is currently underway with revisions to the zoning code that include a minimum parcel size of three thousand (3,000) square feet within the R-3 zone.

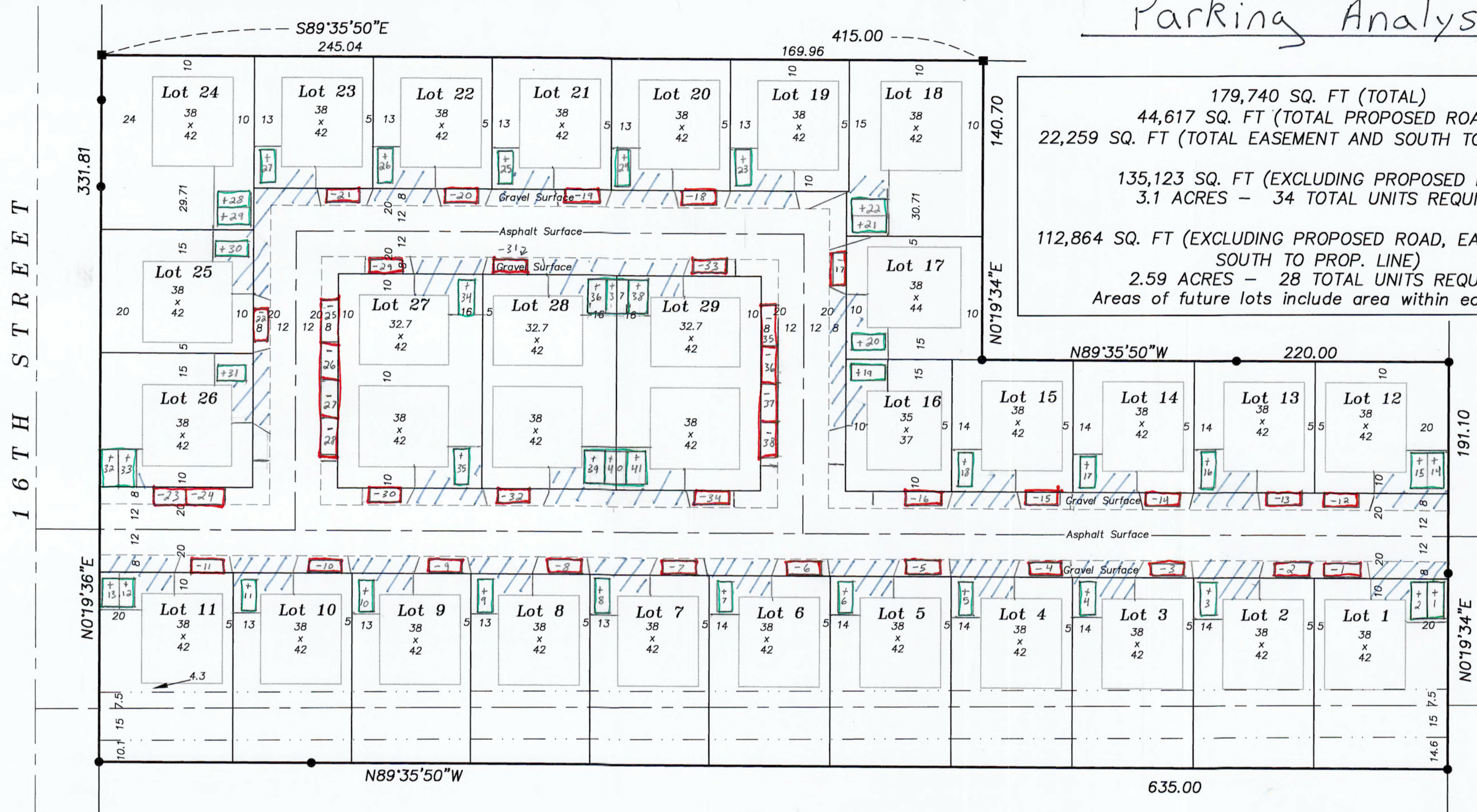
TENTATIVE PLAN PRELIMINARY BUILDING FOOTPRINTS

Situated in the Southeast quarter of the Southeast quarter of Section 8, Township 3 South, Range 38 East of the Willamette Meridian
Being a Subdivision of Tax Lots 300, 500, and 501, Map 03S38E08DD

Parking Analysis

179,740 SQ. FT (TOTAL)
 44,617 SQ. FT (TOTAL PROPOSED ROAD)
 22,259 SQ. FT (TOTAL EASEMENT AND SOUTH TO PROP. LINE)
 135,123 SQ. FT (EXCLUDING PROPOSED ROAD)
 3.1 ACRES - 34 TOTAL UNITS REQUIRED

112,864 SQ. FT (EXCLUDING PROPOSED ROAD, EASEMENT, AND SOUTH TO PROP. LINE)
 2.59 ACRES - 28 TOTAL UNITS REQUIRED
 Areas of future lots include area within easement



- # : Proposed removal of on-street parking space
- +# : Proposed additional off-street parking protected by deed restriction.
- 38 : total on-street spaces proposed to be removed
- 41 : total off-street spaces proposed to be added.
- / / / / : Graveled garage approach and off-street parking

OWNERS

Brock Family Trust
61857 Riddle Rd.
La Grande, OR 97850

DEVELOPER

MBM Estates LLC
520 2nd St.
North Powder, OR 97867

ZONING

LG-R3

EXISTING USE

Vacant

PROPOSED USE

Single Family and Duplex Residential

DATE

Feb. 1, 2023

LEGEND

- Monument of record
- Centerline
- - - - - Easement line



VICINITY MAP
NOT TO SCALE

SCALE: 1"=40'

BASIS OF BEARING

Forward bearing as published by the U.S.C. and G.S. from Δ COLLEGE to Δ VALLEY
Dated 1946.

SURVEYOR

Jeffrey S. Hsu
Baggett, Griffith and Blackman
2006 Adams Avenue
LaGrande, OR 97850

REGISTERED PROFESSIONAL SURVEYOR
PRELIMINARY COPY ONLY
 SUBJECT TO REVISIONS
 JEFFREY S. HSU
 83571

Renewal Date: June 30, 2023

TENTATIVE PLAN PRELIMINARY SUBDIVISION PLAT

Situated in the Southeast quarter of the Southeast quarter of Section 8, Township 3 South, Range 38 East of the Willamette Meridian
Being a Subdivision of Tax Lots 300, 500, and 501, Map 03S38E08DD

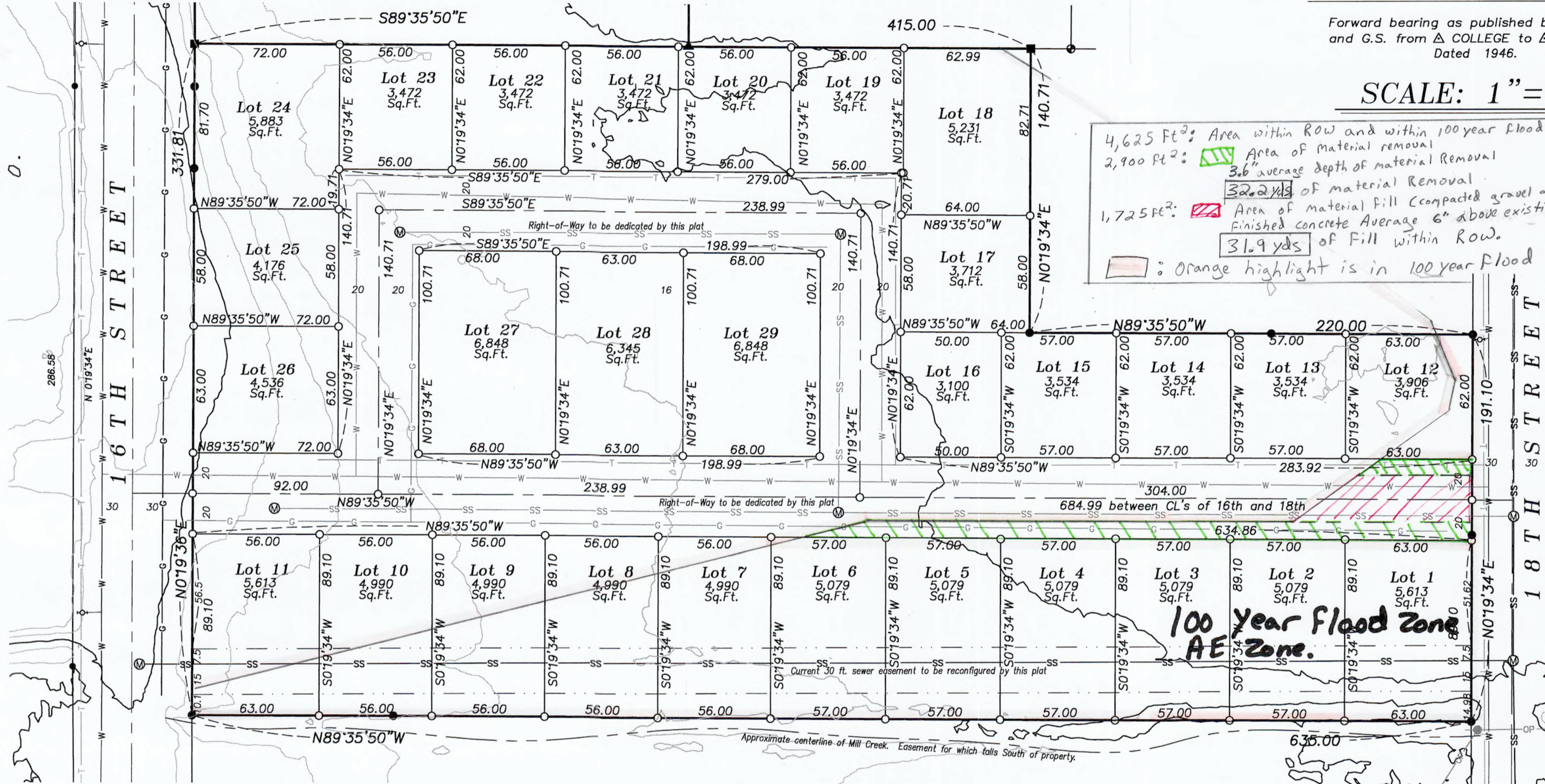
Flood Plain Analysis

BASIS OF BEARING

Forward bearing as published by the U.S.C. and G.S. from Δ COLLEGE to Δ VALLEY
Dated 1946.

SCALE: 1" = 40'

4,625 Ft²: Area within ROW and within 100 year Flood plain.
2,900 Ft²: Area of material removal
3.6" average depth of material Removal
32.2 yds of material Removal
1,725 Ft²: Area of material fill (compacted gravel and concrete)
finished concrete Average 6" above existing grade:
31.9 yds of Fill within ROW.
Orange highlight is in 100 year Flood Plain



OWNERS

Brock Family Trust
61857 Riddle Rd.
La Grande, OR 97850

ZONING

LG-R3

EXISTING USE

Vacant

PROPOSED USE

Single Family and Duplex Residential

DATE

Feb. 1, 2023

NOTE: Topographic lines are extracted from USGS LIDAR data, Vertical Datum is NGVD-29. The elevation of the top of the Northwest pin is 2,764 ft.

LEGEND

- Monument of record
- Centerline
- - - Easement line
- SS- Sanitary Sewer
- W- Water
- G- Natural Gas
- P- Power
- T- Telecomm
- - - Creek
- Existing fire hydrant



VICINITY MAP
NOT TO SCALE

NARRATIVE

This Subdivision is proposed by MBM Estates, developer for the land within. The extents of the property were surveyed by Survey 036-1991 and is relatively flat with a gentle slope from West to East. The intent is to provide single family dwellings in an R-3 zone. Each lot is proposed to have 3 parking spaces, one of which is covered, with no parking allowed on the dedicated Right-of-Way. The property is limited to development North of the sewer easement as shown which makes a hardship and thus requires variances to work (see attached). All water and sewer will be engineered by the city and other utilities will be provided by the developer and are shown conceptually within the property lines.

DEVELOPER

MBM Estates LLC
520 2nd St.
North Powder, OR 97867

SURVEYOR

Jeffrey S. Hsu
Bagett, Griffith and Blackman
2006 Adams Avenue
LaGrande, OR 97850

REGISTERED
PROFESSIONAL
LAND SURVEYOR

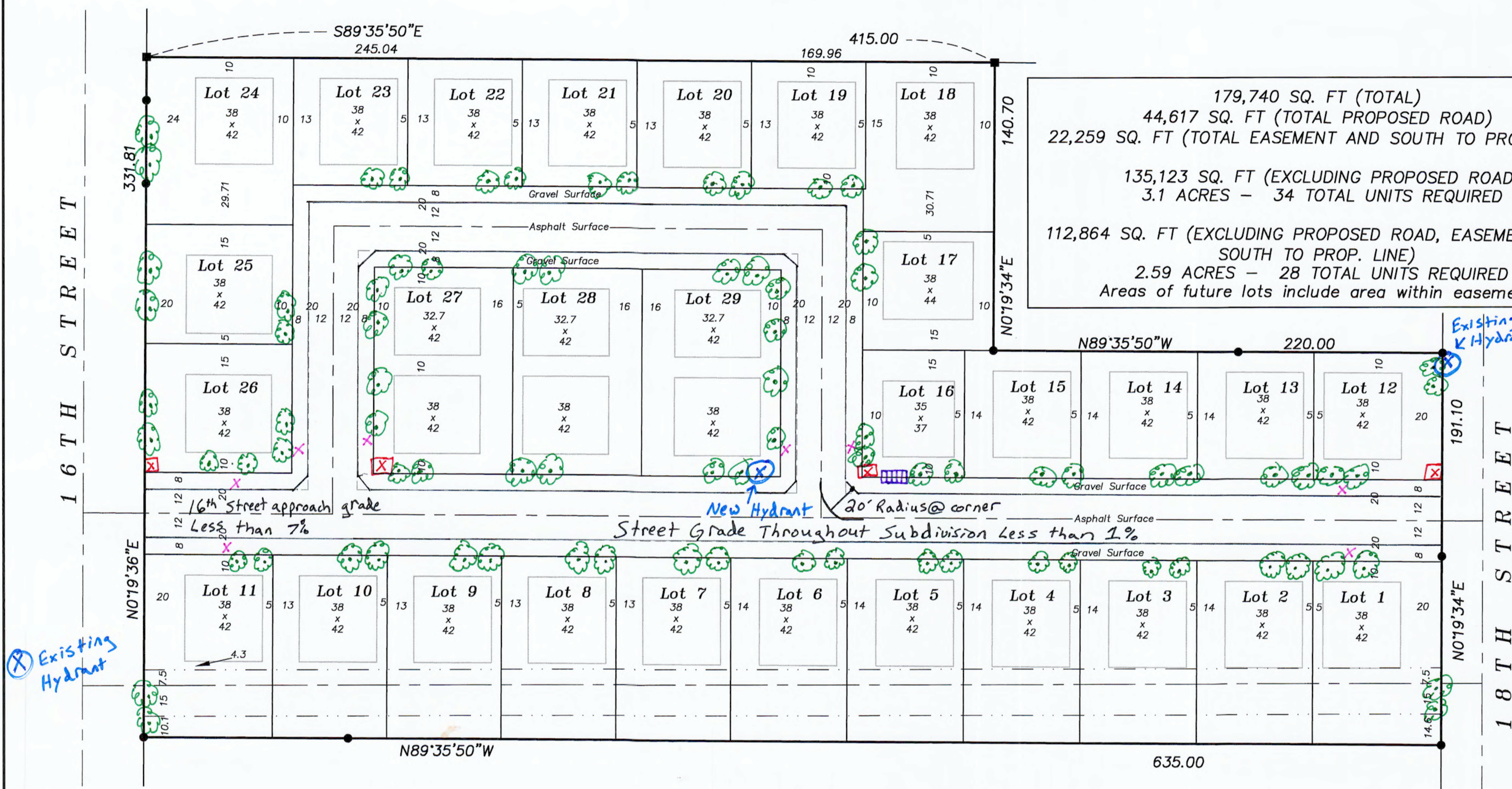
OREGON
JUNE 2, 2010
JEFFREY S. HSU
83571

Renewal Date: June 30, 2023

⊗ Existing Hydrant

TENTATIVE PLAN PRELIMINARY BUILDING FOOTPRINTS

Situated in the Southeast quarter of the Southeast quarter of Section 8, Township 3 South, Range 38 East of the Willamette Meridian
Being a Subdivision of Tax Lots 300, 500, and 501, Map 03S38E08DD



179,740 SQ. FT (TOTAL)
44,617 SQ. FT (TOTAL PROPOSED ROAD)
22,259 SQ. FT (TOTAL EASEMENT AND SOUTH TO PROP. LINE)

135,123 SQ. FT (EXCLUDING PROPOSED ROAD)
3.1 ACRES - 34 TOTAL UNITS REQUIRED

112,864 SQ. FT (EXCLUDING PROPOSED ROAD, EASEMENT, AND SOUTH TO PROP. LINE)
2.59 ACRES - 28 TOTAL UNITS REQUIRED
Areas of future lots include area within easement

- ⊗ : Class 2 tree (2 per parcel as outlined in 5.6.00MCA)
- ⊞ : USPS Mail box Station, 33 boxes.
- ⊙ : Fire hydrant
- ⊗ : Street Sign
- X : No parking on side of street sign

⊗ Existing Hydrant

⊗ Existing Hydrant

OWNERS

Brock Family Trust
61857 Riddle Rd.
La Grande, OR 97850

DEVELOPER

MBM Estates LLC
520 2nd St.
North Powder, OR 97867

ZONING

LG-R3

EXISTING USE

Vacant

PROPOSED USE

Single Family and Duplex Residential

DATE

Feb. 1, 2023

LEGEND

- ⊙■ Monument of record
- Centerline
- - - - Easement line



VICINITY MAP
NOT TO SCALE

SCALE: 1"=40'

BASIS OF BEARING

Forward bearing as published by the U.S.C. and G.S. from Δ COLLEGE to Δ VALLEY
Dated 1946.

SURVEYOR

Jeffrey S. Hsu
Bagett, Griffith and Blackman
2006 Adams Avenue
LaGrande, OR 97850

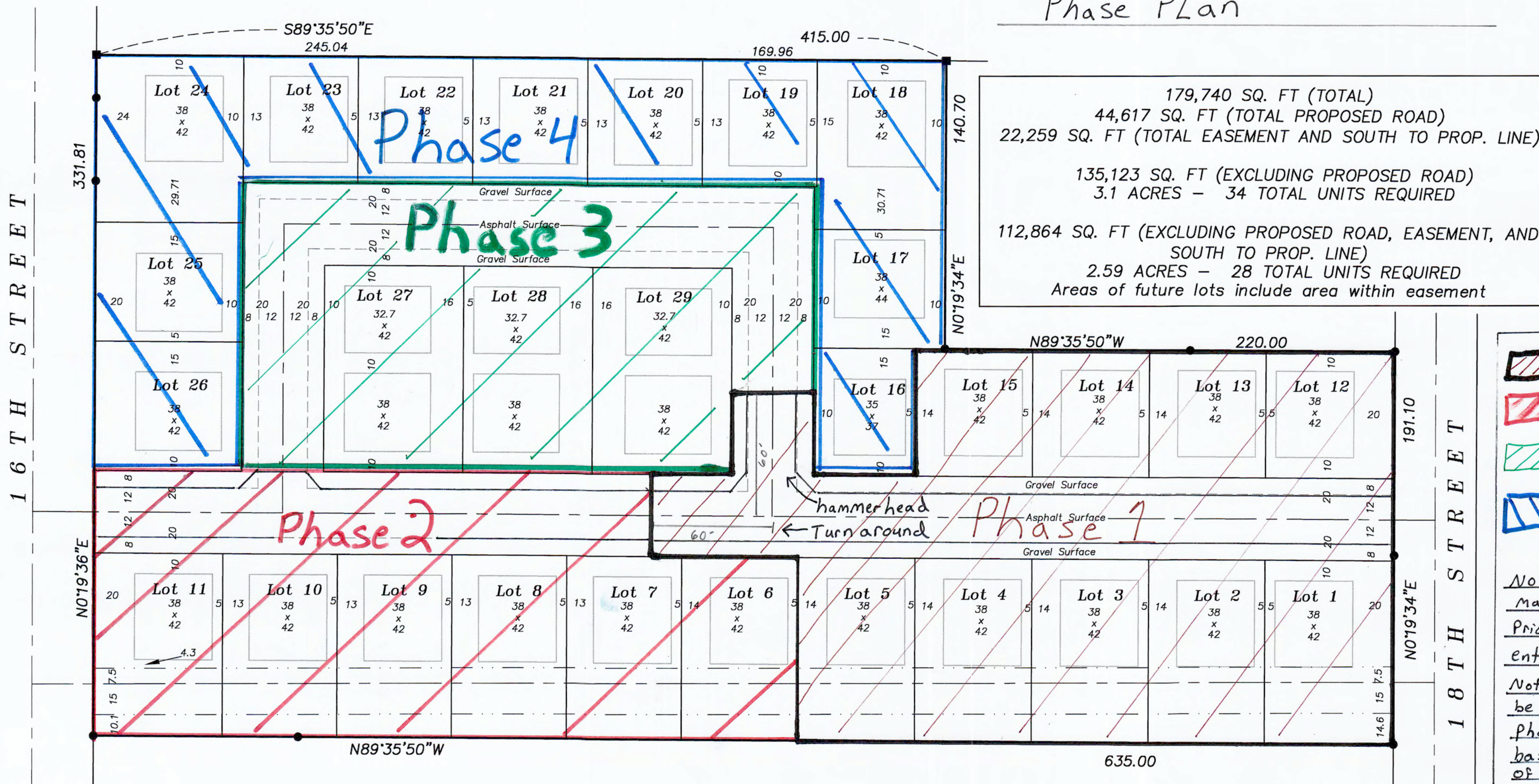
REGISTERED PROFESSIONAL SURVEYOR
PRELIMINARY COPY ONLY
SUBJECT TO REVISIONS
OREGON
JEFFREY S. HSU
83571

Renewal Date: June 30, 2023

TENTATIVE PLAN PRELIMINARY BUILDING FOOTPRINTS

Situated in the Southeast quarter of the Southeast quarter of Section 8, Township 3 South, Range 38 East of the Willamette Meridian
Being a Subdivision of Tax Lots 300, 500, and 501, Map 03S38E08DD

Phase Plan



179,740 SQ. FT (TOTAL)
44,617 SQ. FT (TOTAL PROPOSED ROAD)
22,259 SQ. FT (TOTAL EASEMENT AND SOUTH TO PROP. LINE)

135,123 SQ. FT (EXCLUDING PROPOSED ROAD)
3.1 ACRES - 34 TOTAL UNITS REQUIRED

112,864 SQ. FT (EXCLUDING PROPOSED ROAD, EASEMENT, AND SOUTH TO PROP. LINE)
2.59 ACRES - 28 TOTAL UNITS REQUIRED
Areas of future lots include area within easement

- : Phase 1
- : Phase 2
- : Phase 3
- : Phase 4

Note: Water and sewer mains will be installed prior to Phase 1 for entire subdivision

Note: Roads will be installed on a phase by phase basis prior to beginning of each phase

OWNERS

Brock Family Trust
61857 Riddle Rd.
La Grande, OR 97850

ZONING

LG-R3

EXISTING USE

Vacant

PROPOSED USE

Single Family and Duplex Residential

DATE

Feb. 1, 2023

DEVELOPER

MBM Estates LLC
520 2nd St.
North Powder, OR 97867

LEGEND

- Monument of record
- Centerline
- Easement line



VICINITY MAP
NOT TO SCALE

SCALE: 1"=40'

BASIS OF BEARING

Forward bearing as published by the U.S.C. and G.S. from Δ COLLEGE to Δ VALLEY
Dated 1946.

SURVEYOR

Jeffrey S. Hsu
Baggett, Griffith and Blackman
2006 Adams Avenue
LaGrande, OR 97850

REGISTERED PROFESSIONAL SURVEYOR
PRELIMINARY COPY ONLY
SUBJECT TO REVISIONS

RENEWAL DATE: June 30, 2023

TENTATIVE PLAN PRELIMINARY SUBDIVISION PLAT

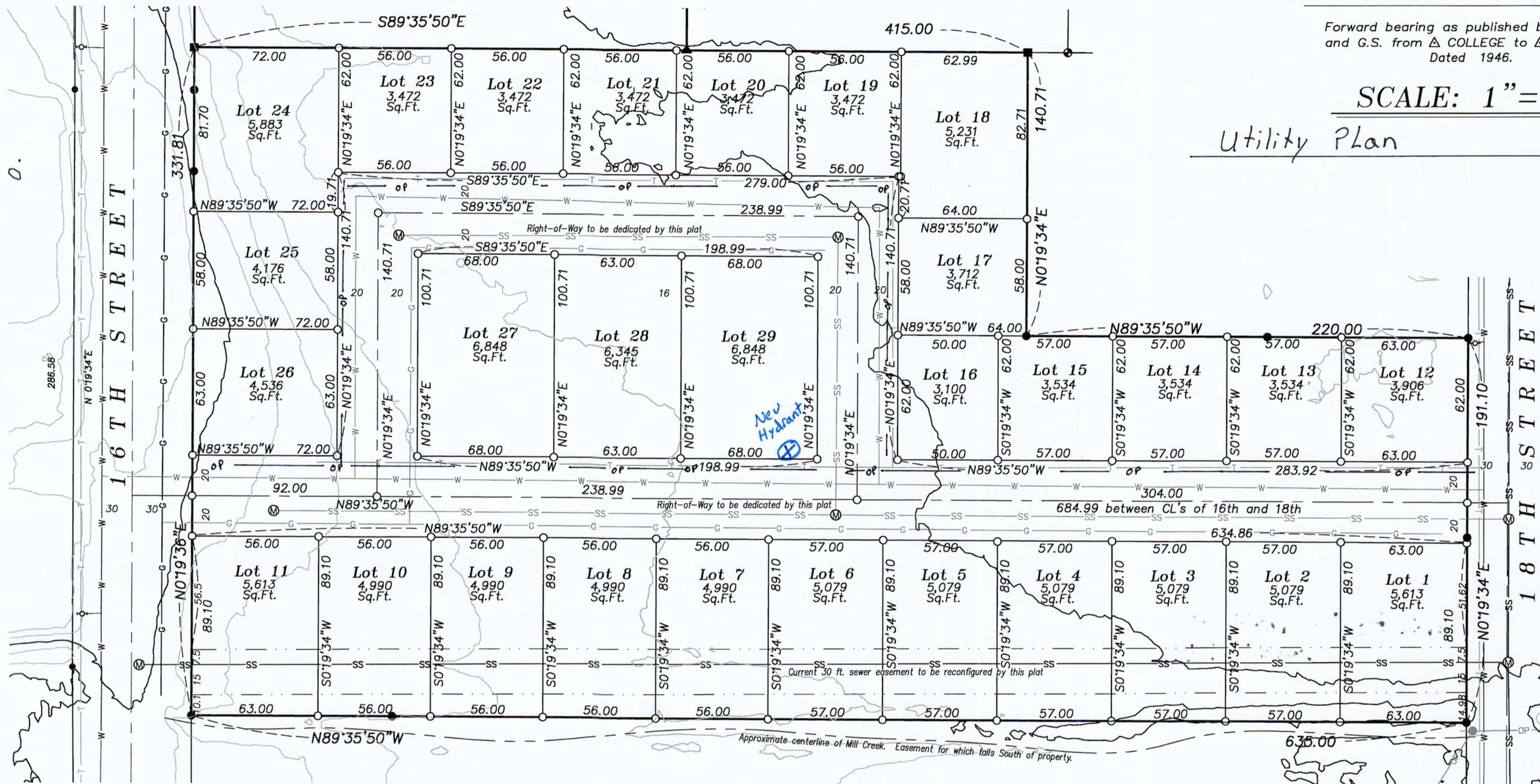
Situated in the Southeast quarter of the Southeast quarter of Section 8, Township 3 South, Range 38 East of the Willamette Meridian
Being a Subdivision of Tax Lots 300, 500, and 501, Map 03S38E08DD

BASIS OF BEARING

Forward bearing as published by the U.S.C.
and G.S. from Δ COLLEGE to Δ VALLEY
Dated 1946.

SCALE: 1"=40'

Utility Plan



OWNERS

Brock Family Trust
61857 Riddle Rd.
La Grande, OR 97850

ZONING

LG-R3

EXISTING USE

Vacant

PROPOSED USE

Single Family and Duplex Residential

DATE

Feb. 1, 2023

NOTE: Topographic lines are extracted from
USGS LIDAR data, Vertical Datum is
NGVD-29. The elevation of the top of the
Northwest pin is 2,764 ft.

LEGEND

- Monument of record
- Centerline
- - - - Easement line
- SS- Sanitary Sewer
- W- Water
- G- Natural Gas
- P- Power
- T- Telecomm
- - - - Creek
- Existing fire hydrant



VICINITY MAP
NOT TO SCALE

NARRATIVE

This Subdivision is proposed by MBM Estates, developer for the land within. The extents of the property were surveyed by Survey 036-1991 and is relatively flat with a gentle slope from West to East. The intent is to provide single family dwellings in an R-3 zone. Each lot is proposed to have 3 parking spaces, one of which is covered, with no parking allowed on the dedicated Right-of-Way. The property is limited to development North of the sewer easement as shown which makes a hardship and thus requires variances to work (see attached). All water and sewer will be engineered by the city and other utilities will be provided by the developer and are shown conceptually within the property lines.

DEVELOPER

MBM Estates LLC
520 2nd St.
North Powder, OR 97867

SURVEYOR

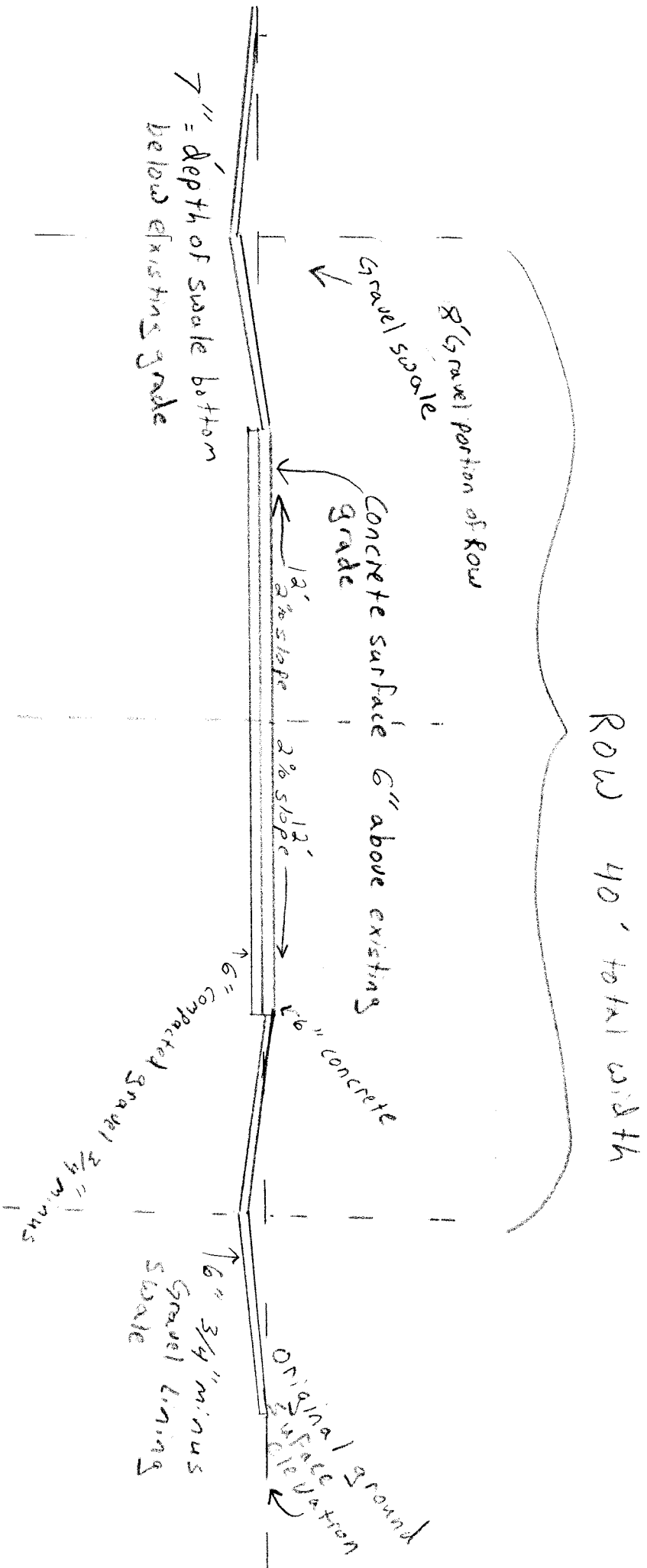
Jeffrey S. Hsu
Bagett, Griffith and Blackman
2006 Adams Avenue
LaGrande, OR 97850

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 2, 2010
JEFFREY S. HSU
83571

Renewal Date: June 30, 2023

Road cross section for "Flood Plain Analysis" Documentation



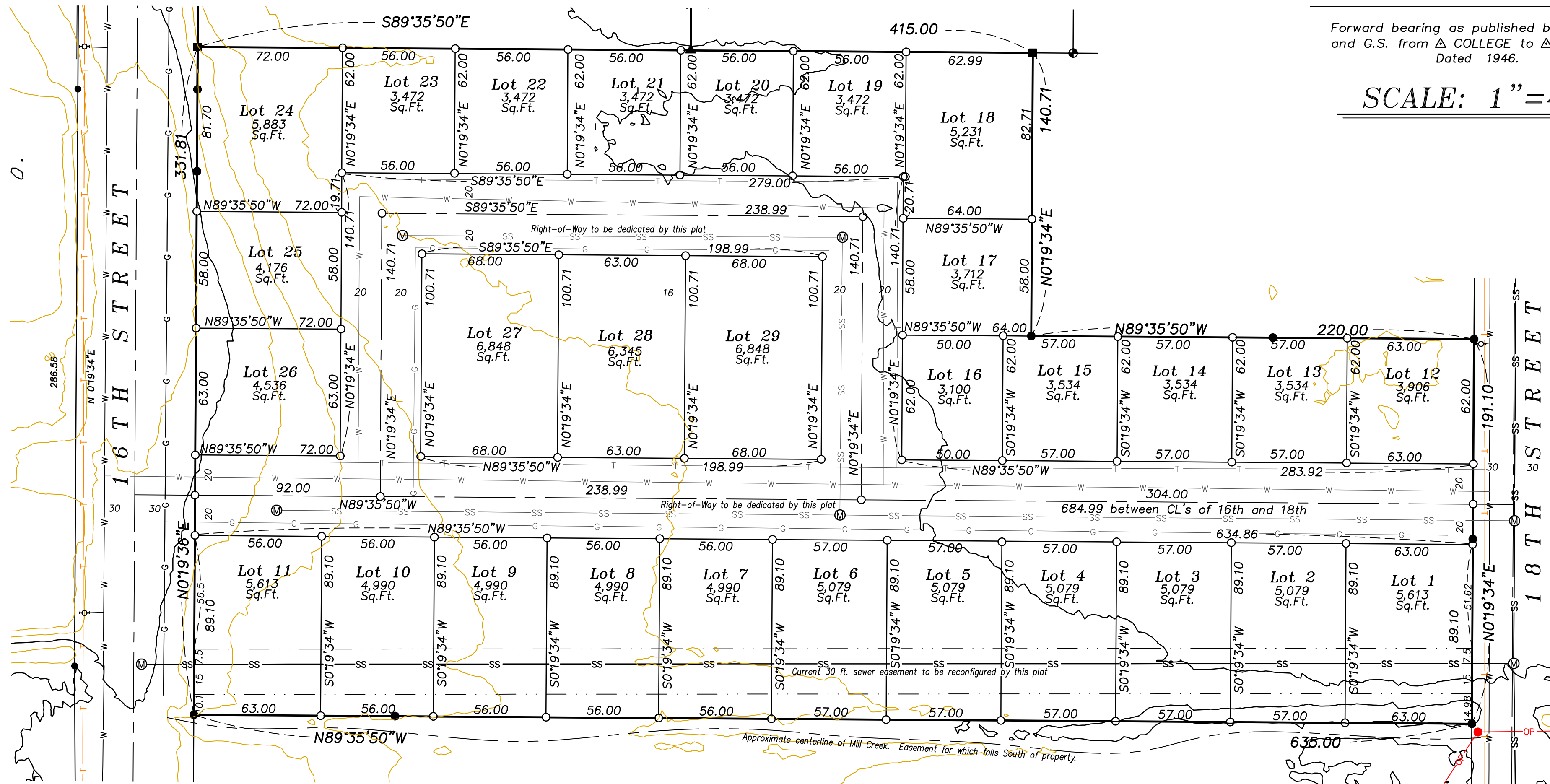
TENTATIVE PLAN PRELIMINARY SUBDIVISION PLAT

Situated in the Southeast quarter of the Southeast quarter of Section 8, Township 3 South, Range 38 East of the Willamette Meridian
Being a Subdivision of Tax Lots 300, 500, and 501, Map 03S38E08DD

BASIS OF BEARING

Forward bearing as published by the U.S.C. and G.S. from Δ COLLEGE to Δ VALLEY
Dated 1946.

SCALE: 1"=40'



OWNERS

Brock Family Trust
61857 Riddle Rd.
La Grande, OR 97850

ZONING

LG-R3

EXISTING USE

Vacant

PROPOSED USE

Single Family and Duplex Residential

DATE

Feb. 1, 2023

NOTE: Topographic lines are extracted from USGS LIDAR data, Vertical Datum is NGVD-29. The elevation of the top of the Northwest pin is 2,764 ft.

LEGEND

- Monument of record
- Centerline
- - - Easement line
- SS- Sanitary Sewer
- W- Water
- G- Natural Gas
- P- Power
- T- Telecomm
- - - Creek
- - - Existing fire hydrant



VICINITY MAP
NOT TO SCALE

NARRATIVE

This Subdivision is proposed by MBM Estates, developer for the land within. The extents of the property were surveyed by Survey 036-1991 and is relatively flat with a gentle slope from West to East. The intent is to provide single family dwellings in an R-3 zone. Each lot is proposed to have 3 parking spaces, one of which is covered, with no parking allowed on the dedicated Right-of-Way. The property is limited to development North of the sewer easement as shown which makes a hardship and thus requires variances to work (see attached). All water and sewer will be engineered by the city and other utilities will be provided by the developer and are shown conceptually within the property lines.

DEVELOPER

MBM Estates LLC
520 2nd St.
North Powder, OR 97867

SURVEYOR

Jeffrey S. Hsu
Baggett, Griffith and Blackman
2006 Adams Avenue
LaGrande, OR 97850

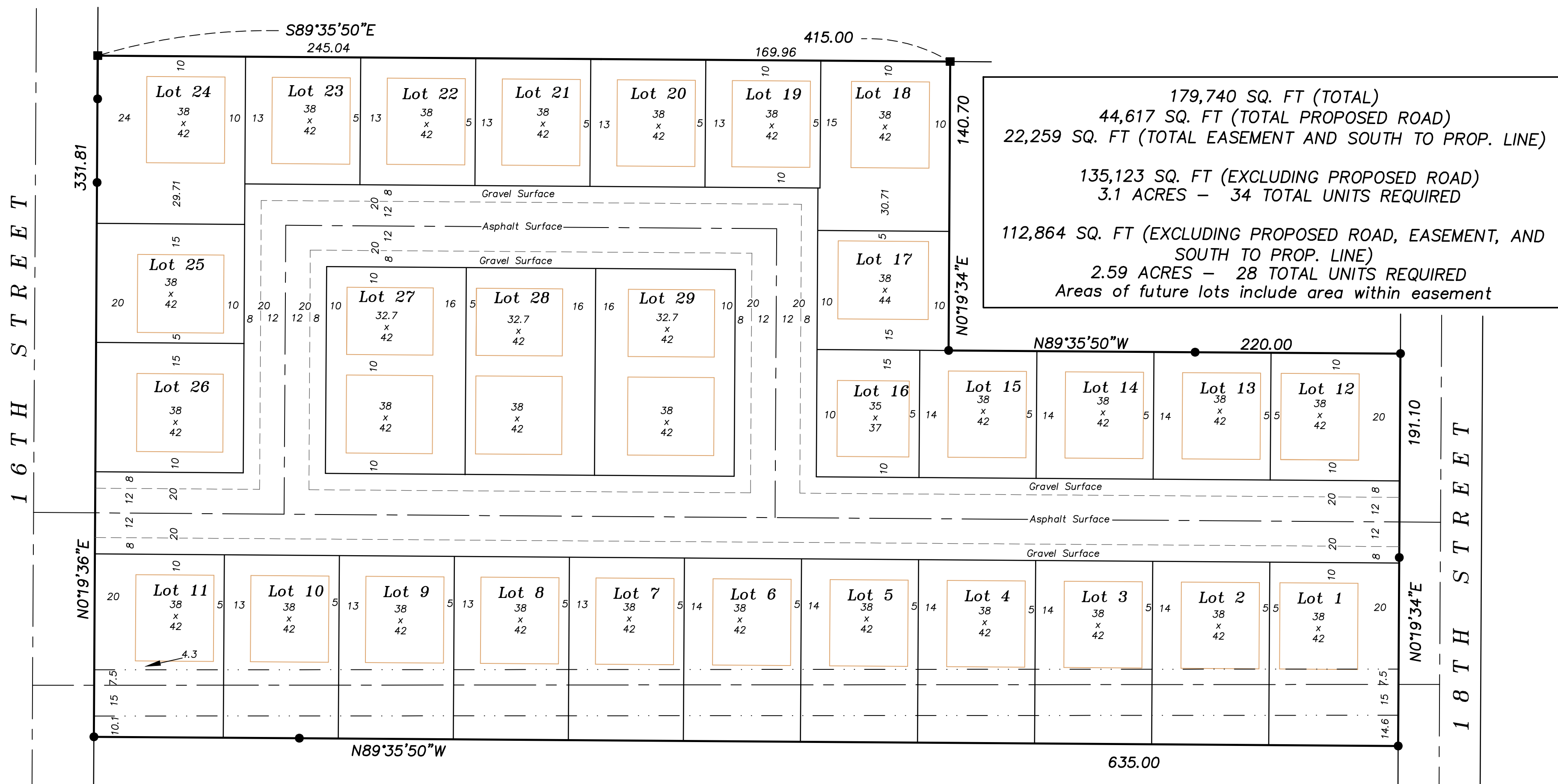
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 2, 2010
JEFFREY S. HSU
83571

Renewal Date: June 30, 2023

TENTATIVE PLAN PRELIMINARY BUILDING FOOTPRINTS

Situated in the Southeast quarter of the Southeast quarter of Section 8, Township 3 South, Range 38 East of the Willamette Meridian
Being a Subdivision of Tax Lots 300, 500, and 501, Map 03S38E08DD



179,740 SQ. FT (TOTAL)
 44,617 SQ. FT (TOTAL PROPOSED ROAD)
 22,259 SQ. FT (TOTAL EASEMENT AND SOUTH TO PROP. LINE)
 135,123 SQ. FT (EXCLUDING PROPOSED ROAD)
 3.1 ACRES - 34 TOTAL UNITS REQUIRED
 112,864 SQ. FT (EXCLUDING PROPOSED ROAD, EASEMENT, AND SOUTH TO PROP. LINE)
 2.59 ACRES - 28 TOTAL UNITS REQUIRED
 Areas of future lots include area within easement

OWNERS

Brock Family Trust
 61857 Riddle Rd.
 La Grande, OR 97850

ZONING

LG-R3

EXISTING USE

Vacant

PROPOSED USE

Single Family and Duplex Residential

DATE

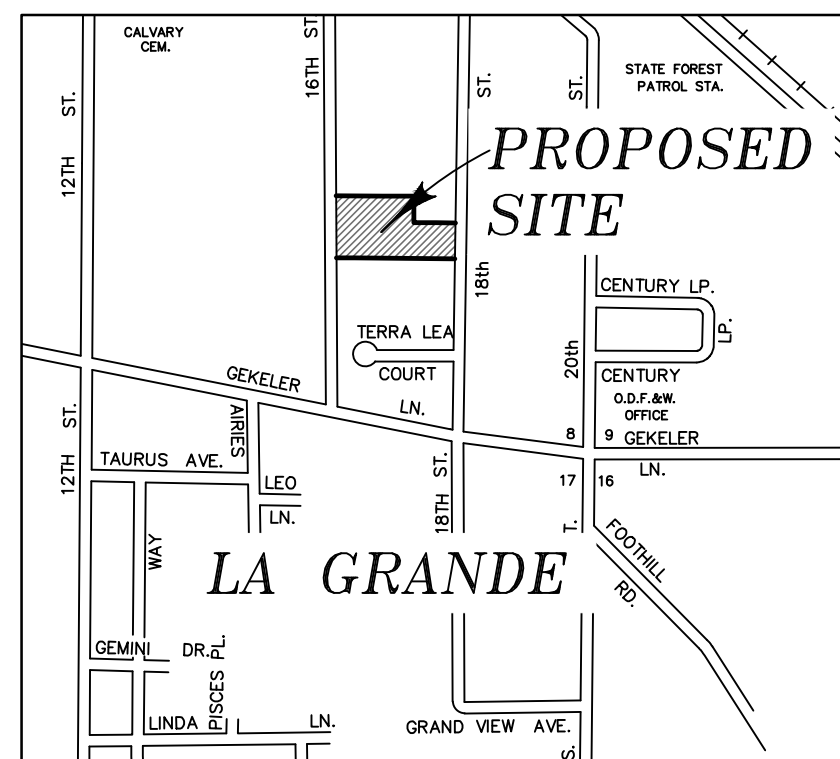
Feb. 1, 2023

DEVELOPER

MBM Estates LLC
 520 2nd St.
 North Powder, OR 97867

LEGEND

- Monument of record
- Centerline
- - - - - Easement line



VICINITY MAP
NOT TO SCALE

SCALE: 1"=40'

BASIS OF BEARING

Forward bearing as published by the U.S.C. and G.S. from Δ COLLEGE to Δ VALLEY
 Dated 1946.

SURVEYOR

Jeffrey S. Hsu
 Baggett, Griffith and Blackman
 2006 Adams Avenue
 LaGrande, OR 97850

REGISTERED PROFESSIONAL SURVEYOR
PRELIMINARY COPY ONLY
 OREGON
 JEFFREY S. HSU
 83571
 Renewal Date: June 30, 2023

Michael Boquist

From: Gary Bell
Sent: Tuesday, February 14, 2023 11:48 AM
To: Kendra VanCleave; Joe Fisher; Emmitt Cornford; Kyle Carpenter; Heather Rajkovich; Teresa Gustafson; Timothy Bishop; Michael Boquist
Subject: Re: Land Notification 01-SUB-23 & 02-VAR-23

Good morning Mike,

After reviewing the attached application and accompanying documents, I have some very real concerns that there would be no on-street parking within this subdivision. I thoroughly respect the applicants efforts to address the removal of on-street parking by adding on-property parking, however, I have concerns that this would be problematic.

No on-street parking means there would be nowhere for visitors to park, for extra vehicles (RV's, boats, etc.) that may exceed the number of off-street parking spaces, for parcel delivery vehicles, or emergency vehicles to park... without impeding the roadway or through access. Additionally, I fully expect (based upon experience) that residents would frequently violate the no parking on the roadway regulation... most frequently when a get-together was hosted or friends/relatives visited. This immediately creates an impediment of the roadway and an enforcement burden upon the City that we do not have the resources to meet. As a point of reference, we have one code/parking enforcement officer that has an increasing work load. This person generally works business hours, which is weekdays between 8a-5p. In the absence of our code/parking enforcement officer we do not have the resources to enforce parking regulations. Our police officers, who do work 24/7, can and do enforce parking regulations, however, they rarely have the opportunity to do this as they are otherwise involved in higher priority calls for service. Thus, on weekends, holidays, and after hours, we would not have resources to enforce the no parking regulation within this subdivision. It would not surprise me if residents quickly figured this out and began parking on the street.

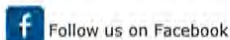
With all due respect to the applicant, I believe that eliminating parking on the street(s) within this subdivision would create negative issues that we would regret for the foreseeable future.

Chief Bell

Gary Bell
Chief of Police

La Grande Police Department
1109 K Avenue
La Grande, OR 97850
gbell@cityoflagrande.org

541-963-1017 ext. 204 / office 541-963-3558 / fax



From: Kendra VanCleave
Sent: Tuesday, February 14, 2023 9:03:49 AM
To: Joe Fisher; Emmitt Cornford; Gary Bell; Kyle Carpenter; Heather Rajkovich; Teresa Gustafson; Timothy Bishop
Subject: Land Notification 01-SUB-23 & 02-VAR-23

Hello,

Attached is a land use notification for a subdivision and variance (same project) for your review and/or comment.

Thank you!

Kendra VanCleave

*Planning Tech I
City of La Grande
PO Box 670
1000 Adams Avenue
La Grande, OR 97850
541-962-1307*

"Everyday may not be a good day, but there is good in everyday"

This e-mail is a public record of the City of La Grande, Oregon, and is subject to the State of Oregon retention Schedule and may be subject to public disclosure under the Oregon Public Records Law.