

TOWN OF LAKEVIEW
MEETING AGENDA
Planning Commission
May 8, 2023
5:30 p.m.

I. Call To Order

II. Communications/Comments/Informational Items

A. Comments from the Public (non-agenda items, limited to 5 minutes per person)

III. New Business

A. Quasi-Judicial Public Hearing on for Land Division and site design review application, Planning File 788. The property is located within the Residential Multi-Family - Subdistrict (R-MF). The Application propose Land division is to replat Lots 1-24 of the Block 93 in the Oregon Valley Land Company's First Addition to Lakeview as two lots of approximately 0.93 acres each, and the site design review application is for the construction of two multi-family dwelling projects on the two replated lots. The proposed multi-family dwelling projects consist of a three-story apartment building with 17 units on one lot, and five duplex units (ten units total) on the second lot. The Decision criteria in sections 4.2.600 (Site Design Review Approval Criteria) and 4.3.140 (Approval Criteria; Preliminary Plat) of the Town of Lakeview Development Code. The Application has been made by BB Development, LLC. The Agent is Darryl Anderson.

Adjournment

Town Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Dawn Roberts, 541-947-2020.

The Public Meetings Law does not require that every proposed item of business be described on the notice. The law requires a reasonable effort to inform the public and interested persons, including news media, of the nature of the more important issues ("principle subjects") coming before the body.

STAFF REPORT TOWN OF LAKEVIEW
APPLICATION NOS. 788
May 1, 2023

APPLICANT: BB Development, LLC

OWNER: John Cogar

AGENT: Darryl Anderson, P.E.

PURPOSE OF REQUEST AND PROPERTY DESCRIPTION: The applicant submitted applications for land division and site design review for property comprising a portion of the land identified as 39S-20E-16AC, Tax Lot 100. The subject property is located on the west side of South ‘U’ Street between South 3rd Street on the south, and New Mexico Avenue (vacated) on the north. The proposed land division is to replat Lots 1-24 of Block 93 in the Oregon Valley Land Company’s First Addition as two lots of approximately 0.93 acres each. The site design review application is for the construction of two multi-family dwelling projects on the two replatted lots. The proposed multi-family dwelling projects consists of two three-story apartment buildings with 17 units on one lot, and five duplex units (ten units total) on the second lot.

PROPERTY SIZE AND CURRENT ZONING: The subject property comprises approximately 1.86 acres and is zoned Residential Multifamily – Subdistrict (R-MF) which allows for multi-family housing development. The property was rezoned in December 2022 by Ordinance No. 894.

CURRENT USE: The property does not contain any vertical development, but has existing improvements that were constructed in the past to support RV use.

LOT LEGALITY: The subject property consists of 24 pre-existing Town Lots platted as part of Oregon Valley Land Company’s First Addition in 1909, as well as a currently vacated alley at the rear of the subject lots that is proposed to be re-dedicated.

ADJACENT ZONING AND USES: Lands immediately to the west within Block 93 are planned residential (R-1) and are owned by the Applicant. Land further to the west across the ‘V’ Street right-of-way is designated Commercial. Lands immediately north and east are planned residential (R-1) and are vacant and owned by the Applicant. Lands half a block away on South ‘S’ Street are planned Residential (R-1) and are developed with single-family dwellings and are owned by multiple owners. Land to the south is owned by the Town and is planned for Residential (R-1) and is occupied by baseball fields.

PRIOR LAND USE ACTIONS SUMMARY:

- **December 13, 2022** – Minor Comprehensive Plan Amendment from Residential (R-1) to Multifamily Residential (R-3) and a corresponding zone change from Residential (R) to Residential Multifamily – Subdistrict (R-MF). This action was a policy choice recommended by the Planning Commission and approved by the City Council to add multi-family zoned land in this part of the Town.

ACCESS: The subject property abuts South 3rd Street on the south, which is classified as a Collector in the TSP. The South 'U' Street right-of-way on which the subject property fronts, was allowed to be developed with a paved access surface. As noted in the staff report for the above described zone change approved in December 2022, the South 'U' Street and South 3rd Street frontages will need to be improved to current Town standards as part of the proposed multi-family residential development. Similarly, the 15-foot wide vacated alley along the west edge of the subject property will need to be improved to the Town's alley standards before a re-dedication of such could be accepted. Finally, if the Applicant intends to use the vacated but also paved New Mexico Avenue for access to the proposed multi-family residential development, an easement will also need to be established at the time of final plat. Alternatively, if the Applicant seeks to rededicate New Mexico Avenue to the Town, then New Mexico Avenue will also need to be improved to Town street standards before it can be accepted by the Town as a public right-of-way. The conditions of approval are structured to allow the dedication and improvement choices to be made as part of development implementation either prior to final plat or prior to issuance of building permits for vertical construction, whichever comes first.

WATER AND SEWER: It appears an 8-inch waterline and 8-inch sewer line were installed in the South 'U' Street right-of-way at some point in the past for the RV Park use. Applicant's engineer indicates that water service for the proposed Lot 1 will be provided through new connections to the existing 8-inch water line, and water service for the proposed Lot 2 will be provided by an existing 2-inch water line located within said Lot 2. Sewer service for Lot 1 is proposed to be provided through a new connection to the sewer line in South 'U' Street, and Lot 2 will be served by an existing sewer line located within that lot. Applicant's engineer has stated that there is adequate capacity within the sewer system to accommodate the proposed multi-family development and Applicant's engineer has conducted water pressure testing that indicates required fire flows can be provided.

STORM WATER: Applicant's engineer indicates that a new storm sewer line will be connected to the existing Town of Lakeview storm sewer on South 3rd Street for the proposed Lot 1, and Lot 2 drainage will be through a new storm sewer line connecting to the existing drainage ditch at the northeast corner of the subject property.

FIRE PROTECTION: Town of Lakeview.

AGENCIES MAILED SPECIAL NOTICE: None.

NOTICE: By publication, Lake County Examiner. Individual notice by mail to adjacent property owners.

PROCEDURAL DISCUSSION: The subject applications request approval of a subdivision replat for the east half of Block 93 in Oregon Valley Land Company's First Addition, and a request for site design review approval for the construction of two multi-family dwelling projects. Applications for both land divisions and site design review are processed as a Type III quasi-judicial procedure pursuant to Section 4.1.500, which results in review and a decision by the Planning Commission.

DECISION CRITERIA: The decision criteria for preliminary plat approval are found at Section 4.3.140 of the Town of Lakeview Development Code. Decision criteria for site design review are found at Section 4.2.600 of the Town of Lakeview Development Code.

Section 4.3.140(A) General Approval Criteria: Preliminary Plat.

The Town may approve, approve with conditions or deny a preliminary plat based on the following criteria:

- 1. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2.0 (Land Use Districts) and Chapter 3.0 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5.0 (Exceptions);*

FINDINGS: The Applicant has provided findings addressing compliance with the applicable sections of the Development Code, specifically those in Chapter 2.0 since the application is for the replat of an existing subdivision and will not require the creation of new streets, blocks, landscaping, etc. Staff provides the following additional findings and finds that in conjunction with the Applicant's findings the preliminary plat can be found to satisfy the applicable regulations:

The minimum lot area for multi-family housing in the R-MF zone is 10,000 square feet for four units, and 1,500 square feet for each additional unit (1,000 square feet for buildings with more than two levels). The proposed lots are each approximately 40,500 square feet, which provides for each lot to be developed with up to 24 units of single level multi-family housing, or up to 45 units of two level multi-family housing.

At approximately 300 feet in width the lots exceed the minimum width of 55 feet, and at 135 feet in depth the lots exceed the maximum depth; however, as existing legal lots which are part of a platted city block, they are allowed to be developed despite exceeding the maximum lot depth under the current code.

Sanitary sewer, storm drainage, and water service facilities have been or will be provided through extensions and connections of existing facilities in the area.

- 2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

FINDINGS: The application is for a replat of lots within a legal subdivision that has never been vacated, and therefore does not propose a new name for the underlying recorded subdivision which is the "Oregon Valley Land Company's First Addition to Lakeview." Furthermore, staff finds that the provisions of ORS Chapter 92 have been met for preliminary replat and all final platting requirements of ORS Chapter 92 and the Town's development ordinance can feasibly and will be met.

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;*

FINDINGS: The application is for a replat of lots within a legal subdivision and for which no new streets, roads, sidewalks, bicycle lanes, pathways, utilities, or surface water management facilities are required at this time. Similarly, the replat will not affect any adjoining subdivision or partition plats.

Staff finds that while the Applicant's proposed preliminary plat identifies the access alley within Block 93 for rededication to the Town, the access alley is not currently improved to Town standards. Similarly, New Mexico Avenue was previously vacated and it is unclear if the Applicant wants to rededicate this as a Town street. If the Applicant ultimately wishes to rededicate the alley and/or New Mexico Avenue (also currently vacated) to the Town then a condition of approval will require improvement to current Town standards, otherwise the final plat shall show these areas within the replatted lot areas.

4. *All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and*

FINDINGS: Staff finds that there are no private common areas or improvements proposed or identified on the preliminary plat.

5. *Evidence that required State and federal permits have been obtained, or shall be obtained before approval of the final plat.*

FINDINGS: Staff finds that the application for a replat of an existing legal subdivision simply moves existing lines on the plat map and that is not something that would trigger any State or Federal permits. If, however, the Applicant does wish to make improvements for the dedication of right-of-way area (rededication of the alley or New Mexico Avenue) then those improvements shall obtain any required State or Federal permits.

4.2.600 Site Design Review Approval Criteria.

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. *The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.500, above.*

FINDINGS: The Application contains all the submittal requirements of Chapter 4.1 and Section 4.2.500 and is therefore considered to be complete.

2. *The application complies with all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;*

FINDINGS: The Applicant provided findings addressing the underlying R-MF land use district requirements in Chapter 2. While staff finds that the majority of the Applicant's findings can be adopted and found as satisfying the applicable provisions in Chapter 2, staff also notes the following details which are not explicitly addressed in the Applicant's findings:

While the minimum and maximum residential density standards are met for the proposed multi-family residential developments, they are technically not applicable under Section 2.1.150.B, which states that density standards apply to all new subdivisions which involve the creation of 4 or more lots. No new lots have been created for these two multi-family developments, but rather, the existing 24 lots are being consolidated into two lots.

Staff also notes that the Applicant's findings indicate that the height of the "Desert Horizons" building will be 35.5 feet which is indicated as being such on the project plans; however, the building is of a gable roof design and pursuant to Section 2.1.170.B, the height of such roof forms is measured to the average height of the highest gable (i.e., at the mid-point of the roof between the peak and eaves), and the Applicant's 35.5 foot measurement is taken from the peak of the highest gable. The height standard is the maximum of 35 feet or three stories whichever is greater. When measured in accordance with Section 2.1.170.B the buildings are less than 35-feet and they are three stories, and therefore comply with applicable height standards.

For the orientation of the proposed "Desert Horizons Apartments" buildings, staff observes that the ground floor common entry to Building 1 is located on the east elevation facing South 'U' Street and a direct pedestrian walkway between the street and entry are provided. Similarly, a direct pedestrian walkway is provided from South 'U' Street to the ground floor common entry of Building 2 which is oriented towards South 3rd Street. Thus, both common entries are in accordance with the building orientation standards of Section 2.1.180.C.2. The on-site vehicle maneuvering and parking areas are located to the north and west of the apartment buildings and are not between the buildings and the surrounding streets, which complies with the building orientation standards of Section 2.1.180.C.3.

For the orientation of the proposed "Freedom Square Apartments" buildings, staff observes that the proposed buildings are duplexes that have the entrance to each unit being oriented towards/visible from the two abutting streets (South 'U' Street on the east and the vacated New Mexico Avenue on the north). The vehicle parking and maneuvering areas located on-site are at the south end of the property and are not between any of the buildings and the street.

Section 2.1.190 includes design standards applicable to duplexes and multi-family housing. Staff finds as follows with respect to TLDC 2.1.190:

Freedom Square Duplexes: Subsection C(1) prohibits buildings longer than 80-foot end-wall-to-end-wall. None of the proposed duplexes are nearly this long, project complies. The

duplexes have recessed entrance areas that create a reveal and have roof breaks of 2-feet or greater in height, but the duplexes have no vertical structure face in excess of 40-feet and therefore no such elements are technically required by the code. The elevations indicate all required openings standard percentages are satisfied by the design. Each elevation appears to have at least 3 of the 14 architectural features depicted on each elevation.

Desert Horizons Apartments: Subsection C(1) prohibits buildings longer than 80-feet end-wall-to-end-wall. The Applicant redesigned the originally submitted plans to comply with this requirement by breaking the apartments into two buildings. The apartments have several architectural details on each of the elevations. The Applicant's findings state that all required design elements are present and explained on the drawings; Staff's review of the plans is that they appear to have the required elements, but the plan call-outs are not tied to the Applicant's findings in a way that makes it easy to determine which element satisfies each requirement.

With respect to yard setbacks, the Staff finds as follows:

Freedom Square Duplexes: The front yard is South 'U' Street which requires a 10-foot setback. All proposed duplexes are greater than 10-feet from South 'U' Street, project complies; the parking area is recessed 6-feet behind the building walls on U-Street. The rear-yard setback is 15-feet unless there is alley access. As designed and without the alley dedication and access, the project complies to the centerline of the vacated alley. Staff does note that the setback also applies to the storage units attached to the building which is not depicted on the plan dimensions. Nevertheless, the setback to the centerline of the vacated alley is approximately 17.4 feet. If the alley were to be improved to Town standards and rededicated then there will need to be at least 6-feet of setback from the alley right-of-way and the attached storage units and the access will need to be flipped to take access exclusively from the alley. Project can feasibly comply with the required rear-yard setbacks regardless of whether or not the alley is rededicated. The side yard setback is 5-feet (or 15-feet on a corner). Even if New Mexico Avenue is constructed to Town standards and rededicated, the project complies with the more restrictive setback of 15-feet. With respect to building separation setbacks pursuant to LLDC Section 2.1.120(E), the height of the duplexes is approximately 12-feet to the middle of the gable so the sum of the height of both buildings (summed in adjacent pairs) is 24-feet and all buildings are separated by at least half that sum being 12-feet; the one exception is the maintenance building with a 10-foot separation. No elevation is provided with the maintenance building so it is unknown if a 10-foot separation there meets the code; this will need to be verified at final plan approval prior to building permits but adequate land area exists to feasibly comply.

Desert Horizons Apartments: The front yard is South 'U' Street which requires a 10-foot setback. All proposed duplexes are greater than 10-feet from U-street, project complies; the parking area is recessed 6-feet behind the building walls on U-Street. The rear-yard setback is 15-feet unless there is alley access. As designed without the alley dedication and access, the project complies to the centerline of the vacated alley. If the alley were to be improved to Town standards and rededicated then there will need to be at least 6-feet of setback from the alley right-of-way and the access will need to be flipped to take access exclusively from the alley. Project can feasibly comply with the required rear-yard setbacks regardless of whether

or not the alley is rededicated. The side yard setback is 15-feet on a corner. Project complies with the 15-foot corner lot setback of 15 feet. With respect to building separation setbacks pursuant to LLDC Section 2.1.120(E), the height of the Desert Horizons buildings are approximately 33.5-feet to the middle of the gable so the sum of the height of both buildings is 67-feet and all buildings must be separated by at least half that sum being 33.5-feet. The Applicant's findings date the building separation is 12-feet, but this is not consistent with the plain language of TLDC Section 2.1.120(E). The two buildings must be redesigned to be separated by at least 33.5-feet and the site plan adjusted accordingly. Given the amount of open space on the north end of the site, Staff concludes the additional ~21-feet of separation can be accommodated consistent with the overall site plan layout.

There are detailed architectural design standards that must be met during Site Design Review for multi-family housing. The Applicant's findings, building elevation drawings, and floor plans explain how the Applicant believes each of the design standards can be found to be satisfied. Similarly, there are additional development standards in Section 2.1.500 that must be met for multi-family housing development within the Multi-Family Subdistrict (MF). The Applicant's findings and plans explain how the project can comply with the common open space requirements of Section 2.1.500.C.1, and that the trash receptacles for both developments will be oriented away from the residences and screened by a combination of walls and landscaping. The Applicant has also provided revised plans and findings to explain how the private open space requirements can be found to be satisfied.

Section 2.1.500.C.2 states the following:

Private open space areas shall be required for ground-floor and upper-floor housing units through compliance with all of the following standards:

- a. Ground-floor housing units shall have front or rear patios or decks at least 4 feet deep and measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);*

FINDINGS: The duplex units within the Freedom Square Apartments development are single story and have concrete patios at the rear of each unit that meet this standard, but the plans do not indicate if the patios will have any type of privacy fencing or screens around them. Given the type of development the addition of privacy fencing or screens could be readily provided through a condition of approval if the Planning Commission concludes that the patios require secure enclosures to be considered private open spaces under the code.

The ground floor units within the three-story Desert Horizons Apartments development are shown as having 6-foot tall privacy screens enclosing at least a portion of what is referenced on the floor plans as being "private patios" in front of the entrance to each ground floor unit. The Planning Commission will need to determine if this design constitutes private open space.

- b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches at least 4 feet deep and measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade;*

FINDINGS: There are a total of twelve upper-floor units within the Desert Horizons Apartments which is proposed as two three-story buildings connected at the second and third floors by catwalks. There is a continuous balcony that spans the west elevation of each building to provide access to each of the upper floor units and enhance fire-life-safety considerations, and similar to what is proposed for the ground floor units, there are 6-foot tall privacy screens enclosing at least some of the balcony area in front of six of the upper-floor units. As such, while the 50 percent of units threshold has been met, and while each of the spaces referenced as being “private balcony” meets the minimum dimensional requirement, the Planning Commission needs to decide if the proposed design provides private open space under the code.

- c. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable;*

FINDINGS: Under the state’s needed housing statute, this standard cannot be applied due to its use of the phrase “...to the greatest extent practicable” nor is it clear when “toward” has been architecturally achieved. This standard is not clear and objective and cannot be applied for this reason.

- 3. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;*

FINDINGS: Staff finds that the site is vacant and therefore the upgrading of existing development is not applicable.

- 4. The application complies with all Design Standards contained in Chapter 3. All of the following standards shall be met:*

FINDINGS: Staff finds that the Applicant submitted findings addressing the design standards in Chapter 3 and that the development can be found to comply, or can be made to comply, through conditions of approval as explained in the below findings.

- a. Chapter 3 .1 - Access and Circulation;*

FINDINGS: Table 3.1.200.A requires private driveways on local streets to be separated by a minimum of 50 feet; however, Table 4 in the Town’s recently adopted 2021 Transportation System Plan (TSP) specifies that local street driveway spacing applies only to driveway distance from adjacent public or private street intersections, not between driveways on the same street. When such conflicts exist, staff looks to the most recently adopted standard for governance, which in this instance is the TSP. The centerline of the two proposed driveways on South ‘U’ Street are located ~200+ feet from the intersections of New Mexico Avenue and South 3rd Street, and therefore

comply with the standard in the TSP. Staff finds the plan can comply subject to the recommended conditions of approval:

- Obtain required road approach permits for the new driveways (TLDC 3.1.200.C).

b. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;

FINDINGS: Staff finds planned landscape areas can be found to comply with applicable requirements subject to submission of a final landscape plan that addresses the following:

- Final plan that meets all applicable requirements of Chapter 3.2 including, but not limited to: a combination of plant types/materials, automatic irrigation plan, buffering walls or landscape screening elements along both street frontage, screening of mechanical equipment, and street trees.

c. Chapter 3.3 - Automobile and Bicycle Parking;

FINDINGS: Staff finds the plan complies with the applicable standards of Chapter 3.3.

d. Chapter 3.4 - Public Facilities and Franchise Utilities;

FINDINGS: The proposed plan includes the installation of a sidewalk along the site frontage on South 'U' Street (where no sidewalk currently exists). The Applicant's findings indicate that all sidewalks, curbs, and driveway approaches are to be constructed in accordance with Town standards. Improvements to Town Standards on South 3rd Street and South 'U' Street will be conditions of approval. The sanitary sewer, water service, and storm drainage facilities will be provided as described under the land division (replat) application, and as such, staff finds the plan complies with the applicable standards of Chapter 3.4.

e. Chapter 3.5 - Surface Water Management;

FINDINGS: The Town has never adopted standards into Chapter 3.5, but Section 3.4.400 requires stormwater be adequately addressed. The Applicant's findings and land division (replat) application indicate that storm drainage facilities have been or will be provided through extensions and connections of the existing facilities in the area, and that adequate capacity exists.

f. Chapter 3.6 - Other Standards.(Telecommunications Facilities, Solid Waste Storage, Environmental Performance, Signs), as applicable.

FINDINGS: Staff finds the plan complies with applicable provisions, subject to Applicant's stipulation that signage details will be provided through separate sign permit application.

5. *Conditions required as part of a Land Division.(Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.*

FINDINGS: The proposed replat will need to be approved and finalized before permits for construction of either of the proposed multi-family developments can be issued.

6. *Exceptions to criteria 4 (a-f), above, may be granted only when approved as a Variance (Chapter 5.1).*

FINDINGS: Staff finds that the application either complies with applicable standards or can be made to comply through the imposition of conditions of approval, and therefore, no variances are required.

CONCLUSION AND PLANNING COMMISSION ACTIONS:

The subject applications are for the replat of a portion of an existing subdivision and for site design review for the construction of two multi-family dwelling projects on the two replatted lots.

With regards to the replat, staff finds that the proposed lots are in conformance with and/or bring them closer to conformance with the standards for the respective zoning district.

Staff recommends the replat be approved subject to the following Conditions of Approval:

1. Prior to any construction within the public right-of-way or prior to vertical construction on the site, Applicant shall have public improvement plans reviewed and approved by the Town of Lakeview. The public improvement plans shall include the following improvements:
 - a. A declaration of intent to improve and rededicate the alley or New Mexico Avenue. If the intent is to improve and rededicate the alley or New Mexico Avenue, plans shall be provided to improve the facilities up to current Town Standards.
 - b. Public improvement plans for the South 'U' Street project frontage to improve the west half of the street to Town Standards, and up to an additional 10-feet beyond the centerline if the same is required by the Public Works Director.
 - c. Public improvement plans for the 3rd Street project frontage to improve the north half of the street to Town Standards, and up to an additional 10-feet beyond the centerline if the same is required by the Public Works Director. Given the existing drainage feature adjacent to the paving, the Public Works Director may approve an alternate cross-section putting the new sidewalk behind (north) of the existing drainage ditch and maintaining the shoulder/v-ditch cross-section (as opposed to installing curb and gutter with a planter strip and sidewalk immediately behind the planter strip). Applicant shall coordinate with the Public Works Director to obtain approval for alternate cross-section prior to undertaking detailed engineering on the project design.
2. Prior to final plat, Applicant shall provide water and sanitary sewer facility as-builts for Public Works to verify Town Standards are met. If as-builts are unavailable, Applicant

shall provide copies of Public Works inspections. If as-builts and Public Works inspections are unavailable, Applicant's engineer shall provide a stamped statement that the existing water and sewer facilities were installed to the Town Standards in effect at the time they were constructed.

3. Prior to final plat, Applicant shall provide new water, sanitary sewer, and storm sewer line connections to Lot 1.
4. Prior to final plat, Applicant shall install all public improvements required by the approved public improvement plans.
5. New Mexico Avenue and the alley within Block 93 shall be improved to Town standards prior to final plat if Applicant intends to rededicate them to the Town at that time, otherwise, access easements for their use by the subject lots shall be set forth on the final plat and the plat shall note that these facilities are not maintained by the Town of Lakeview.

With regards to the site design review, staff finds that the two proposed multi-family residential developments are in conformance with or can be brought into conformance with the applicable standards through the imposition of conditions of approval, noting however, that the matter of the required private open space for the units needs to be determined by the Planning Commission.

If the Commission decides that the private open space requirement has been met, **Staff recommends the site design review be approved subject to the following Conditions of Approval:**

1. Prior to issuance of building permits for vertical construction, the final plat for the proposed replat shall be approved and recorded.
3. Prior to issuance of building permits for vertical construction, obtain required road approach permits for the two new driveways on South 'U' Street.
4. Prior to issuance of building permits for vertical construction, provide an updated landscape plan that satisfies all the landscape requirements at TLDC Section 3.2 including planting plan, street trees, installation plan, and automatic irrigation plan.
5. Prior to issuance of building permits for vertical construction, provide an updated site plan that demonstrates the required building separation between the Desert Horizons buildings is satisfied.
6. Prior to issuance of building permits for vertical construction, provide an updated site plan that demonstrates the required building separation between the maintenance building and the southwest duplex is satisfied.
7. Prior to issuance of building permits for vertical construction, the Applicant's engineer shall provide base flood elevation(s) on the subject sites rounded up to the nearest 1/10 of one foot.
8. Prior to certificate of occupancy or final inspection approval of the building permits for the respective buildings, elevation certificates demonstrating that the lowest floors are elevated to or above the base flood elevation.

9. Prior to certificate of occupancy or final inspection approval of the building permits for the respective buildings, all required site and public improvements shall be installed in accordance with the final site plan updated to reflect the conditions of approval herein and the final landscape plan approved by Staff.
10. If the alley is rededicated, provide updated site plans moving the accesses solely to the Alley and provide updated dimensions demonstrating the 6-foot setback to the alley from the duplex storage units is satisfied.

Town Council Ordinance
Amending the Comp Plan
and Zoning Map

Permitting Multi-Family Use

ORDINANCE NO. 894

AN ORDINANCE AMENDING THE TOWN OF LAKEVIEW COMPREHENSIVE PLAN MAP AND ZONING MAP

WHEREAS, Applicant John Cogar initiated a minor Comprehensive Plan map amendment and a corresponding zone change identified as Application No. 780, and said application sought to amend the Town's Comprehensive Plan map from Residential (R-1) to Multifamily Residential (R-3) and the zoning map from Residential (R) to Residential Multifamily-Subdistrict (R-MF); and

WHEREAS, a public hearing was conducted on the application by the Town Planning Commission at its October 24, 2022, meeting and at the conclusion of the public hearing process the Planning Commission recommended to the Town Council approval of the proposed quasi-judicial Comprehensive Plan map amendment and quasi-judicial zoning map amendment; and

WHEREAS, pursuant to Chapters 4.1 and 4.7 of the Town's Development Code, the Town Council of the Town of Lakeview held a public hearing on the subject land use application on November 14, 2022; and

WHEREAS, it appearing to the Town Council that the proposed amendments to the Comprehensive Plan map and zoning map are consistent with Statewide Planning Goals and the Town of Lakeview Comprehensive Plan and Development Code, as set forth in the findings and conclusions in the Staff Report and the Applicant's evidence, findings and conclusions in the record for this proceeding and which are adopted by the Council as its own;

WHEREAS, the Town Council approved a motion unanimously directing staff to prepare this ordinance to adopt the proposed amendments to the Comprehensive Plan map and zoning map, now, therefore,

THE COUNCIL OF THE TOWN OF LAKEVIEW ORDAINS AS FOLLOWS:

Section 1. - Amendment: The Town of Lakeview Comprehensive Plan map and Town of Lakeview zoning map are hereby amended to change the Comprehensive Plan map designation from Residential (R-1) to Multifamily Residential (R-3), and the zoning map designation from Residential (R) to Residential Multifamily-Subdistrict (R-MF), for the following described real property parcel as located within the Town of Lakeview, Lake County, Oregon.

<u>Tax Map</u>	<u>Tax Lot</u>	<u>Size (acres)</u>
39 20E 16AC	100 (portion)	2.10

(The area of the amendment is the east half of Block 93 of the Oregon Valley Land Company's First Addition to the Town of Lakeview)

The map amendment and zone change area shall include the area to the centerlines of adjacent rights-of-way.

Section 2. - Effective Date: The amendments established by this Ordinance shall be in full force and effect upon signature of this Ordinance as set forth below.

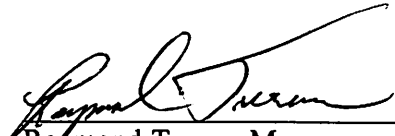
A motion was made to read this Ordinance by title only and such motion passed. Thereafter, the Ordinance was read by title only and was adopted as indicated below.

Passed by Town Council vote as follows:

4 In Favor

0 Opposed

Adopted this 13 of December, 2022.


Raymond Turner, Mayor

Attest:


Dawn Lepori, Town Recorder

Applicant's
Revised Submittals

April 28, 2023

BB Development, LLC – Site Design Review Application
Burden of Proof Statement Revised 4/28/2023

APPLICANT: BB Development, LLC
PO Box 493
Klamath Falls, OR 97601
541-882-5370 / mbogatay@bci.us

LAND OWNER: John Cogar
PO Box 549
Lakeview, OR 97630
541-417-1143 / johnnymyboy@hotmail.com

ENGINEER: Darryl Anderson, P.E., P.L.S.
Anderson Engineering & Surveying, Inc.
P.O. Box 28
Lakeview, OR 97630
541-947-4407 / darryla@andersonengineering.com

ARCHITECT: Oregon Architecture, Inc. (Freedom Square Apartments)
132 W. Main Street, Suite 101
Medford, OR 97501
541-772-4372

Pinnacle Architecture (Desert Horizons Apartments)
960 SW Disk Dr., Suite 101
Medford, OR 97501
541-388-9897

REQUEST: Applicant is requesting approval for construction of a multi-family housing development on property located near South 3rd Street and South U Street. The development will consist of two complexes. Desert Horizons Apartments consists of two separate three-story apartment buildings with a total of 17 units, located on Lot 1 of the property. Freedom Square Apartments will be located on Lot 2 of the property and will consist of five duplex structures with a total of 10 units.

LOCATION: Lots 1-24 of Block 93, Oregon Valley Land Company's Township 39 South, Range 20 East, Section 16 AC, Tax Lot 100, Lots 1-24 of Block 93, Oregon Valley Land Company's First Addition.

ZONING: The property is zoned Residential, Multi-Family Sub-District.

DEVELOPMENT CODE PROVISIONS:

Chapter 2.0 Land Use Districts

Chapter 2.1: Residential District (R)

- 2.1.110 Permitted Land Uses
- 2.1.120 Building Setbacks
- 2.1.130 Lot Area and Dimensions
- 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes
- 2.1.150 Residential Density
- 2.1.160 Maximum Lot Coverage
- 2.1.170 Building Height
- 2.1.180 Building Orientation
- 2.1.190 Design Standards
- 2.1.200 Special Standards for Certain Uses
- 2.1.300 Residential Sub-Districts
- 2.1.400 Neighborhood Commercial (NC)
- 2.1.500 Multi-Family (MF)
- 2.1.600 Manufactured Dwelling Park (MDP)

Chapter 3.0 Design Standard Administration

Chapter 3.1 Access and Circulation

- 3.1.200 Vehicular Access and Circulation
- 3.1.300 Pedestrian Access and Circulation

Chapter 3.2 Landscaping, Street Trees, Fences and Walls

- 3.2.200 Landscape Conservation
- 3.2.300 New Landscaping

Chapter 3.3 Vehicle and Bicycle Parking

- 3.3.300 Vehicle Parking Standards
- 3.3.400 Bicycle Parking Standards

Chapter 3.4 Public Facilities Standards

- 3.4.100 Transportation Improvements
- 3.4.200 Public Use Areas
- 3.4.300 Sanitary Sewer and Water Service Improvements
- 3.4.400 Storm Drainage
- 3.4.500 Utilities
- 3.4.600 Easements
- 3.4.700 Construction Plan Approval and Assurance

Chapter 3.6 Other Design Standards

- 3.6.500 Signs

Chapter 3.7 Sensitive Lands

- 3.7.100 Flood Plains
- 3.7.200 Significant Resource Overlay
- 3.7.300 Restricted Groundwater Use Overlay
- 3.7.400 Wetland Protection Areas
- 3.7.500 Riparian Corridors

Chapter 2.0: Land Use Districts

Chapter 2.1: Residential District

2.1.110 Permitted Land Uses

This development is a permitted land use within the Residential Multi-Family Sub-District.

2.1.120 Building Setbacks

Lots are sufficiently large to accommodate multi-family development and all proposed structures maintain required setbacks. Setback dimensions are shown on the attached Site Plan. For Desert Horizons, the front setback is 10.12 feet, side setbacks are 24.96 feet and 138.11 feet, and the rear yard setback is 76.38 feet. The minimum distance between structures is 12 feet. These meet development code requirements. For Freedom Square, the front setback is 15.51 feet, side yard setbacks are 126.96 feet and 23.92 feet, and the rear yard setback is 16.2 feet. These meet development code requirements. There are multiple buildings proposed for the Freedom Square development on Lot 2, the minimum distance between buildings is 12 feet.

2.1.130 Lot Area and Dimensions

Lot 1 is 40,558 square feet, or 0.93 acres, with approximate dimensions of 300 feet by 135 feet. The proposed Desert Horizons development is two separate three-story apartment buildings with a total of 17 units. The minimum lot area for a development of this size is 23,000 square feet. The proposed development meets this criterion.

Lot 2 is 40,516 square feet, or 0.93 acres, with approximate dimensions of 300 feet by 135 feet. The Freedom Square development on this lot consists of five duplex structures with a total of 10 units. The minimum lot area for a development of this size is 19,000 square feet. The proposed development meets this criterion.

2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes

Not Applicable

2.1.150 Residential Density

Residential density requirements for the Multi-Family Sub-District are a minimum of 10 units per net acre and a maximum of 24 units per net acre. Both lots are approximately one acre in size. Lot 1 will have 17 units and Lot 2 will have 10 units. Proposed development on both lots meets the residential density requirements for the Multi-Family District.

2.1.160 Maximum Lot Coverage

Maximum lot coverage for multi-family developments is 60%. Lot 1 has total coverage by buildings and impervious surfaces of 44.9% (8.8% buildings and 36.1% impervious surfaces). Lot 2 has total coverage by buildings and impervious surfaces of 38.2% (16.5% buildings and 21.7% impervious surfaces). Proposed developments are within maximum lot coverage requirements.

2.1.170 Building Height

Maximum building height for the Multi-Family Sub-District is 35 feet or three stories, whichever is greater. Desert Horizons will have a maximum building height of 35.5 feet and will be three stories. This is in compliance with building height standards.

Maximum building height for Freedom Square will be 16 feet. This is in compliance with building height standards.

2.1.180 Building Orientation

Building orientation is shown on the attached site plan and architectural drawings. For Desert Horizons, individual apartments will be accessed directly on the west side of the building. The complex will be split into two separate buildings connected by a catwalk only. The primary entrance is located in the north building and is oriented toward U Street. The main entrance for the south building is oriented toward South 3rd Street. Off-street parking areas and sidewalks are shown on the Site Plan. Freedom Square duplex structures will be oriented as shown on the Site Plan. Parking areas and sidewalks are also shown on the Site Plan.

2.1.190 Design Standards

Both the Freedom Square and Desert Horizons developments meet the design standards. The buildings will incorporate design standards including offsets, projections, and balconies. The dimensions, percentages, and number of design features are noted in the attached architectural floor plans. Desert Horizons will be split into two different buildings that will be connected by a catwalk only. The two buildings are less than 80 feet long each and are separated by a 12-foot-wide breezeway. The catwalk is included so the facilities manager can maintain and supervise the property more easily and increase fire life safety access. There is no roof on the catwalk structure.

2.1.200 Special Standards for Certain Uses

Not applicable.

2.1.300 Residential Sub-Districts

This property is zoned Multi-Family Sub-District and will comply with the requirements of that sub-district.

2.1.400 Neighborhood Commercial Sub-District

Not applicable.

2.1.500 Residential Multi-Family Sub-District

C. Multi-Family Housing Development Standards

1. Common Open Space: 30.8% of Lot 1 is undisturbed area and 23.5% is landscaping. Lot 2 has 24.5% undisturbed area and 37.4% landscaping. A large area of open space is available between the two development areas.

2. Private Open Space: Ground floor units in Desert Horizons will have patio areas and 50% of upper floor units will have balconies as shown on the attached

architectural drawings. There are safety concerns with providing upper unit balconies that are accessed from the unit only, so these areas will include 6-foot-tall privacy walls to create a private open space. Both ground floor patios and upper floor balconies are oriented toward the common open spaces. Freedom Square contains single story duplex units which have rear patio areas as shown on the Site Plan and architectural drawings.

3. Exemptions: Not applicable.

4. Trash Receptacles: Trash receptacles are oriented away from adjacent residences and are screened as shown on the attached Site Plan.

2.1.600 Manufactured Dwelling Park Sub District

Not applicable.

Chapter 3.0: Design Standard Administration

Chapter 3.1: Access and Circulation

3.1.200 Vehicular Access and Circulation

Vehicular access for Desert Horizon Apartments will be provided by a 24' approach from South U Street as shown on the Site Plan. Vehicular access for Freedom Square Apartments will be provided by a 24' approaches from South U Street. Access driveways meet the minimum clearance to other driveways and access points. The driveways meet the minimum width requirement, can accommodate emergency vehicles, and provide good visibility and clearance for all vehicles.

The proposed development will increase traffic by less than 300 trips per day, and a traffic impact study is not required.

3.1.300 Pedestrian Access and Circulation

Pedestrian access to both Desert Horizons and Freedom Square will be provided by new sidewalk that will be constructed along South U Street and connect to sidewalks on the lots as shown on the Site Plan.

Chapter 3.2: Landscaping, Street Trees, Fences and Walls

3.2.200 Landscape Conservation

There is no existing vegetation on either Lot 1 or Lot 2. This area was previously prepared for use as an RV park and has been graded and graveled.

3.2.300 New Landscaping

The Desert Horizons development will include new landscaping on 23.5% of the site. Freedom Square will have new landscaping covering 37.4% of the site. A general landscape plan is shown on the attached landscape plans. The landscape plans as submitted at this time do not reflect the site changes to the Freedom Square development or the site and building changes to Desert Horizons. These changes will have minimal impact on the landscape plan layout, and both developments will meet

the Development Code requirements. Revised landscape plans will be submitted prior to issuance of construction permits.

Chapter 3.3: Vehicle and Bicycle Parking

3.3.300 Vehicle Parking Standards

The Desert Horizons development requires 19.5 parking spaces per Development Code standards. 19 parking spaces will be provided as shown on the Site Plan (12 on site and 7 on street). The Freedom Square development requires 15 spaces and 18 will be provided (11 on site and 7 on street). All off-street parking will conform to Town of Lakeview standards.

3.3.400 Bicycle Parking Standards

Sheltered bicycle parking is provided for Desert Horizons as shown on the attached Site Plan. Bicycle parking is provided at each unit of the Freedom Square development as shown on the Site Plan.

Chapter 3.4: Public Facilities Standards

3.4.100 Transportation Improvements

Access to the developments will be provided by South U Street, which is an existing, paved street. Proposed improvements include sidewalks, curbs, and driveway approaches along the west side of the street. All improvements will conform to Town of Lakeview standards.

3.4.200 Public Use Areas

Not Applicable – no public use areas

3.4.300 Sanitary Sewer and Water Service Improvements

Water service for the Desert Horizons development will be provided by a new connection to the existing 8" water main on South U Street as shown on the Site Plan. Water service for Freedom Square will be provided by an existing 2" water line located on Lot 2, as shown on the Site Plan. Domestic water needs for both Desert Horizons and Freedom Square are estimated at a maximum of 9,000 gallons per day. The Desert Horizons apartment buildings will have a fire sprinkler system as per Oregon Fire Code regulations with a 4" service. Fire flow needs will be from 750 – 1,000 gallons per minute. Area hydrants are already in place for fire suppression. The Town of Lakeview water system has adequate capacity to meet the water needs for both developments.

Sewer service for Desert Horizons will be provided by a new connection to the existing sewer line of South U Street, as shown on the Site Plan. Sewer service for Freedom Square will be provided by an existing sewer line already in place on Lot 2. Sewer flow requirements are estimated at 6.25 gallons per minute. The Town of Lakeview sewer system has adequate capacity to meet the sewer needs of the developments.

3.4.400 Storm Drainage

New storm sewer line will connect to the existing Town of Lakeview storm sewer on South 3rd Street to provide drainage for the Desert Horizons development. Freedom Square drainage will be provided by a new storm sewer line that will connect to an existing ditch at the northeast corner of the lot. Drainage lines are shown on the Site Plan.

3.4.500 Utilities

Overhead power is available along South 3rd Street and electrical service is already available on the site. All power on site will be buried. Phone and internet are available in the area and lines will be buried.

3.4.600 Easements

A 7.5' easement is proposed on the west edge of Lots 1 and 2 as shown on the Site Plan. This is for possible expansion of the alley in the future as per land owner's request.

3.4.700 Construction Plan Approval and Assurances

BB Development will abide by all planning regulations concerning plan approval and assurances.

Chapter 3.6: Other Design Standards

3.6.500 Signs

Signage details will be submitted at a later date along with a Sign Permit Application.

Chapter 3.7: Sensitive Lands

3.7.100 Flood Plains

The site is shown on Map 410115 2005 B and the project area is in Zone AE: Special flood hazard areas inundated by 100-year flood, base flood elevations determined. All base grading and construction will be set above the base flood elevation.

3.7.200 Significant Resource Overlay

Not Applicable – project is not in a significant resource overlay area.

3.7.300 Restricted Groundwater Use Overlay

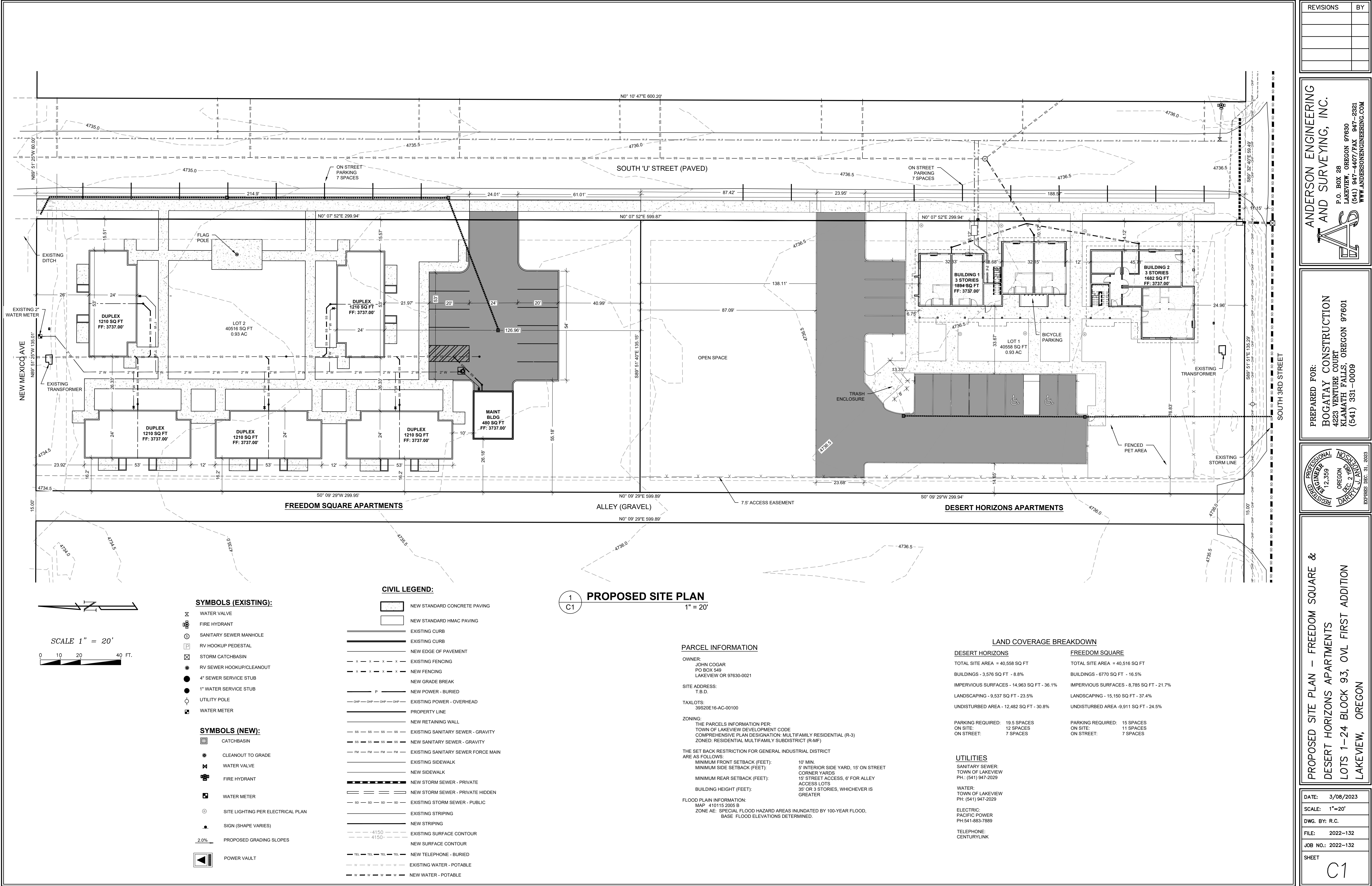
Not Applicable – project is not in a restricted groundwater use overlay area.

3.7.400 Wetland Protection Areas

Not Applicable – not wetlands in project area.

3.7.500 Riparian Corridors

Not Applicable – project is not in a riparian corridor.



REVISIONS	BY

ANDERSON ENGINEERING
AND SURVEYING, INC.

P.O. BOX 28
LAKEVIEW, OREGON 97630
(541) 947-4407/FAX 947-2321
WWW.ANDERSONENGINEERING.COM

PREPARED FOR:
BOGATAY CONSTRUCTION
4223 VENTURE COURT
KLAMATH FALLS, OREGON 97601
(541) 331-0009

PROFESSIONAL
REGISTERED
LAND SURVEYOR
OREGON
NO. 12,359
DARYL L. ANDERSON
EXPIRES DEC. 31, 2023

PROPOSED SITE PLAN - FREEDOM SQUARE &
DESERT HORIZONS APARTMENTS
LOTS 1-24 BLOCK 93, OVL FIRST ADDITION
LAKEVIEW, OREGON

DATE:	3/08/2023
SCALE:	1"=20'
DWG. BY:	R.C.
FILE:	2022-132
JOB NO.:	2022-132
SHEET	C1

"ENHANCING LIVES AND COMMUNITIES"

960 SW DISK DR, SUITE 101
BEND OR 97702
541.388.9897
WWW.PINNACLEARCHITECTURE.COM

GENERAL NOTES

- A. SEE FLOOR PLANS FOR TYPICAL EXTERIOR DIMENSIONS
- B. SEE SPEC SECTION 09 0001 FOR EXTERIOR PAINTS
- C. FIBER CEMENT SIDING CONNECTIONS AND TRANSITIONS SEE TYPICAL DETAILS SHEET A5.11
- D. FOR ALL EXTERIOR PENETRATIONS OF THE BUILDING ENVELOPE REFER TO DETAILS SHEET A5.16



DESERT HORIZONS






CLIENT:
DESERT HORIZONS LLC

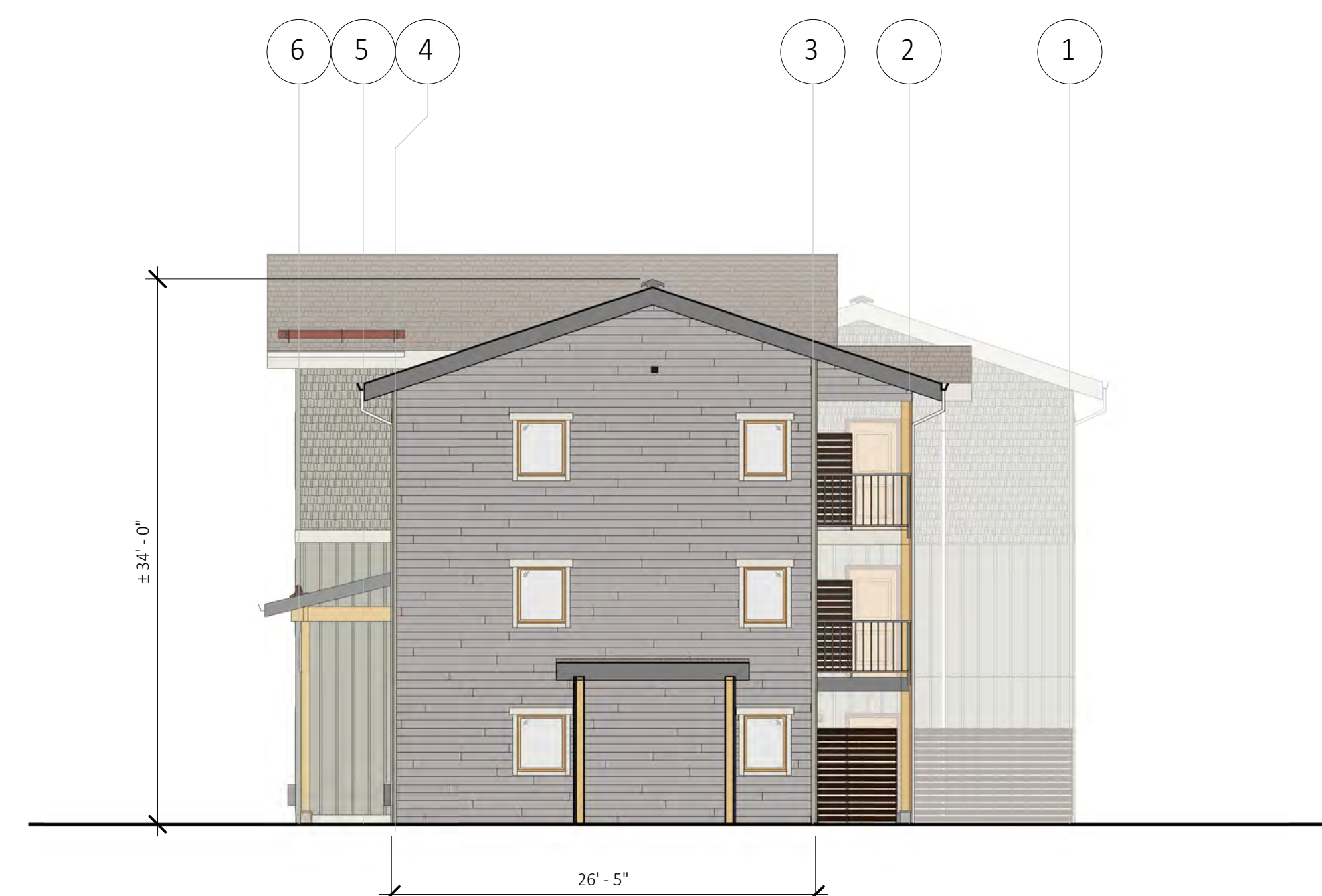
PROJECT ADDRESS:
NORTH U STREET
LAKEVIEW, OR 97630

KEYNOTES

Key Value	Keynote Text
-----------	--------------

ELEVATION

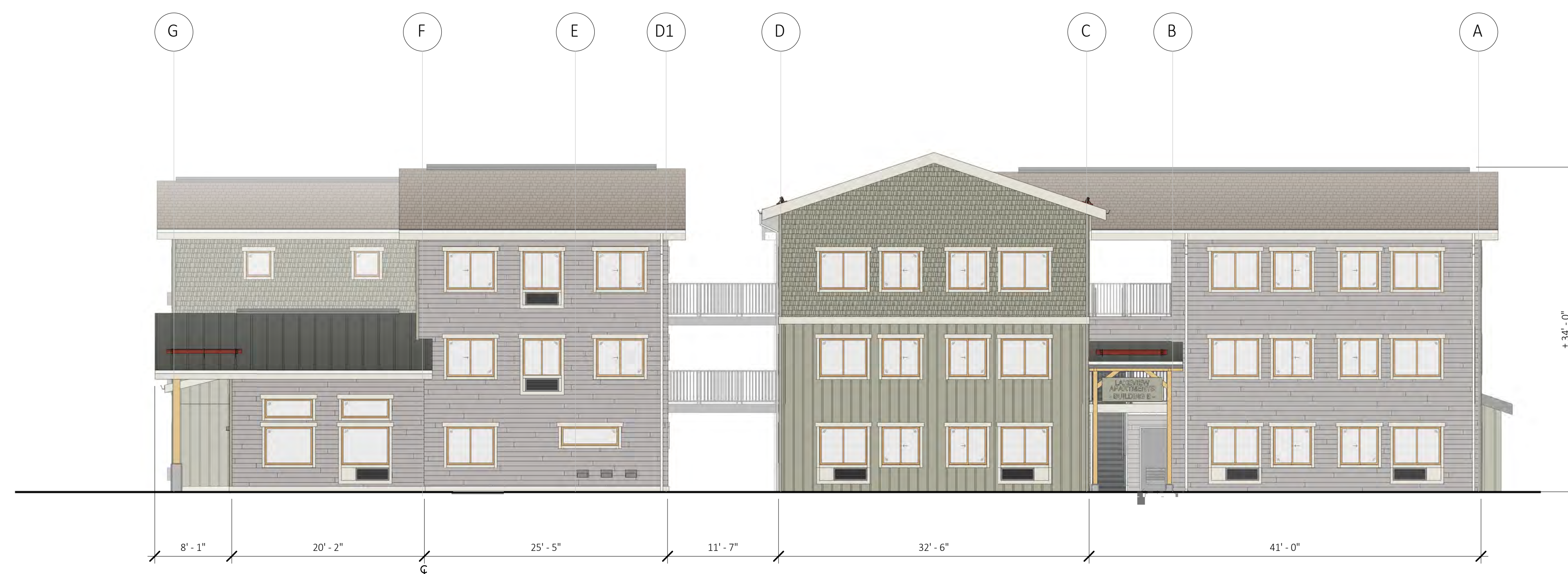
	ASPHALT SHINGLES ROOF
	6" EXPOSURE SHINGLE SIDING
	7" EXPOSURE LAP SIDING
	12" BOARD AND BATTEN
	METAL ROOFING



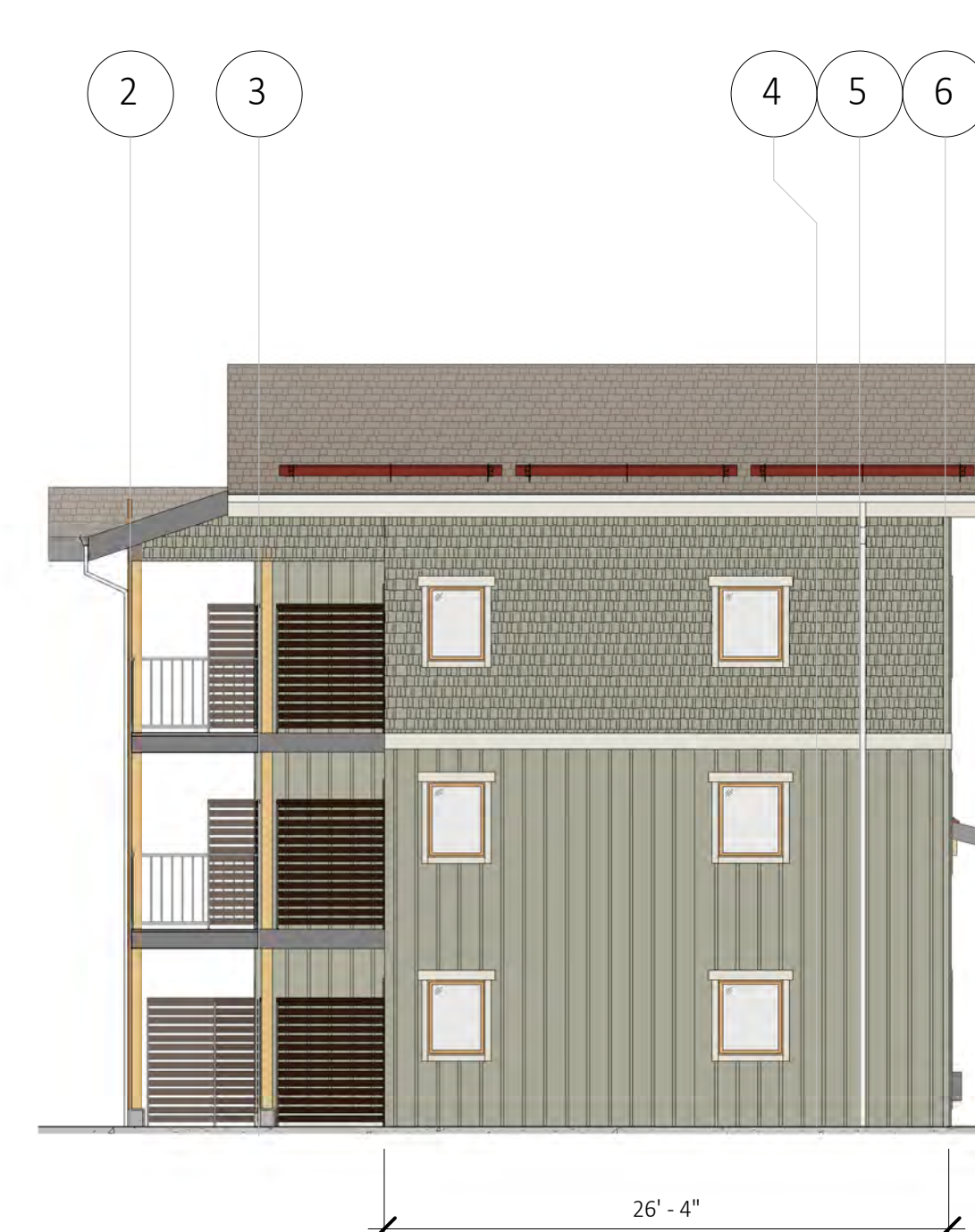
1 NORTH ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"



5 BREEZEWAY - NORTH ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
 $1/8" = 1'-0"$



6 BREEZEWAY - SOUTH ELEVATION
1/8" = 1'-0"

APPROVED FOR	DATE	BY
CONSTRUCTION DOCUMENTS	4/28/2023	BRIAN MANFRAS

	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

PROJECT NO: 21174.LPH
DRAWN BY: ZACK WILLIAMSON
CHECKED BY: BRIANA MANFRASS
© PANNAGI F ARCHITECTURE, INC. 2018 ORIGINAL SHEET SIZE: 30"x42"

EXTERIOR ELEVATIONS

A2.10

4/28/2023 8:25:44 AM

Page 26 of 86

2.1.190 Design Standards.
 1. Building form:
 - see building form details as shown on each elevation below

2.1.190 Design Standards.
 2. Eyes on the Street:
 Front facing street elevation: 40% min
 Side/Rear elevations: 30% min
 - see percentages as shown on each elevation below

2.1.190 Design Standards.
 3. Detailed Design
 3 design elements
 - see shown on each elevation below

BUILDING 2 West elevation

Building 2 Form west:
Recess - Patio/ upper balcony
Extension - floor area offset
Breaks in roof & building wall
0% doors & porch/balcony

Detailed design:
Posts
Eaves
Window trim
Offset in building face and roof
Decorative patterns
Balconies

- Building 1 West elevation
- Building Form west:
- Recess - Patio/ upper balcony
- Extension - floor area offset
- Breaks in roof
- over 64% windows/doors & arch/balcony
- Detailed design:
- Posts
- Eaves
- Window trim
- Offset in building face and roof
- Decorative patterns
- Balconies

BUILDING 1 South elevation

Building 1 Form South elevation:

1. Recess - Patio
2. Extension - floor area offset
3. Breaks in roof

over 40% windows & porch

Detailed design:

1. Posts
2. Eaves
3. Window trim
4. Offset in building face and roof
5. Decorative patterns
6. Covered porch entry

BUILDING 2 North elevation

Building 2 Form North:

1. Recess - Patio/ upper balcony
2. Breaks in roof & building wall

over 34% windows & porch/balcony

Detailed design:

1. Gable roof
2. Posts
3. Eaves
4. Window trim
5. Balcony

BUILDING 2 East elevation

Building 2 Form east:

1. Recess - Building entrance
2. Extension - floor area offset
3. Breaks in roof & building wall

over 55% windows

Detailed design:

1. Gable roof
2. Eaves
3. Recessed entry
4. Covered entry
5. Window trim
6. Offset in building face and roof
7. Decorative patterns

BUILDING 2 South elevation

Building Form South elevation

1. Recess - Balcony
2. Breaks in roof

over 34% windows & balcony

Detailed design:

1. Posts
2. Eaves
3. Window trim

BUILDING 1 North elevation
Building Form North elevation:
1. Recess - Balcony
2. Breaks in roof
over 57% windows & balcony
Detailed design:
1. Posts
2. Eaves
3. Window trim
4. Offset in building face

BUILDING 1 East elevation

Building Form east:

1. Extension - floor area offset
2. Breaks in roof


* only ground floor is over 40ft

over 47% windows

Detailed design:

1. Posts
2. Eaves
3. Window trim
4. Offset in building face and
5. Decorative patterns

private balcony at 50% upper unit entrances. At least 4 feet deep and at least 48 s.f. TYP, shown in red. Due to the tenants using this project type, there are safety concerns with providing a balcony with only access from the unit. Each private balcony is recessed or at the end of the walkway and privacy screen is provided at each private balcony.

 Cat walk connecting the 2 buildings.
There is no roof covering here to keep the 2 buildings roofs separated

E

2

A modern outdoor lounge area. In the foreground, a wicker sofa with light-colored cushions is positioned. Behind the sofa, three large potted plants with broad green leaves are arranged against a dark wood slat wall. The wall is made of horizontal wooden slats. Above the wall, a wooden beam with several small lights is visible. The overall atmosphere is contemporary and relaxing.

NOT FOR CONSTRUCTION

APPROVED FOR	DATE	SHEET NO.
CONSTRUCTION DOCUMENTS	4/28/2023	VICTORIA TRANCA
DRAWING NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
PROJECT NO:	21174 LPH	
DRAWN BY:	ZACK WILLIAMSON	
CHECKED BY:	VICTORIA TRANCA	
© PRINCIBALE ARCHITECTURAL, INC. 2023 ORIGINAL SHEET SIZE: "B"X"4"		

"ENHANCING LIVES AND COMMUNITIES"

960 SW DISK DR, SUITE 101
BEND OR 97702
541.388.9897
WWW.PINNACLEARCHITECTURE.COM



DESERT HORIZONS

CLIENT:
DESERT HORIZONS LLC

PROJECT ADDRESS:
NORTH U STREET
LAKEVIEW, OR 97630

APPROVED FOR	DATE	
CONSTRUCTION DOCUMENTS	4/28/2023	VICTOR TRANC

	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

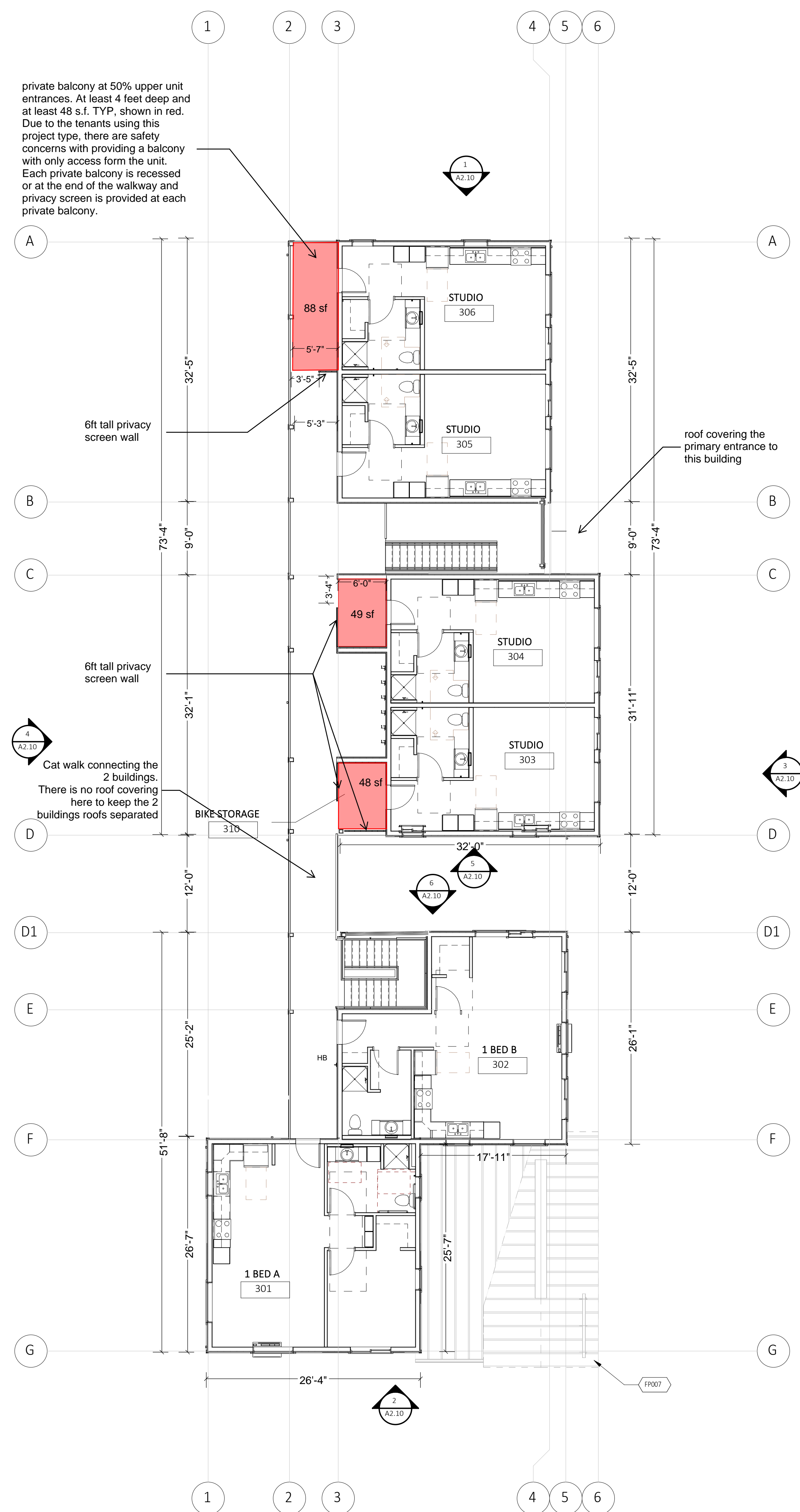
PROJECT NO: 21174.LPH
DRAWN BY: ZACK WILLIAMSON
CHECKED BY: VICTORIA TRANCA

FLOOR PLAN - LEVEL 03

A1.11

4/28/2023 8:25:37 AM

Page 28 of 86



NOT FOR CONSTRUCTION



ANDERSON ENGINEERING AND SURVEYING, INC.

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

17681 Hwy. 395, Lakeview, Oregon 97630
(541) 947-4407 Fax (541) 947-2321
www.andersonengineering.com

April 25, 2023

Jeremy Wadkins, Deputy State Fire Marshal
Office of the State Fire Marshal

jeremy.wadkins@osp.oregon.gov

RE: Desert Horizons Multi-Family Housing Development, Lakeview, OR

Dear Jeremy;

Anderson Engineering & Surveying, Inc. measured the hydrant flows at the north and south ends of U Street. The main line size is 8 inch. The flows were measured at the 2 ½ inch outlet on the hydrants.

The results are as follows:

South U and 3rd Street (south hydrant)

Static pressure - 84 pounds per square inch (psi)

Pressure under flow - 52 psi

Calculated flow – **1,222** gallons per minute (GPM)

South U and 2nd Street (north hydrant)

Static pressure - 84 psi

Pressure under flow - 57 psi

Calculated flow - **1280** GPM

My calculations include a 90%, or 0.9 factor to allow for the nape of the flow coming out of the 2 ½ inch outlet at high velocity. This is a conservative flow value.

Higher flow is available with a larger outlet. A 4 inch outlet (the size of our water service to the building to service the sprinkler system) such as the 4 inch pumper fitting will provide higher flow. 1,500 GPM is available through a 4 inch outlet from the 8 inch main at a 40 psi discharge pressure, with a 47 psi residual pressure in the main line, well above the required 20 psi.

Table B105.1(2) of the Oregon Fire Code requires a flow of 2,750 GPM for the development's total floor area (3,520 square feet (s.f.) per floor = 10,560 s.f.). This is for a Type V-B construction. This value may be cut in half when a sprinkler system is installed. The building will be sprinklered with a Section 13R sprinkler system. Therefore, 1,325 GPM is required by the fire code.

We feel the proposed development meets the requirement based on the water main in place that can provide 1,500 GPM.

Please contact me if you have any questions.

Sincerely,

Darryl Anderson, PE, PLS



EXPIRES DEC. 31, 2023

Applicant's
Original Submittals

~March 31, 2023

Town of Lakeview Land Division Application

☐ \$125 - Partition plus postage and publication costs ☐ \$175 + \$20/lot - Subdivision plus postage & publication costs

Applicant Name BB Development, LLC. Phone 541-882-5370

Address PO Box 493 Klamath Falls OR 97601
City State Zip Code

Landowner Name John Cogar Phone 541-417-1143

Address PO Box 549 Lakeview OR 97630
City State Zip Code

PROPERTY DESCRIPTION

General Location South 3rd Street and South U Street

Legal Description Township 39 South, Range 20 East, Section 16, Lots 1-24, Block 93, Oregon Valley

Land Company's First Addition Attached Gross Land Area 1.86

Assessor's Map and Tax Lot Number 392016-AC-00100 Attached X

Existing Land Use vacant Existing Zone Residential - MultiFamily Subdistrict

Proposed Land Use MultiFamily Housing

DESCRIPTION OF PROPOSED PARTITION

Number of lots 2 Lineal Feet of New Streets

Dimensions of Proposed Lots Lot 1-40,558 s.f. / 0.93 ac ; Lot 2-40,516 s.f. / 0.93 ac

Name, address and telephone number of each person or firm providing professional services and information to the subdivider

Land Surveyor Anderson Engineering & Surveying, Inc. Phone 541-947-4407

Address PO Box 28 Lakeview OR 97630
City State Zip Code

Engineer Phone

Address
City State Zip Code

Attorney Phone

Address
City State Zip Code

Agent Phone

Address
City State Zip Code

OTHER REQUIRED INFORMATION

☒ Preliminary Plat

☒ Burden of Proof Statement

☒ Impact Study


☒ List of Property Owners with Addresses within 100 feet (as shown in Assessor's Records)

SIGNATURES

I declare that I am the applicant/owner of record and have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, they are true and correct.

Applicant 

03/21/2023

Owner 

Date

Print Name John R. Cogar

Print Name MATT BOGATAY

Applicant

Date

Owner

Print Name

Print Name

PLANNING DEPARTMENT USE ONLY

☐ Fee Paid Received by File Number Sign

BB Development, LLC – Replat Application Burden of Proof Statement

APPLICANT: BB Development, LLC
PO Box 493
Klamath Falls, OR 97601
541-882-5370 / mbogatay@bci.us

LAND OWNER: John Cogar
PO Box 549
Lakeview, OR 97630
541-417-1143 / johnnymyboy@hotmail.com

SURVEYOR: Darryl Anderson, P.E., P.L.S.
Anderson Engineering & Surveying, Inc.
P.O. Box 28
Lakeview, OR 97630
541-947-4407 / darryla@andersonengineering.com

REQUEST: Applicant is requesting approval of a replat of lots 1-24 of Block 93, Oregon Valley Land Company's First Addition. The purpose of the replat is to adjust the lot dimensions to create two lots, each approximately 0.93 acres.

LOCATION: Township 39 South, Range 20 East, Section 16 AC, Tax Lot 100

APPROVAL CRITERIA

A. General Approval Criteria:

1. The proposed preliminary plat complies with all of the applicable Development Code sections including Chapter 4.3: Land Division and the applicable sections of Chapter 2.0 and Chapter 3.0 as shown below.

Chapter 4.3: Land Division

The proposed partition complies with all applicable requirements of Section 4.3: Land Divisions. The final partition plat will comply with all applicable requirements of ORS Chapter 92, Subdivisions and Partitions.

Lots 1-24 of Block 93 are currently zoned Residential Multi-Family Subdistrict. This portion of Block 93 is currently vacant. The purpose of the replat is to reconfigure the original OVL lots to create two lots that will be used for multi-family housing development.

The lots were created as part of a legal subdivision, Oregon Valley Land Company's First Addition, and have never been vacated. The Lake County Planning Commission approved a zone change from Residential to Residential Multi-Family Sub-District in 2022.

Chapter 2.0: Land Use Districts

Chapter 2.1: Residential District

2.1.110 Permitted Land Uses

This is a permitted land use within the Residential Multi-Family Sub-District.

2.1.120 Building Setbacks

Lots are sufficiently large to accommodate multi-family development and maintain required setbacks. Building setback requirements will be addressed in Site Design Review application.

2.1.130 Lot Area and Dimensions

The revised lots will be approximately 40,500 square feet each (135 feet by 300 feet) which will be adequate for multi-family housing development.

2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes

Not Applicable

2.1.150 Residential Density

Future development will meet residential density requirements. This will be addressed during Site Design Review.

2.1.160 Maximum Lot Coverage

Future development will meet maximum lot coverage standards. This will be addressed during Site Design Review.

2.1.170 Building Height

Future development will meet building height requirements. This will be addressed during Site Design Review.

2.1.180 Building Orientation

Future development will meet building orientation requirements. This will be addressed during Site Design Review.

2.1.190 Design Standards

Future development will meet design standards. This will be addressed during Site Design Review.

2.1.200 Special Standards for Certain Uses

Not applicable.

2.1.300 Residential Sub-Districts

This property is zoned Multi-Family Sub-District and all future development will meet the requirements of that Sub-District.

2.1.400 Neighborhood Commercial Sub-District

Not applicable.

2.1.500 Residential Multi-Family Sub-District

C. Multi-Family Housing Development Standards

1. Common Open Space: Future developments will include the required 20% of usable common open space. This will be addressed during Site Design Review.
2. Private Open Space: Future development will meet private open space requirements. This will be addressed during Site Design Review.
3. Exemptions: Not applicable.
4. Trash Receptacles: Future developments will orient trash receptacles away from adjacent residences and provide screening. This will be addressed during Site Design Review.

2.1.600 Manufactured Dwelling Park Sub District

Not applicable.

2. This is a replat of a legal subdivision so there is no proposed plat name and no conflict with other approved subdivisions. The partition complies with all provisions of ORS Chapter 92.
3. There will be some improvements made to South U Street, including sidewalks. All sidewalks and utilities will conform to Town of Lakeview standards. Details will be provided with the Site Design Review application.
4. Common areas for future development will be addressed during Site Design Review.
5. No state or federal permits are required for the replat.

B. Housing Density

The lots are located in an approved subdivision that meets the housing density requirements.

C. Block and Lot Standards

1. The proposed replat will reconfigure the lots to create two lots that are suitable for multifamily housing development.

2. The future development will meet setback requirements.
3. The lots are located in an approved subdivision and meet access and circulation standards.
4. Landscaping is not required to maintain privacy for abutting uses.
5. Not applicable – lots are located adjacent to a public right-of-way and adequate fire apparatus access is available.
6. Not applicable – lots have access to a public street and are not served by a common drive.

BB Development, LLC – Replat Application Impact Study

Chapter 4.1: Applications and Review Procedures

4.1.500 Type III Procedure (Quasi-Judicial)

B. Application Requirements, e. Impact Study

Transportation System

Access to the lots is provided by South U Street which connects to South 3rd Street.

Proposed Traffic Improvements

Improvements will be made to South U Street including sidewalks and curbs. All improvements will meet Town of Lakeview standards.

Drainage System

New storm sewer line will connect to the existing Town of Lakeview storm sewer on South 3rd Street to provide drainage for Lot 1. Lot 2 drainage will be provided by a new storm sewer line that will connect to an existing ditch at the northeast corner of the lot.

Water System

Water service for Lot 1 will be provided by new connections to the existing 8" water main on South U Street. Water service for Lot 2 will be provided by an existing 2" water line located on Lot 2.

Sewer System

Sewer service for Lot 1 will be provided by a new connection to the existing sewer line on South U Street. Lot 2 has an existing sewer line that will be used for this lot. The Town system has adequate capacity to provide sewer service for the proposed multifamily development.

Noise Impact

There will be no noise impact from this replat.

Lighting/Glare Impact

Future multi-family development will include exterior building lighting and parking area lighting, but it will be comparable to other residential lighting in the area and will not adversely impact the surrounding area.

Parks System

The replat will have no impact on the Town's parks system.

PROPOSED RE-PLAT

LOTS 1-23 BLOCK 93
OREGON VALLEY LAND COMPANY'S FIRST ADDITION
SECTION 16, TOWNSHIP 39 SOUTH, RANGE 20 EAST, W.M.
LAKEVIEW, OREGON

EXISTING CONFIGURATION

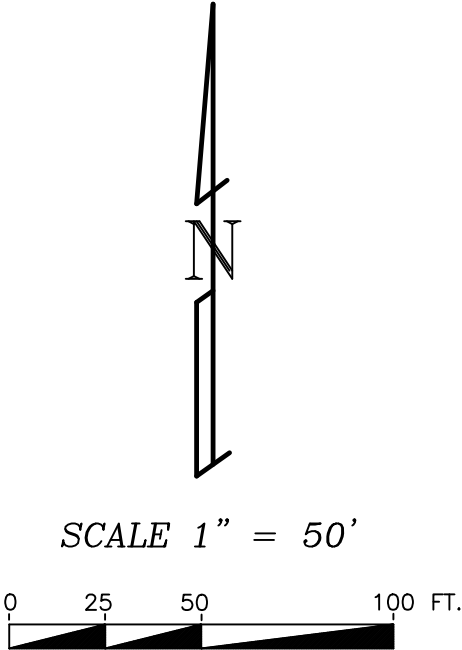


- LEGEND
- FOUND MONUMENT AS NOTED
 - SET 5/8" X 30" IRON ROD WITH YPC STAMPED "AES INC"
 - ⊙ CALCULATED POINT - NO MONUMENT FOUND OR SET
 - FND - FOUND
 - YPC - YELLOW PLASTIC CAP
 - () (1) - RECORD DATA AS PER PLAT OF OREGON VALLEY LAND COMPANY'S FIRST ADDITION
 - () (2) - RECORD DATA AS PER R.S. 5380
 - () (3) - RECORD DATA AS PER R.S. 5388
 - () (4) - RECORD DATA AS PER R.S. 5834

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO RE-PLAT LOTS 1 THROUGH 24 OF BLOCK 93 OF THE OREGON VALLEY LAND COMPANY'S FIRST ADDITION TO LAKEVIEW, OWNED BY JOHN COGAR, BEING A PORTION OF TAXLOT 39S20E16-AC-00100, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 39 SOUTH, RANGE 20 EAST, WILLAMETTE MERIDIAN, LAKE COUNTY, OREGON. CORNERS WERE LOCATED AND ESTABLISHED AS NOTED.

THE BASIS OF BEARINGS FOR THIS PLAT IS PER STATE PLANE COORDINATES, OREGON SOUTH ZONE 3602. THE SURVEY WAS COMPLETED USING RTK GPS USING A TRIMBLE R10 SYSTEM.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

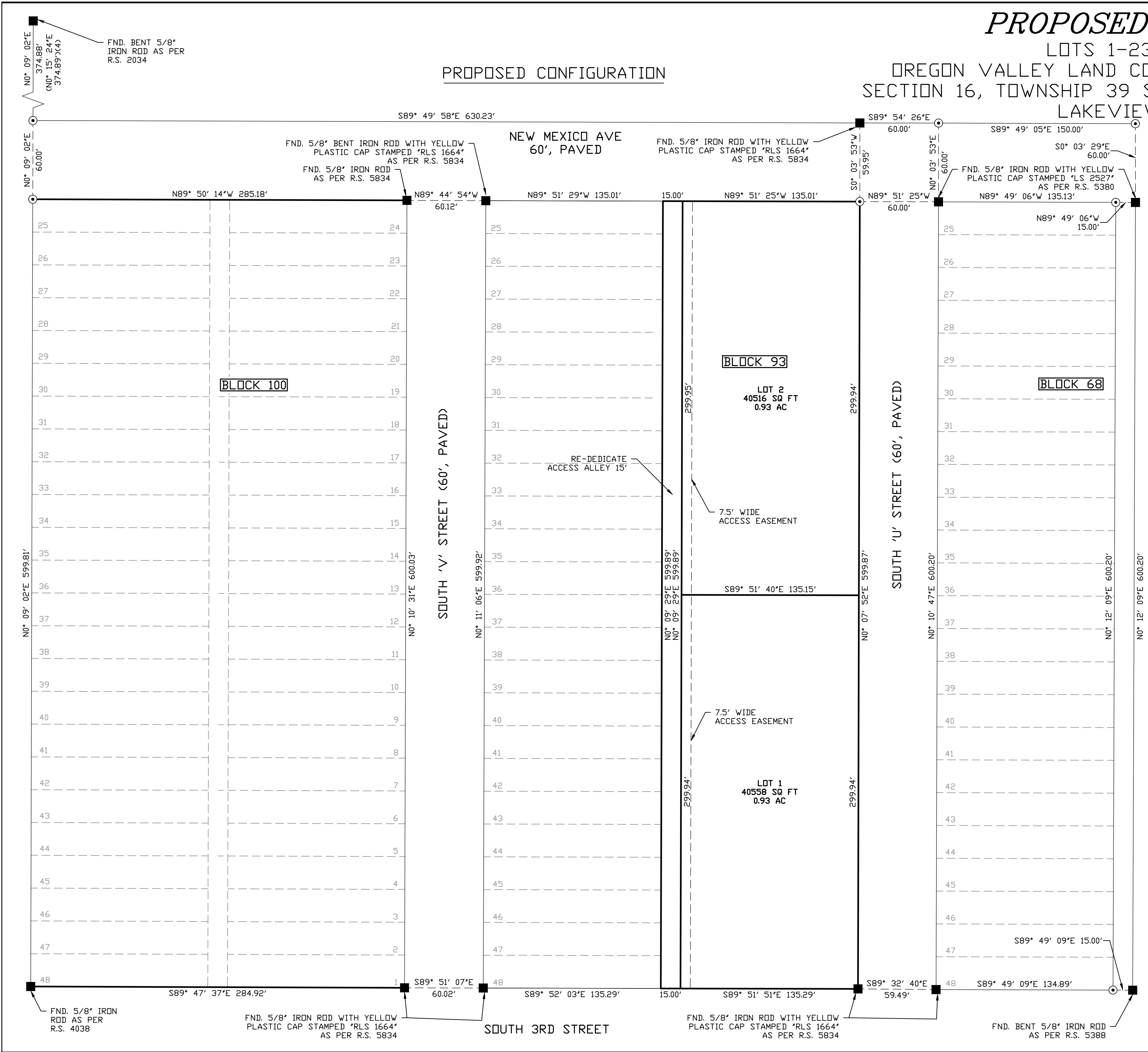
OREGON
FEB. 4, 1983
DARRYL J. ANDERSON
2034
RENEWAL 12/31/23
REVISED: 12/22/2022

PREPARED FOR: BOGATAY CONSTRUCTION 4223 VENTURE COURT KLAMATH FALLS, OREGON 97601 (541) 331-0009	
PREPARED BY: ANDERSON ENGINEERING & SURVEYING, INC. P.O. BOX 28 LAKEVIEW, OREGON 97630 (541) 947-4407 / FAX 947-2321 WWW.ANDERSONENGINEERING.COM	
DATE: 12/22/2022	DWG. FILE: 2022-132
JOB NO.: 2022-132	SHEET 1 OF 2

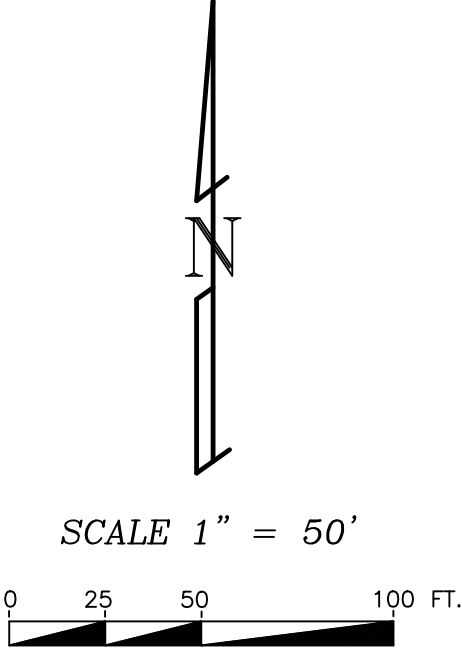
PROPOSED RE-PLAT

LOTS 1-23 BLOCK 93
OREGON VALLEY LAND COMPANY'S FIRST ADDITION
SECTION 16, TOWNSHIP 39 SOUTH, RANGE 20 EAST, W.M.
LAKEVIEW, OREGON

PROPOSED CONFIGURATION



- LEGEND
- FOUND MONUMENT AS NOTED
 - SET 5/8" X 30" IRON ROD WITH YPC STAMPED "AES INC"
 - ⊙ CALCULATED POINT - NO MONUMENT FOUND OR SET
- FND - FOUND
YPC - YELLOW PLASTIC CAP



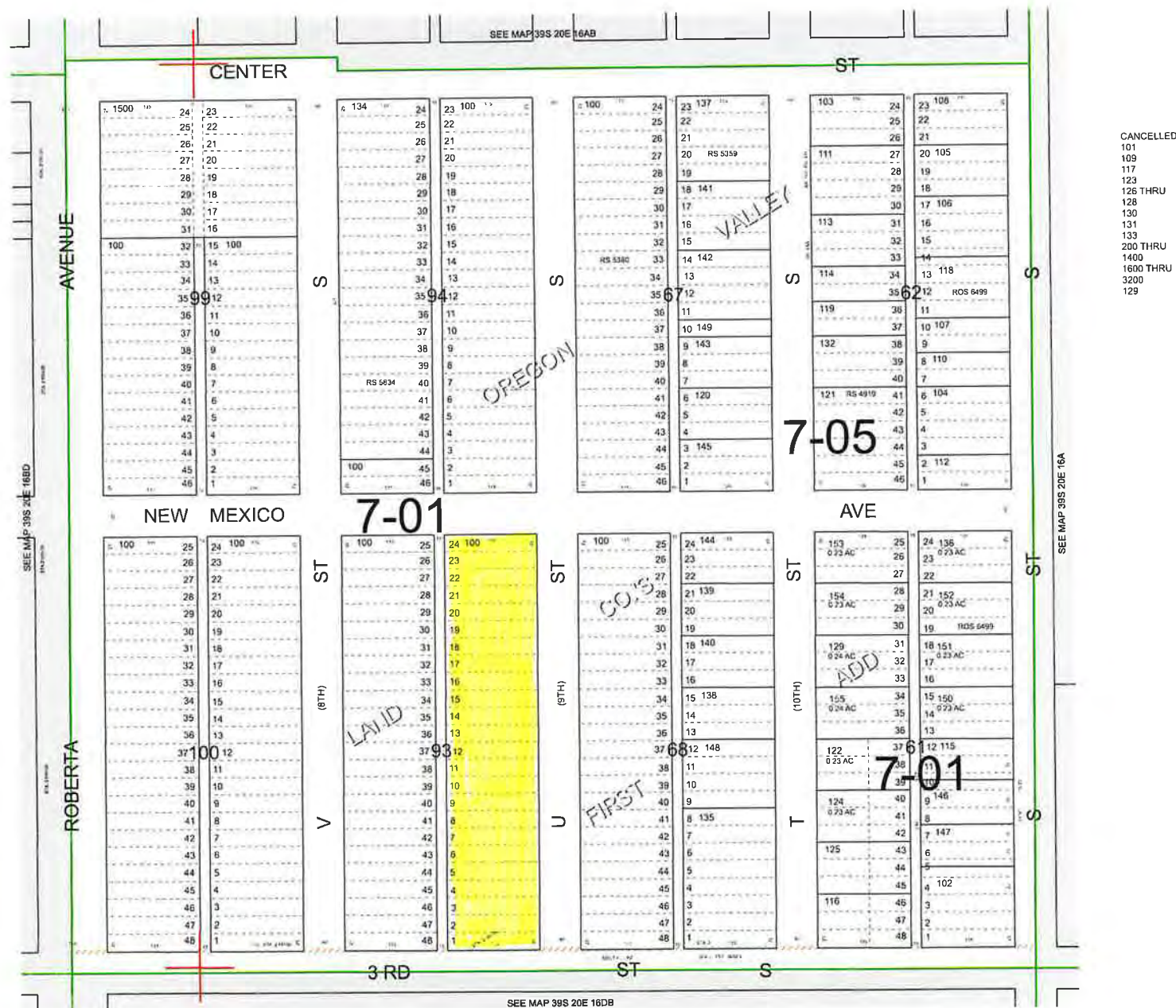
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEB. 4, 1983
DARRYL J. ANDERSON
2034
RENEWAL 12/31/23

REVISED: 12/22/2022

PREPARED FOR: BOGATAY CONSTRUCTION 4223 VENTURE COURT KLAMATH FALLS, OREGON 97601 (541) 331-0009	
PREPARED BY: ANDERSON ENGINEERING & SURVEYING, INC. P.O. BOX 28 LAKEVIEW, OREGON 97630 (541) 947-4407 / FAX 947-2321 WWW.ANDERSONENGINEERING.COM	
DATE: 12/22/2022	DWG. FILE: 2022-132
JOB NO.: 2022-132	SHEET 2 OF 2

PHYLLISY - 2020-04-15 10:17



**BB Development, LLC – Replat Application
Adjacent Landowners**

Map	Tax Lot	Owner
39 20 16DB	100	Town of Lakeview 525 North 1 st Street Lakeview, OR 97630
39 2016AC	135	Kevin & Linda Pardue 610 South I Street Lakeview, OR 97630
39 20 16AC	148	Gary & Shawna Taylor 212 South T Street Lakeview, OR 97630
39 20 16AC	138	Gilbert Andrews 804 SE Rancho Lane Madras, OR 97741
39 20 16AC	140	Teresa Black 28215 Hogback Road Plush, OR 97637
39 20 16AC	139	Jeanine & Daniel Fleury 204 South T Street Lakeview, OR 97630
39 20 16AC	144	Vincent & Lana Maganzini 202 South T Street Lakeview, OR 97630
39 20 16AC	145	Marvin Moulton Family Trust 916 Center Street Lakeview, OR 97630
39 20 16AC	120	Dennis & Clidean Sheridan PO Box 844 Lakeview, OR 97630
39 20 16AC	143	Victoria Nickelson 106 S T Street Lakeview, OR 97630

Map	Tax Lot	Owner
39 20 16AC	142 & 149	Dennis & Pamela Amsbaugh PO Box 768 Lakeview, OR 97630
39 20 16AC	141	John Pradmore 80 South T Street Lakeview, OR 97630
39 20 16AC	137	Rick & Sheila Strubel 68 South T Street Lakeview, OR 97630
39 20 16AC	1500	Pacific Power & Light Co 700 NE Multnomah Ste 700 Portland, OR 97232
39 20 16BD	100	Lake County 513 Center Street Lakeview, OR 97630
39 20 16BD	200	AD Kreusch c/o Bernard Kreusch Jr 2287 W Gold Dust Lane Highlands Ranch, CO 80129
39 20 16CA	101	Forrest Bradley 811 South 12 th Street Lakeview, OR 97630

Town of Lakeview
SITE DESIGN REVIEW APPLICATION

Note: a pre-application conference is required.

Phone 541-882-5370

97601

zip code

Phone 541-417-1143

97630

zip code

PROJECT DESCRIPTION	
---------------------	--

Property Location: (address, intersection of cross streets, general area) South 3rd Street and South U Street

Legal Description: Township 39 South, Range 20 East, Section 16, Lots 1-24, Block 93, OVL 1st Addition Attached: X

Assessor's Map and Tax Lot Number: 392016-AC 100 Existing Zone: Residential - Multi-Family Subdistrict

Total Land Area: 1.86 acres Present Land Use: Vacant Land

PROJECT DESCRIPTION	
----------------------------	--

Describe Project: The proposed project is construction of two multi-family developments. Desert Horizon Apartments will be a three story apartment building with 17 units and Freedom Square Apartments will have 5 duplex structures.

☒ New Construction ☐ Remodel ☐ Addition (Sq. Ft.) ☐ Other ☐ Fire Sprinkled Y ☒ N ☐

Sprinkler Type 13 ☐ 13R ☒

Sq. Ft. of Bldg: Before Add: n/a After Add: 10,055 Bldg Height: 35' max No. of Stories: 3

Parking Spaces Required: 34.5 Provided: 38 Construction Type: ☐ Metal ☒ Wood ☐ Other _____

Occupancy Type ☐ Retail ☐ Wholesale ☐ Industrial ☐ Office ☒ Other - Residential

PROFESSIONAL SERVICES					
01	Professional Services	01	Professional Services	01	Professional Services
02	Architectural Services	02	Architectural Services	02	Architectural Services
03	Engineering Services	03	Engineering Services	03	Engineering Services
04	Surveying Services	04	Surveying Services	04	Surveying Services
05	Planning Services	05	Planning Services	05	Planning Services
06	Environmental Services	06	Environmental Services	06	Environmental Services
07	Construction Management Services	07	Construction Management Services	07	Construction Management Services
08	Cost Estimating Services	08	Cost Estimating Services	08	Cost Estimating Services
09	Financial Services	09	Financial Services	09	Financial Services
10	Legal Services	10	Legal Services	10	Legal Services
11	Public Relations Services	11	Public Relations Services	11	Public Relations Services
12	Technical Services	12	Technical Services	12	Technical Services
13	Training Services	13	Training Services	13	Training Services
14	Writing Services	14	Writing Services	14	Writing Services
15	Other Professional Services	15	Other Professional Services	15	Other Professional Services

Architect/Designer/Engineer Oregon Architecture, Inc. / Pinnacle Architecture Phone 541-772-4372 / 541-388-9897

Address 132 W. Main Street, Suite 101 / 960 SW Disk Dr., Suite 101 Medford/ Bend OR 97501 / 97702

Address	City	State	Zip Code
Anderson Engineering & Surveying, Inc.			
		Phone: 511.947.4407	

Address PO Box 28 Lakeview OR 97630

Zip Code

OTHER REQUIRED INFORMATION

☒ Assessor's Map ☒ Impact Study ☒ Signature of Property Owner ☒ Site Analysis Map

☒ Map or Site Plan drawn to legible scale ☒ Current Deed W/Legal description ☐ Filing Fee

☒ Building Elevations/Floor Plan (1 set) ☐ Fireflow analysis ☐ Traffic Impact Study as required by Chapter 4.10

☒ Grading Plan ☐ Sign Drawings ☒ Architectural Drawings ☒ Burden of Proof Statement (see criteria)☒ List of Property Owners W/addresses within 100 Ft. (as shown in Assessor's Records) ☒ Landscape Plan

SIGNATURES

Applicant W. J. J. J. J. 03/27/2023 Owner M. R. J. J.

Applicant: MATTHEW BOGATAY Date: 01/20/2015
Print Name: John A. Bogatay

Applicant _____ Owner _____

Print Name _____ Date _____

PLANNING DEPARTMENT USE ONLY

☐ Fee Paid Received by _____ File Number _____ Sign _____

Applicant: Incomplete applications will not be accepted. Please complete checklist.

BB Development, LLC – Site Design Review Application
Burden of Proof Statement

APPLICANT: BB Development, LLC
PO Box 493
Klamath Falls, OR 97601
541-882-5370 / mbogatay@bci.us

LAND OWNER: John Cogar
PO Box 549
Lakeview, OR 97630
541-417-1143 / johnnymyboy@hotmail.com

ENGINEER: Darryl Anderson, P.E., P.L.S.
Anderson Engineering & Surveying, Inc.
P.O. Box 28
Lakeview, OR 97630
541-947-4407 / darryla@andersonengineering.com

ARCHITECT: Oregon Architecture, Inc. (Freedom Square Apartments)
132 W. Main Street, Suite 101
Medford, OR 97501
541-772-4372

Pinnacle Architecture (Desert Horizons Apartments)
960 SW Disk Dr., Suite 101
Medford, OR 97501
541-388-9897

REQUEST: Applicant is requesting approval for construction of a multi-family housing development on property located near South 3rd Street and South U Street. The development will consist of two complexes. Desert Horizons Apartments is a three-story apartment building located on Lot 1 of the property. Freedom Square Apartments will be located on Lot 2 and of the property and will consist of five duplex structures.

LOCATION: Lots 1-24 of Block 93, Oregon Valley Land Company's Township 39 South, Range 20 East, Section 16 AC, Tax Lot 100, Lots 1-24 of Block 93, Oregon Valley Land Company's First Addition.

ZONING: The property is zoned Residential, Multi-Family Sub-District.

DEVELOPMENT CODE PROVISIONS:

Chapter 2.0 Land Use Districts

Chapter 2.1: Residential District (R)

- 2.1.110 Permitted Land Uses
- 2.1.120 Building Setbacks
- 2.1.130 Lot Area and Dimensions
- 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes
- 2.1.150 Residential Density
- 2.1.160 Maximum Lot Coverage
- 2.1.170 Building Height
- 2.1.180 Building Orientation
- 2.1.190 Design Standards
- 2.1.200 Special Standards for Certain Uses
- 2.1.300 Residential Sub-Districts
- 2.1.400 Neighborhood Commercial (NC)
- 2.1.500 Multi-Family (MF)
- 2.1.600 Manufactured Dwelling Park (MDP)

Chapter 3.0 Design Standard Administration

Chapter 3.1 Access and Circulation

- 3.1.200 Vehicular Access and Circulation
- 3.1.300 Pedestrian Access and Circulation

Chapter 3.2 Landscaping, Street Trees, Fences and Walls

- 3.2.200 Landscape Conservation
- 3.2.300 New Landscaping

Chapter 3.3 Vehicle and Bicycle Parking

- 3.3.300 Vehicle Parking Standards
- 3.3.400 Bicycle Parking Standards

Chapter 3.4 Public Facilities Standards

- 3.4.100 Transportation Improvements
- 3.4.200 Public Use Areas
- 3.4.300 Sanitary Sewer and Water Service Improvements
- 3.4.400 Storm Drainage
- 3.4.500 Utilities
- 3.4.600 Easements
- 3.4.700 Construction Plan Approval and Assurance

Chapter 3.6 Other Design Standards

- 3.6.500 Signs

Chapter 3.7 Sensitive Lands

- 3.7.100 Flood Plains
- 3.7.200 Significant Resource Overlay
- 3.7.300 Restricted Groundwater Use Overlay
- 3.7.400 Wetland Protection Areas
- 3.7.500 Riparian Corridors

Chapter 2.0: Land Use Districts

Chapter 2.1: Residential District

2.1.110 Permitted Land Uses

This development is a permitted land use within the Residential Multi-Family Sub-District.

2.1.120 Building Setbacks

Lots are sufficiently large to accommodate multi-family development and all proposed structures maintain required setbacks. Setback dimensions are shown on the attached Site Plan. For Desert Horizons, the front setback is 10 feet, side setbacks are 17.49 feet and 19.96 feet, and the rear yard setback is 77.26 feet. These meet development code requirements. For Freedom Square, the front setback is 15.51 feet, side yard setbacks are 42.2 feet and 39.6 feet, and the rear yard setback is 16.13 feet. These meet development code requirements. There are multiple buildings proposed for the Freedom Square development on Lot 2, the minimum distance between buildings is 10 feet.

2.1.130 Lot Area and Dimensions

Lot 1 is 40,558 square feet, or 0.93 acres, with approximate dimensions of 300 feet by 135 feet. The proposed Desert Horizons development is a three-story apartment building with a total of 17 units. The minimum lot area for a development of this size is 23,000 square feet. The proposed development meets this criterion.

Lot 2 is 40,516 square feet, or 0.93 acres, with approximate dimensions of 300 feet by 135 feet. The Freedom Square development on this lot consists of five duplex structures with a total of 10 units. The minimum lot area for a development of this size is 19,000 square feet. The proposed development meets this criterion.

2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes

Not Applicable

2.1.150 Residential Density

Residential density requirements for the Multi-Family Sub-District are a minimum of 10 units per net acre and a maximum of 24 units per net acre. Both lots are approximately one acre in size. Lot 1 will have 17 units and Lot 2 will have 10 units. Proposed development on both lots meets the residential density requirements for the Multi-Family District.

2.1.160 Maximum Lot Coverage

Maximum lot coverage for multi-family developments is 60%. Lot 1 has total coverage by buildings and impervious surfaces of 37.8% (8.7% buildings and 29.1% impervious surfaces). Lot 2 has total coverage by buildings and impervious surfaces of 43.7% (16.1% buildings and 27.6% impervious surfaces). Proposed developments are within maximum lot coverage requirements.

2.1.170 Building Height

Maximum building height for the Multi-Family Sub-District is 35 feet or three stories, whichever is greater. Desert Horizons will have a maximum building height of 35.5 feet and will be three stories. This is in compliance with building height standards.

Maximum building height for Freedom Square will be 16 feet. This is in compliance with building height standards.

2.1.180 Building Orientation

Building orientation is shown on the attached site plan. For Desert Horizons, individual apartments will be accessed directly on the west side of the building. A parking area and sidewalks will be provided. Freedom Square duplex structures will be oriented toward the center of the lot, as shown on the Site Plan.

2.1.190 Design Standards

Both the Freedom Square and Desert Horizons developments meet the design standards. The buildings will incorporate design standards including offsets, projections, and balconies. Preliminary floor plans and building elevations are attached.

2.1.200 Special Standards for Certain Uses

Not applicable.

2.1.300 Residential Sub-Districts

This property is zoned Multi-Family Sub-District and will comply with the requirements of that sub-district.

2.1.400 Neighborhood Commercial Sub-District

Not applicable.

2.1.500 Residential Multi-Family Sub-District

C. Multi-Family Housing Development Standards

1. Common Open Space: 38.1% of Lot 1 is undisturbed area and 24.1% is landscaping. Lot 2 has 12.9% undisturbed area and 43.4% landscaping. A large area of open space is available between the two development areas.

2. Private Open Space: Ground floor units in Desert Horizons will have rear patio areas. Upper-floor units will have balconies. Please see attached proposed building elevations. Freedom Square contains single story duplex units which have rear patio areas.

3. Exemptions: Not applicable.

4. Trash Receptacles: Trash receptacles are oriented away from adjacent residences and are screened as shown on the attached Site Plan.

2.1.600 Manufactured Dwelling Park Sub District

Not applicable.

Chapter 3.0: Design Standard Administration

Chapter 3.1: Access and Circulation

3.1.200 Vehicular Access and Circulation

Vehicular access for Desert Horizon Apartments will be provided by a 24' approach from South U Street as shown on the Site Plan. Vehicular access for Freedom Square Apartments will be provided by two 24' approaches from South U Street. Access driveways meet the minimum clearance to other driveways and access points. The driveways meet the minimum width requirement, can accommodate emergency vehicles, and provide good visibility and clearance for all vehicles.

The proposed development will increase traffic by less than 300 trips per day, and a traffic impact study is not required.

3.1.300 Pedestrian Access and Circulation

Pedestrian access to both Desert Horizons and Freedom Square will be provided by new sidewalk that will be constructed along South U Street and connect to sidewalks on the lots as shown on the Site Plan.

Chapter 3.2: Landscaping, Street Trees, Fences and Walls

3.2.200 Landscape Conservation

There is no existing vegetation on either Lot 1 or Lot 2. This area was previously prepared for use as an RV park and has been graded and graveled.

3.2.300 New Landscaping

The Desert Horizons development will include new landscaping on 24.1% of the site. Freedom Square will have new landscaping covering 43.4% of the site. Landscaping details are shown on the attached Landscape Plan.

Chapter 3.3: Vehicle and Bicycle Parking

3.3.300 Vehicle Parking Standards

The Desert Horizons development requires 19.5 parking spaces per Development Code standards. 20 parking spaces will be provided as shown on the Site Plan (14 on site and 6 on street). The Freedom Square development requires 15 spaces and 18 will be provided (11 on site and 7 on street). All off-street parking will conform to Town of Lakeview standards.

3.3.400 Bicycle Parking Standards

Sheltered bicycle parking is provided for Desert Horizons as shown on the attached Site Plan. Bicycle parking is provided at each unit of the Freedom Square development as shown on the Site Plan.

Chapter 3.4: Public Facilities Standards

3.4.100 Transportation Improvements

Access to the developments will be provided by South U Street, which is an existing, paved street. Proposed improvements include sidewalks, curbs, and driveway approaches along the west side of the street. All improvements will conform to Town of Lakeview standards.

3.4.200 Public Use Areas

Not Applicable – no public use areas

3.4.300 Sanitary Sewer and Water Service Improvements

Water service for the Desert Horizons development will be provided by a new connection to the existing 8" water main on South U Street as shown on the Site Plan. Water service for Freedom Square will be provided by an existing 2" water line located on Lot 2, as shown on the Site Plan. Domestic water needs for both Desert Horizons and Freedom Square are estimated at a maximum of 9,000 gallons per day. The Desert Horizons apartment building will have a fire sprinkler system as per Oregon Fire Code regulations with a 4" service. Fire flow needs will be from 750 – 1,000 gallons per minute. Area hydrants are already in place for fire suppression. The Town of Lakeview water system has adequate capacity to meet the water needs for both developments.

Sewer service for Desert Horizons will be provided by a new connection to the existing sewer line of South U Street, as shown on the Site Plan. Sewer service for Freedom Square will be provided by an existing sewer line already in place on Lot 2. Sewer flow requirements are estimated at 6.25 gallons per minute. The Town of Lakeview sewer system has adequate capacity to meet the sewer needs of the developments.

3.4.400 Storm Drainage

New storm sewer line will connect to the existing Town of Lakeview storm sewer on South 3rd Street to provide drainage for the Desert Horizons development. Freedom Square drainage will be provided by a new storm sewer line that will connect to an existing ditch at the northeast corner of the lot. Drainage lines are shown on the Site Plan.

3.4.500 Utilities

Overhead power is available along South 3rd Street and electrical service is already available on the site. All power on site will be buried. Phone and internet are available in the area and lines will be buried.

3.4.600 Easements

A 7.5' easement is proposed on the west edge of Lots 1 and 2 as shown on the Site Plan. This is for possible expansion of the alley in the future as per land owner's request.

3.4.700 Construction Plan Approval and Assurances

Bogatay Construction will abide by all planning regulations concerning plan approval and assurances.

Chapter 3.6: Other Design Standards

3.6.500 Signs

Signage details will be submitted at a later date along with a Sign Permit Application.

Chapter 3.7: Sensitive Lands

3.7.100 Flood Plains

The site is shown on Map 410115 2005 B and the project area is in Zone AE: Special flood hazard areas inundated by 100-year flood, base flood elevations determined. All base grading and construction will be set above the base flood elevation.

3.7.200 Significant Resource Overlay

Not Applicable – project is not in a significant resource overlay area.

3.7.300 Restricted Groundwater Use Overlay

Not Applicable – project is not in a restricted groundwater use overlay area.

3.7.400 Wetland Protection Areas

Not Applicable – not wetlands in project area.

3.7.500 Riparian Corridors

Not Applicable – project is not in a riparian corridor.

BB Development, LLC – Site Design Review Application Impact Study

Chapter 4.1: Applications and Review Procedures

4.1.500 Type III Procedure (Quasi-Judicial)

B. Application Requirements, e. Impact Study

Transportation System

Access to the lots is provided by South U Street which connects to South 3rd Street. South U Street is currently paved and additional improvements (widening of street, curbs, sidewalks) will be completed.

Proposed Traffic Improvements

Improvements will be made to South U Street including sidewalks and curbs. All improvements will meet Town of Lakeview standards. Proposed improvements are shown on the attached Site Plan.

Drainage System

New storm sewer line will connect to the existing Town of Lakeview storm sewer on South 3rd Street to provide drainage for Desert Horizons. Freedom Square drainage will be provided by a new storm sewer line that will connect to an existing ditch at the northeast corner of the lot. Drainage lines are shown on the Site Plan.

Water System

Water service for Desert Horizons will be provided by new connections to the existing 8" water main on South U Street. Water service for Freedom Square will be provided by an existing 2" water line located on Lot 2. Water needs are estimated at 9,000 gallons per day with fire flow needs of 750-1,000 gallons per minute. The Town of Lakeview water system has adequate capacity to meet this need and the development will have minimal impact on the system.

Sewer System

Sewer service for Desert Horizons will be provided by a new connection to the existing sewer line on South U Street. Freedom Square will utilize an existing sewer line that is already in place on Lot 2. The Town system has adequate capacity to provide sewer service for the proposed development.

Noise Impact

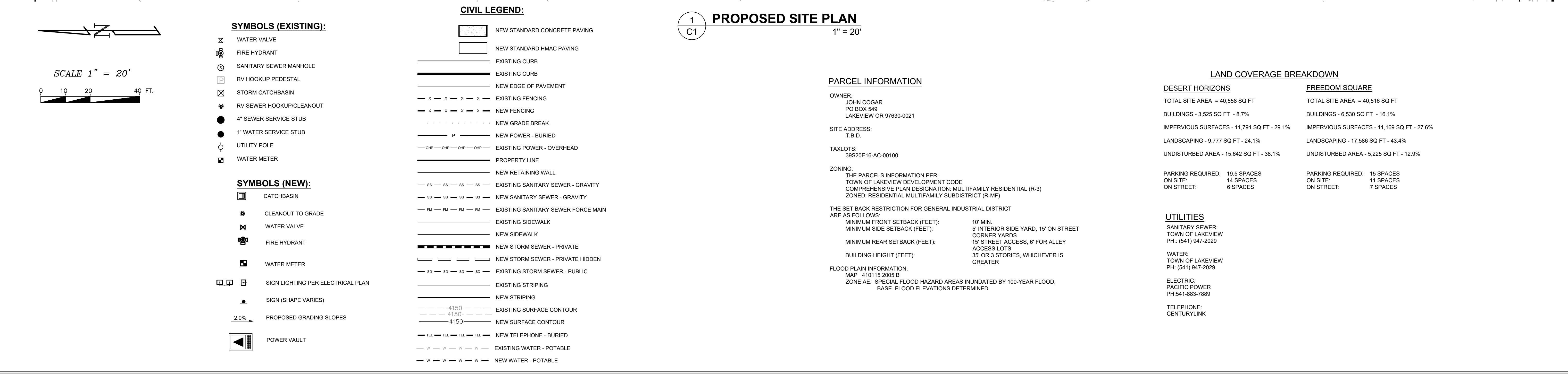
There will be normal construction noise during construction of the facilities. Standard work hours will be observed. The development will not generate more noise than other residential development in the area and will not negatively impact noise levels in the area once construction is complete.

Lighting/Glare Impact

The developments will include exterior building lighting and parking area lighting, but it will be comparable to other residential lighting in the area and will not adversely impact the surrounding area.

Parks System

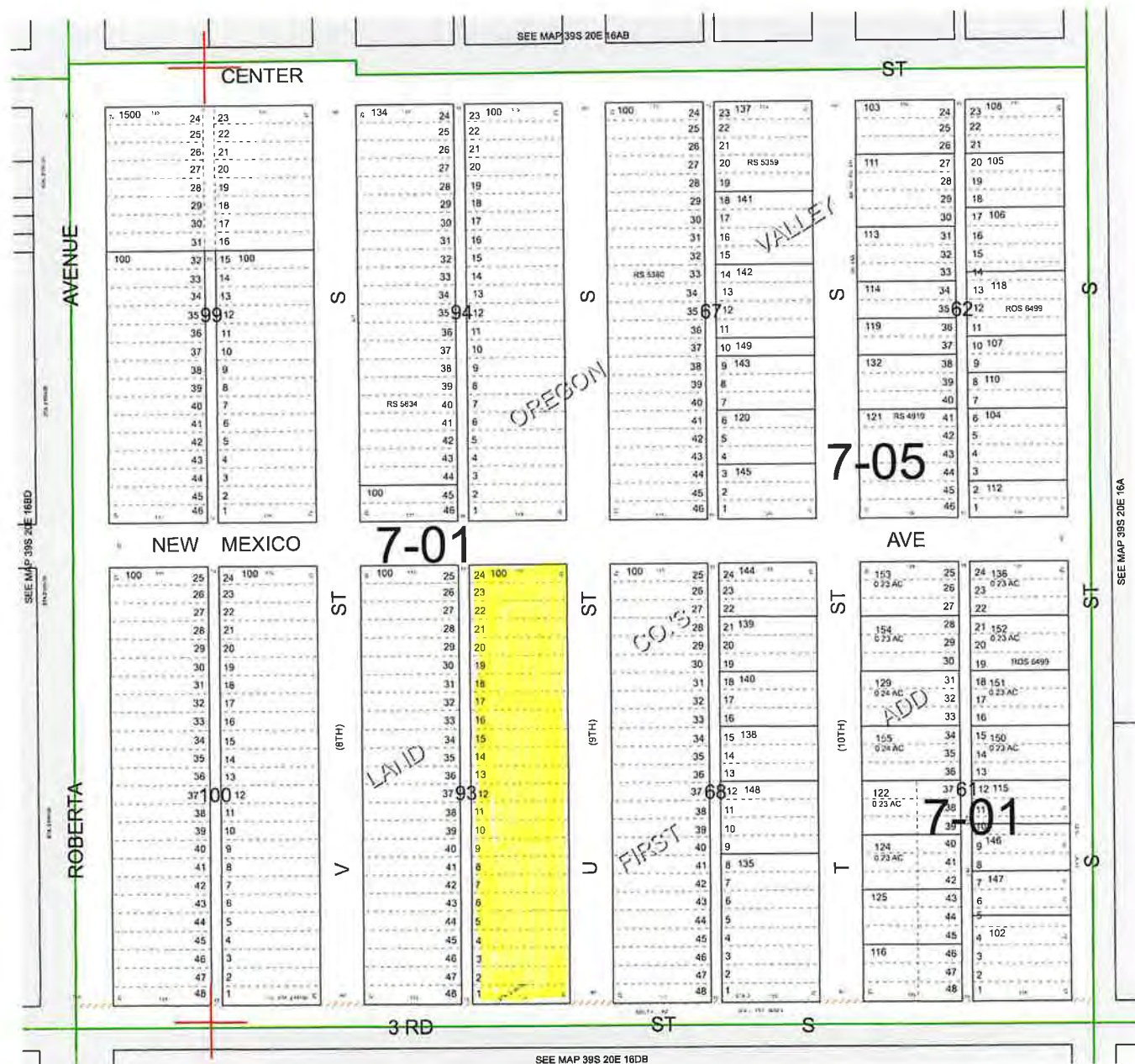
The development will have no impact on the Town's parks system.



DATE:	3/08/2023
SCALE:	1"=20'
DWG. BY:	R.C.
FILE:	2022-132
JOB NO.:	2022-132
SHEET	C1

PLANNING SET

PHYLLISY - 2020-04-15 10:17



CANCELLED
101
109
117
123
126 THRU
128
130
131
133
200 THRU
1400
1600 THRU
3200
129

BB Development, LLC – Site Design Review Application
Adjacent Landowners

Map	Tax Lot	Owner
39 20 16DB	100	Town of Lakeview 525 North 1 st Street Lakeview, OR 97630
39 2016AC	135	Kevin & Linda Pardue 610 South I Street Lakeview, OR 97630
39 20 16AC	148	Gary & Shawna Taylor 212 South T Street Lakeview, OR 97630
39 20 16AC	138	Gilbert Andrews 804 SE Rancho Lane Madras, OR 97741
39 20 16AC	140	Teresa Black 28215 Hogback Road Plush, OR
39 20 16AC	139	Jeanine & Daniel Fleury 204 South T Street Lakeview, OR 97630
39 20 16AC	144	Vincent & Lana Maganzini 202 South T Street Lakeview, OR 97630
39 20 16AC	145	Marvin Moulton Family Trust 916 Center Street Lakeview, OR 97630
39 20 16AC	120	Dennis & Clidean Sheridan PO Box 844 Lakeview, OR 97630
39 20 16AC	143	Victoria Nickelson 106 S T Street Lakeview, OR 97630

Map	Tax Lot	Owner
39 20 16AC	142 & 149	Dennis & Pamela Amsbaugh PO Box 768 Lakeview, OR 97630
39 20 16AC	141	John Pradmore 80 South T Street Lakeview, OR 97630
39 20 16AC	137	Rick & Sheila Strubel 68 South T Street Lakeview, OR 97630
39 20 16AC	1500	Pacific Power & Light Co 700 NE Multnomah Ste 700 Portland, OR 97232
39 20 16BD	100	Lake County 513 Center Street Lakeview, OR 97630
39 20 16BD	200	AD Kreusch c/o Bernard Kreusch Jr 2287 W Gold Dust Lane Highlands Ranch, CO 80129
39 20 16CA	101	Forrest Bradley 811 South 12 th Street Lakeview, OR 97630

After Recording Return to:
Hopkins Mortgage Fund c/o
Hopkins Loan Services
910 E. Carol Street
Meridian, ID 83646

Please Send Tax Statements to:
John R. Cogar c/o
Hopkins Loan Services
910 E. Carol Street
Meridian, ID 83646

LAKE COUNTY, OREGON	2019-001768
M-TDEED	09/10/2019 01:27:00 PM
Cnt=1 Pgs=7	
\$35.00 \$11.00 \$10.00 \$60.00	\$116.00
I, Stacie Geaney, County Clerk for Lake County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Stacie Geaney - County Clerk	



TRUST DEED

THIS TRUST DEED is made as of the 10th day of September 2019, by John R. Cogar, an unmarried man, whose address is PO Box 549, Lakeview, 97630, ("Grantor"), to AmeriTitle, 300 Klamath Ave, Klamath Falls, OR 97601 ("Trustee"), for the benefit of Hopkins Mortgage Fund, LLC, an Idaho Limited Liability Company "as trustee for the benefit on a parity for all Series "A" Debenture Holders", whose address is PO Box 670, Meridian, ID, ("Beneficiary").

WHEREAS, Beneficiary has made a loan to Grantor in the sum of THREE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$350,000.00), which loan is to be evidenced by a Promissory Note of even date herewith. The loan, if not sooner paid, is due and payable in full on 09/09/2024 (The Promissory Note, as it may be modified, extended, or replaced from time to time, is referred to herein as the "Note"). and

WHEREAS, as a condition to the making of the loan to Grantor, Beneficiary has required, and Grantor has agreed to provide, this Trust Deed.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, and for the purpose of securing the Obligations described in Section 1.01 below, Grantor hereby irrevocably grants, bargains, sells, conveys, assigns, and transfers to Trustee in trust for the benefit and security of Beneficiary, with power of sale, all of Grantor's right, title, and interest in and to the real property located in Lake County, State of Oregon, and more particularly described in Exhibit A attached hereto and incorporated herein, together with (1) all dwellings and other improvements now or hereafter located thereon, (2) all easements, tenements, hereditaments, and appurtenances relating thereto, (3) all awards for any taking of all or any portion thereof, and (4) all insurance proceeds for any damage thereto (collectively, the "Trust Property").

TO HAVE AND TO HOLD the Trust Property to Trustee and its successors and assigns for the benefit of Beneficiary and its successors and assigns, forever.

PROVIDED ALWAYS, that if all the Obligations shall be paid, performed, and satisfied in full, then the lien and estate hereby granted shall be reconveyed.

This Trust Deed, the Note, and all other agreements executed at any time in connection therewith, as they may be amended or supplemented from time to time, are sometimes collectively referred to as the "Loan Documents."

TO PROTECT THE SECURITY OF THIS TRUST DEED, GRANTOR COVENANTS AND AGREES AS FOLLOWS:

ARTICLE I
Particular Covenants and Warranties or Grantor

1.01 Obligations Secured. This Trust Deed secures the payment of all indebtedness, including but not limited to principal and interest, and the performance of all covenants and obligations of Grantor, under the Note, this Trust Deed, and the other Loan Documents, whether such payment and performance is now due or becomes due in the future (collectively, the "Obligations").

This Trust Deed also secures the payment and performance of any and all other indebtedness and obligations of Grantor to Beneficiary, present and future, of any nature whatsoever, whether direct or indirect, primary or secondary, joint or several, liquidated or unliquidated, whenever and however arising, and whether or not reflected in a written agreement or instrument.

1.02 Payment and Performance. Grantor shall pay and perform all of the Obligations when due.

1.03 Property. Grantor warrants that it holds good and merchantable title to the Trust Property, free and clear of all liens, encumbrances, reservations, restrictions, easements, and adverse claims except those specifically listed in Exhibit A attached hereto. Grantor covenants that it shall forever defend Beneficiary's and Trustee's rights hereunder and the priority of this Trust Deed against the adverse claims and demands of all persons.

1.04 Further Assurances. Grantor shall execute, acknowledge, and deliver, from time to time, such further instruments as Beneficiary or Trustee may require to accomplish the purposes of this Trust Deed.

1.05 Compliance with Laws. Grantor represents, warrants, and covenants that the Trust Property is currently in material compliance with, and will at all times be maintained in material compliance with, all applicable laws, and all covenants, conditions, easements, and restrictions affecting the Trust Property.

1.06 Environmental Compliance

- (1) For purposes of this section, "Environmental Law" means any federal, state, or local law or regulation now or hereafter at any time pertaining to Hazardous Substances or environmental conditions. For purposes of this section, "Hazardous Substance" includes, without limitation, any substance that is or becomes classified as hazardous, dangerous, or toxic under any federal, state, or local law or regulation.
- (2) Grantor will not use, generate, store, release, discharge, or dispose of on, under, or about the Trust Property or the groundwater thereof any Hazardous Substance and will not permit any other person to do so, except for storage and use of such Hazardous Substances (and in such quantities) as may commonly be used for household purposes, provided such substances are stored and used in compliance with all Environmental Laws. Grantor will keep and maintain the Trust Property in compliance with all Environmental Laws.
- (3) Beneficiary shall have the right to participate in any legal proceeding initiated with respect to the Trust Property in connection with any Environmental Law and have its attorney fees paid by Grantor. If, at any time, Beneficiary has reason to believe that any violation of this Section 1.06 has occurred or is threatened, Beneficiary may require Grantor to obtain or may itself obtain, at Grantor's expense, an environmental assessment by a qualified environmental consultant. Grantor shall promptly provide to Beneficiary a complete copy of any environmental assessment obtained by Grantor.
- (4) If any investigation, monitoring, containment, cleanup, or other remedial work of any kind is required on the Trust Property under any applicable Environmental Law or by any governmental agency or person in connection with a release of a Hazardous Substance, Grantor shall promptly complete all such work at Grantor's expense.
- (5) All representations, warranties, and covenants in this Section 1.06 shall survive the satisfaction of the Obligations, the reconveyance of the Trust Property, or the foreclosure of this Trust Deed.

1.07 Maintenance and Improvements. Grantor shall not permit the Trust Property or any part thereof to be removed, demolished, or materially altered without Beneficiary's prior written consent. Grantor shall maintain the Trust Property, and every portion thereof, in good repair and condition, except for reasonable wear and tear, and shall at Beneficiary's election restore, replace, or rebuild the Trust Property or any part thereof now or hereafter damaged or destroyed by any casualty (whether or not insured against or insurable) or affected by any Condemnation (as defined in Section 2.01). Grantor shall not commit or suffer any waste or strip of the Trust Property.

1.08 Liens. Grantor shall pay when due all claims for labor and materials that, if unpaid, might become a lien on the Trust Property. Grantor shall not create or suffer any lien, security interest, or encumbrance on the Trust Property that may be prior to, or on a party with, the lien of this Trust Deed, except as specifically provided in Exhibit B attached hereto.

1.09 Impositions. Grantor shall pay when due all taxes, assessments, fees, and other governmental and nongovernmental charges of every nature now or hereafter assessed against any part of the Trust Property or on the lien or estate of Beneficiary or Trustee therein (collectively, the "Impositions"); provided, however, that if by law any such Imposition may be paid in installments, Grantor may pay the same in installments, together with accrued interest on the unpaid balance thereof, as they become due. Grantor shall furnish to Beneficiary promptly upon request satisfactory evidence of the payment of all Impositions. Beneficiary is hereby authorized to request and receive from the responsible governmental and nongovernmental personnel written statements with respect to the accrual and payment of all Impositions.

1.10 Limitations of Use. Grantor shall not initiate or consent to any rezoning of the Trust Property or any change in any covenant or other public or private restrictions limiting or defining the uses that may be made of the Trust Property without the prior written consent of Beneficiary.

1.11 Insurance

- (1) Property and Other Insurance. Grantor shall obtain and maintain during the term of this Trust Deed all risk property insurance (including flood insurance unless waived by Beneficiary) in an amount not less than the full remaining principal balance of the Note or, if greater, in the amount of the full replacement cost of the Trust Property, without reduction for co-insurance.
- (2) Insurance Companies and Policies. All insurance shall be written by a company or companies reasonably acceptable to Beneficiary; shall contain a long form mortgagee endorsement in favor of Beneficiary with proceeds under any policy payable to Beneficiary, subject to the terms of this Trust Deed; shall require 10 days' prior written notice to Beneficiary of cancellation or reduction in coverage; and shall contain a waiver of subrogation. Grantor shall furnish to Beneficiary on request a certificate evidencing the coverage required under this Trust Deed and a copy of each policy.

WARNING

- (3) Beneficiary's Right to Insure.

UNLESS GRANTOR PROVIDES BENEFICIARY WITH EVIDENCE OF THE INSURANCE COVERAGE AS REQUIRED BY THIS TRUST DEED, BENEFICIARY MAY PURCHASE INSURANCE AT GRANTOR'S EXPENSE TO PROTECT BENEFICIARY'S

INTEREST. THIS INSURANCE MAY, BUT NEED NOT, ALSO PROTECT GRANTOR'S INTEREST. IF THE PROPERTY CONVEYED BY THIS AGREEMENT BECOMES DAMAGED, THE COVERAGE BENEFICIARY PURCHASES MAY NOT PAY ANY CLAIM GRANTOR MAKES OR ANY CLAIM MADE AGAINST GRANTOR. GRANTOR MAY LATER CANCEL THIS COVERAGE BY PROVIDING EVIDENCE THAT GRANTOR HAS OBTAINED PROPERTY COVERAGE ELSEWHERE. GRANTOR IS RESPONSIBLE FOR THE COST OF ANY INSURANCE PURCHASED BY BENEFICIARY. THE COST OF THIS INSURANCE MAY BE ADDED TO THE NOTE BALANCE IF THE COST IS ADDED TO THE NOTE BALANCE, THE INTEREST RATE ON THE UNDERLYING NOTE WILL APPLY TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF COVERAGE MAY BE THE DATE GRANTOR'S PRIOR COVERAGE LAPSED OR THE DATE GRANTOR FAILED TO PROVIDE PROOF OF COVERAGE.

THE COVERAGE BENEFICIARY PURCHASES MAY BE CONSIDERABLY MORE EXPENSIVE THAN INSURANCE GRANTOR CAN OBTAIN ON GRANTOR'S OWN AND MAY NOT SATISFY ANY NEED FOR PROPERTY DAMAGE COVERAGE OR ANY MANDATORY LIABILITY INSURANCE REQUIREMENTS IMPOSED BY APPLICABLE LAW.

1.12 Casualty/Loss Restoration

- (1) After the occurrence of any casualty to the Trust Property, whether or not covered by insurance, Grantor shall give prompt written notice thereof to Beneficiary. Beneficiary may make proof of loss if it is not made promptly and to Beneficiary's satisfaction by Grantor.
- (2) All insurance proceeds with respect to the Trust Property shall be payable to Beneficiary. At Beneficiary's discretion, insurance proceeds may be applied to the Obligations or may be released to Grantor, on such terms and conditions as Beneficiary elects, for restoration of the Trust Property.

1.13 Actions to Protect Trust Property; Reserves

- (1) If Grantor shall fail to pay, perform, or observe any of its covenants hereunder, Beneficiary may, but shall not be required to, take such actions as it deems appropriate to remedy such failure. All sums, including reasonable attorney fees, so expended, or expended to maintain the lien or estate of this Trust Deed or its priority, or to protect or enforce any of Beneficiary's rights hereunder, shall be a lien on the Trust Property, shall be secured by this Trust Deed, and shall be paid by Grantor on demand, together with interest thereon at the rate provided in the Note. No payment or other action by Beneficiary under this section shall impair any other right or remedy available to Beneficiary or constitute a waiver of any Event of Default.
- (2) If Grantor fails to promptly perform any of its obligations under Section 1.09 or 1.11 of this Trust Deed, Beneficiary may require Grantor thereafter to pay and maintain with Beneficiary reserves for payment of such obligations. In that event, Grantor shall pay to Beneficiary each month a sum estimated by Beneficiary to be sufficient to produce, at least 20 days before due, an amount equal to the Impositions, insurance premiums, or both. If the sums so paid are insufficient to satisfy any Imposition or insurance premium when due, Grantor shall pay any deficiency to Beneficiary on demand. The reserves may be commingled with Beneficiary's other funds. Beneficiary shall credit to Grantor interest on such reserves at the minimum rate required from time to time by applicable law. Beneficiary shall not hold the reserves in trust for Grantor, and Beneficiary shall not be the agent of Grantor for payment of the taxes and assessments required to be paid by Grantor.

1.14 Estoppel Certificates. Grantor, within five days of request therefore, shall furnish Trustee and Beneficiary a written statement, duly acknowledged, of the amount of the Obligations secured by this Trust Deed and whether any offsets or defenses exist against the Obligations secured hereby. If Grantor shall fail to furnish such a statement within the time allowed, Beneficiary shall be authorized, as Grantor's attorney-in-fact, to execute and deliver such statement.

ARTICLE II. Condemnation

2.0 Should the Trust Property or any part thereof be taken or damaged by reason of any public improvement, eminent domain, condemnation proceeding, or in any other manner (a "Condemnation"), or should Grantor receive any notice or other information regarding such action, Grantor shall give immediate notice thereof to Beneficiary. Beneficiary shall be entitled to all compensation, awards, and other payments or relief therefore ("Condemnation Proceeds") up to the full amount of the Obligations, and may appear in any Condemnation proceeding in its own or Grantor's name and make any settlement in connection therewith. Beneficiary may, at its option, apply the Condemnation Proceeds to the Obligations or release the proceeds to Grantor, on such terms and conditions as Beneficiary elects, for restoration of the Trust Property.

ARTICLE III Leases and Rents

3.01 Assignment of Leases and Rents. Grantor assigns to Beneficiary all leases, rental contracts, and other agreements now or hereafter relating to the Trust Property or any portion thereof (the "Leases") and all rents and income derived therefrom (the "Rents"). Beneficiary shall have the right, but shall not be obligated, after the occurrence of an Event of Default, to notify any and all obligors under any of the Leases that the same have been assigned to Beneficiary; to discount, compromise, enforce, and collect the Leases and Rents; and to exercise any and all other rights and remedies of the lessor in connection with any of the Leases and Rents. Beneficiary shall have the right to use and apply any Rents received (1) for any costs and expenses incurred in connection with enforcing this assignment and collecting Rents; (2) for the

maintenance of the Trust Property; and (3) for reduction of the Obligations in such order as Beneficiary shall determine. Beneficiary hereby gives Grantor a revocable license to collect and receive the Rents. Such license may be revoked by Beneficiary, without notice to Grantor, upon the occurrence of any Event of Default under this Trust Deed. Grantor agrees not to collect any Rents more than 30 days in advance. This assignment shall not operate to place responsibility for the care, maintenance, or repair of the Trust Property upon Beneficiary.

3.02 **Attorney-in-Fact.** Grantor irrevocably constitutes and appoints Beneficiary as its true and lawful attorney-in-fact, with power of substitution, to exercise any and all of the rights, powers, and authorities described in this Article III and to endorse any instruments given in payment of any Rents.

ARTICLE IV Security Agreement and Fixture Filing

4.0 To secure the Obligations, Grantor hereby grants to Beneficiary a security interest in all fixtures located on the Trust Property. This Trust Deed shall constitute a security agreement and fixture filing under the Uniform Commercial Code statutes of the state of Oregon. The mailing address of Grantor and the address of Beneficiary from which information may be obtained are set forth in the introductory paragraph of this Trust Deed.

ARTICLE V Events of Default; Remedies

5.01 **Events of Default.** Each of the following shall constitute an Event of Default under this Trust Deed and under each of the other Loan Documents:

- (1) **Nonpayment.** Failure of Grantor to pay any of the Obligations on or within 15 days after the due date.
- (2) **Breach of Other Covenants.** Failure of Grantor to perform or abide by any other covenant included in the Obligations, including without limitation those covenants in the Note, in this Trust Deed, or in any other Loan Document.
- (3) **Misinformation.** Falsity when made in any material respect of any representation, warranty, or information furnished by Grantor or its agents to Beneficiary in connection with any of the Obligations.
- (4) **Other Default.** The occurrence of any other event of default under the Note, the Loan Documents, or any of the other Obligations.
- (5) **Other Indebtedness, Secondary Financing.** Grantor's default beyond applicable grace periods in the payment of any other indebtedness secured by all or any portion of the Trust Property.
- (6) **Bankruptcy.** The occurrence of any of the following with respect to Grantor, any guarantor of the Obligations, or the then owner of the Trust Property: (a) appointment of a receiver, liquidator, or trustee for any such party or any of its properties; (b) adjudication as a bankrupt or insolvent;
- (7) filing of any petition by or against any such party under any state or federal bankruptcy, reorganization, moratorium, or insolvency law; (d) inability to pay debts when due; or (e) any general assignment for the benefit of creditors.
- (8) **Transfer; Due-on-Sale.** Any sale, gift, conveyance, contract for conveyance, transfer, or assignment of the Trust Property, or any part thereof or any interest therein, either voluntarily, involuntarily, or by the operation of law (a "Transfer"), without Beneficiary's prior written consent. Any lease for a term in excess of three years, and any lease containing an option to purchase the Trust Property or any portion thereof, shall be a Transfer. The provisions of this subsection (7) shall apply to each and every Transfer, regardless of whether or not Beneficiary has consented or waived its rights in connection with any previous Transfer. Beneficiary may attach such conditions to its consent under this subsection (7) as Beneficiary may determine in its sole discretion, including without limitation an increase in the interest rate or the payment of transfer or assumption fees, and the payment of administrative and legal fees and costs incurred by Beneficiary.

5.02 **Remedies in Case of Default.** If an Event of Default shall occur, Beneficiary or Trustee, as the case may be, may exercise any one or more of the following rights and remedies, in addition to any other remedies that may be available by law, in equity, or otherwise:

- (1) **Acceleration.** Beneficiary may declare all or any portion of the Obligations immediately due and payable.
- (2) **Rents.** Beneficiary may revoke Grantor's right to collect the Rents, and may collect the Rents. Beneficiary shall not be deemed to be in possession of the Trust Property solely by reason of exercise of the rights contained in this subsection (2).
- (3) **Power of Sale.** Beneficiary may direct Trustee, and Trustee shall be empowered, to foreclose the Trust Property by advertisement and sale under applicable law.
- (4) **Foreclosure.** Beneficiary may judicially foreclose this Trust Deed and obtain a judgment foreclosing Grantor's interest in all or any part of the Trust Property.

- (5) Fixtures and Personal Property. With respect to any fixtures or other property subject to a security interest in favor of Beneficiary, Beneficiary may exercise any and all of the rights and remedies of a secured party under the Uniform Commercial Code.

5.03 Sale. In any sale under this Trust Deed or pursuant to any judgment, the Trust Property, to the extent permitted by law, may be sold as an entirety or in one or more parcels and in such order as Beneficiary may elect. The purchaser at any such sale shall take title to the Trust Property or the part thereof so sold, free and clear of the estate of Grantor, the purchaser being hereby discharged from all liability to see to the application of the purchase money. Any person, including Beneficiary, may purchase at any such sale. Beneficiary is hereby irrevocably appointed Grantor's attorney-in-fact, with power of substitution, to make all appropriate transfers and deliveries of the Trust Property or any portions thereof so sold. Nevertheless, Grantor shall ratify and confirm any such sale or sales by executing and delivering to Beneficiary or to such purchaser or purchasers all such instruments requested by Beneficiary for such purpose. Except for as follows: NONE.

5.04 Cumulative Remedies. All remedies under this Trust Deed are cumulative. Any election to pursue one remedy shall not preclude the exercise of any other remedy. No delay or omission in exercising any right or remedy shall impair the full exercise of that or any other right or remedy or constitute a waiver of any Event of Default.

5.05 Application of Proceeds. All proceeds from the exercise of the rights and remedies under this Article V shall be applied (1) to costs of exercising such rights and remedies; (2) to the Obligations, in such order as Beneficiary shall determine in its sole discretion; and (3) the surplus, if any, shall be paid to the clerk of the court in the case of a judicial foreclosure proceeding, otherwise to the person or persons legally entitled thereto.

ARTICLE VI General Provisions

6.01 Time is of the Essence. Time is of the essence with respect to all covenants and obligations of Grantor under this Trust Deed

6.02 Reconveyance by Trustee. At any time on the request of Beneficiary, payment of Trustee's fees, if any, and presentation of this Trust Deed, without affecting the liability of any person for payment of the Obligations, Trustee may reconvey, without warranty, all or any part of the Trust Property. The grantee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals therein of any facts shall be conclusive proof of the truthfulness thereof.

6.03 Notice. Except as otherwise provided in this Trust Deed, all notices shall be in writing and may be delivered by hand, or mailed by first-class certified mail, return receipt requested, postage prepaid, and addressed to the appropriate party at its address set forth at the outset of this Trust Deed. Any party may change its address for such notices from time to time by notice to the other parties. Notices given by mail in accordance with this paragraph shall be deemed to have been given upon the date of mailing; notices given by hand shall be deemed to have been given when actually received.

6.04 Substitute Trustee. In the event of dissolution or resignation of Trustee, Beneficiary may substitute one or more trustees to execute the trust hereby created, and the new trustee(s) shall succeed to all the powers and duties of the prior trustee(s).

6.05 Trust Deed Binding on Successors and Assigns. This Trust Deed shall be binding on and inure to the benefit of the heirs, legatees, personal representatives, successors, and assigns of Grantor, Trustee, and Beneficiary.

6.06 Indemnity. Grantor shall, to the fullest extent allowed by law, hold Beneficiary and Trustee and, if either is a corporation or other legal entity, their respective directors, officers, employees, agents, and attorneys harmless from and indemnify them for any and all claims, demands, damages, liabilities, and expenses, including but not limited to attorney fees and court costs, arising out of or in connection with Trustee's or Beneficiary's interests and rights under this Trust Deed.

6.07 Expenses and Attorney Fees. Grantor shall pay all fees and expenses, taxes, assessments, and charges arising out of or in connection with the execution, delivery, and recording of this Trust Deed. If Beneficiary refers any of the Obligations to an attorney for collection or seeks legal advice following a default; if Beneficiary is the prevailing party in any litigation instituted in connection with any of the Obligations; or if Beneficiary or any other person initiates any judicial or nonjudicial action, suit, or proceeding in connection with any of the Obligations or the Trust Property (including but not limited to bankruptcy, eminent domain, or probate proceedings), and an attorney is employed by Beneficiary to appear in any such proceeding or seek relief from a judicial or statutory stay, or otherwise enforce Beneficiary's interests, then in any such event Grantor shall pay reasonable attorney fees, costs, and expenses incurred by Beneficiary in connection with the above mentioned events and any appeals. Such amounts shall be secured by this Trust Deed and, if not paid upon demand, shall bear interest at the rate specified in the Note.

6.08 Applicable Law. This Trust Deed shall be governed by the laws of the state of Oregon.

6.09 "Person" Defined. As used in this Trust Deed, the word "person" shall mean any natural person, partnership, trust, corporation, or other legal entity of any nature.

6.10 Severability. If any provision of this Trust Deed shall be held to be invalid, illegal, or unenforceable, the other provisions of this Trust Deed shall not be affected.

6.11 Entire Agreement. This Trust Deed contains the entire agreement of the parties with respect to the Trust Property. No prior agreement or promise made by any party to this Trust Deed that is not contained herein shall be binding or valid.

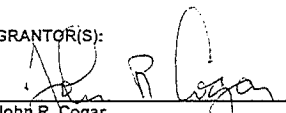
6.12 Joint and Several Liability. In the event this Trust Deed is executed by two or more persons as Grantor, all of such persons shall be liable, jointly and severally, for payment of all sums and performance of all other covenants in this Trust Deed.

6.13 Standard for Discretion. In the event this Trust Deed is silent on the standard for any consent, approval, determination, or similar discretionary action, the standard shall be sole and unfettered discretion as opposed to any standard of good faith, fairness, or reasonableness.

6.15 Additional Terms.

6.16 ORS 93.040 Warning. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

GRANTOR(S):


John R. Cogar

STATE OF OREGON) S.S.
County of Lake)

On this date, before me, the undersigned Notary Public for such State, personally appeared John R. Cogar, known to me to be the person(s) that executed the within instrument, and acknowledged to me that such Trust executed the same.

Witness my hand and seal on this 10th day of September, 2019



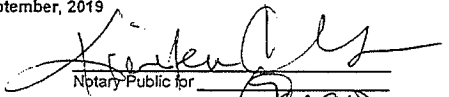

Notary Public for Oregon

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1 (RV Property):

Oregon Valley Land Company's First Addition to Lakeview, Lake County, Oregon:

Block 67, Lots 24-48

Block 68, Lots 25-42

Block 93, Lots 1-48

Block 94, Lots 1-23, 45 and 46

Block 99, Lots 1-15 and 32-46

Block 100, Lots 1-48

OV 1 B-67 L-24-48
B-68 L-25-42
B-93 L-1-48
B-94 L-1-23, 45, 46
B-99 L-1-15 + 32-46
B-100 L-1-48

Parcel 2 (Adjacent lots):

Oregon Valley Land Company's First Addition to Lakeview, Lake County, Oregon:

Block 66, Lots 29-48

Block 95: Lots 1-20 and 32-48

OV 1 B-66 L-29-48
B-95 L-1-20 + 32-48

Parcel 3 (Downtown property):

Beginning at a point on the North line of center Street, 109 feet and 9 inches West from the Southeast corner of Block "A" in the Town of Lakeview, Lake County, Oregon;

Thence running Westerly along the North line of Center Street, 106 feet 3 inches to the Southwest corner of said Block "A";

Thence running Northerly along the East line of Main Street, 135 feet;

Thence Easterly and parallel to the North line of Center Street, 107.5 feet;

Thence running Southerly and parallel with the East line of Main Street, 93 feet;

Thence running Easterly and parallel with the North line of Center Street, 1 foot;

Thence running Southerly and parallel with the East line of Main Street, 2 inches;

Thence running Westerly and parallel with the North line of Center Street, 2 feet and 3 inches;

Thence running Southerly with the West line of Water Street, 41 feet and 10 inches to the point of beginning.

Parcel 4 (Drews Property):

ORT B-A A-18

Unsurveyed Parcel 1 of Partition Plat 1999-P-162 located in the W1/2 of Section 5, Township 40 South, Range 18 East of the Willamette Meridian, Lake County Oregon.

Excepting therefrom: Beginning at the Southwest corner of Government Lot 4 in Section 5 of Township 40 South, Range 18 East of the Willamette Meridian in Lake County, Oregon; thence North 89°54'15" East along the South line of said Lot 4 a distance of 549.16 feet to the centerline of a road; thence along the center of said road North 45°26'28" West a distance of 170.99 feet; thence North 24°07'43" West a distance of 151.49 feet; thence North 34°56'00" West a distance of 625.13 feet to the West line of said Lot 4; thence leaving said road and running South 0°33'08" West along the West line of said Lot 4 a distance of 771.66 feet to the point of beginning.

PP 1999-162 L-1



DESERT HORIZONS

CLIENT:
DESERT HORIZONS LLC

PROJECT ADDRESS:
207 NORTH L STREET
LAKEVIEW, OR 97630

APPROVED FOR	DATE	BY
LAND-USE	1/30/2023	BJM

[illegible]

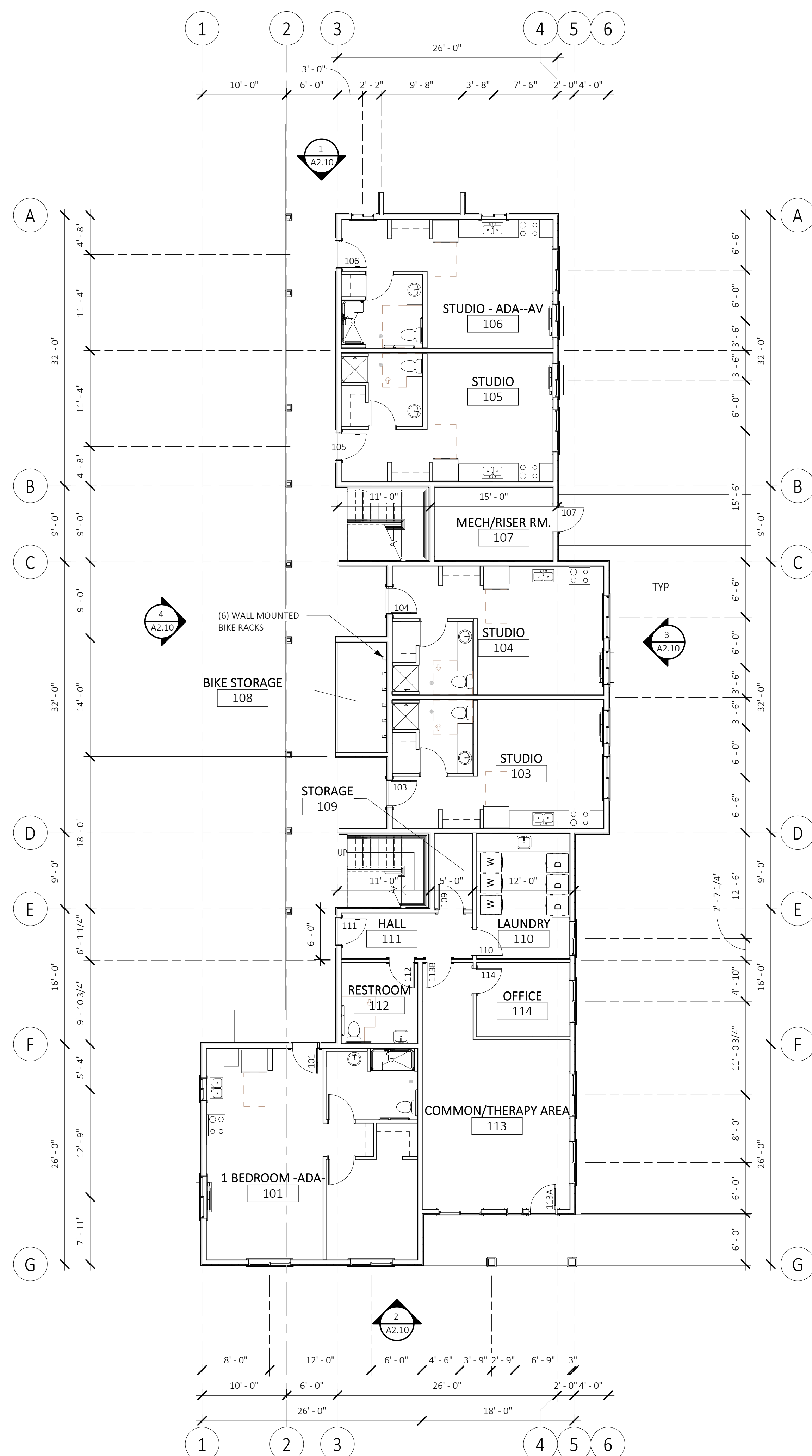
PROJECT NO: 2117.LPH
DRAWN BY: ZACK WILLIAMSON
CHECKED BY: VICTORIA TRANCA
© PINNACLE ARCHITECTURE, INC. 2023 ORIGINAL SHEET SIZE: 30"x42"

FLOOR PLAN - LEVEL 01 & 02

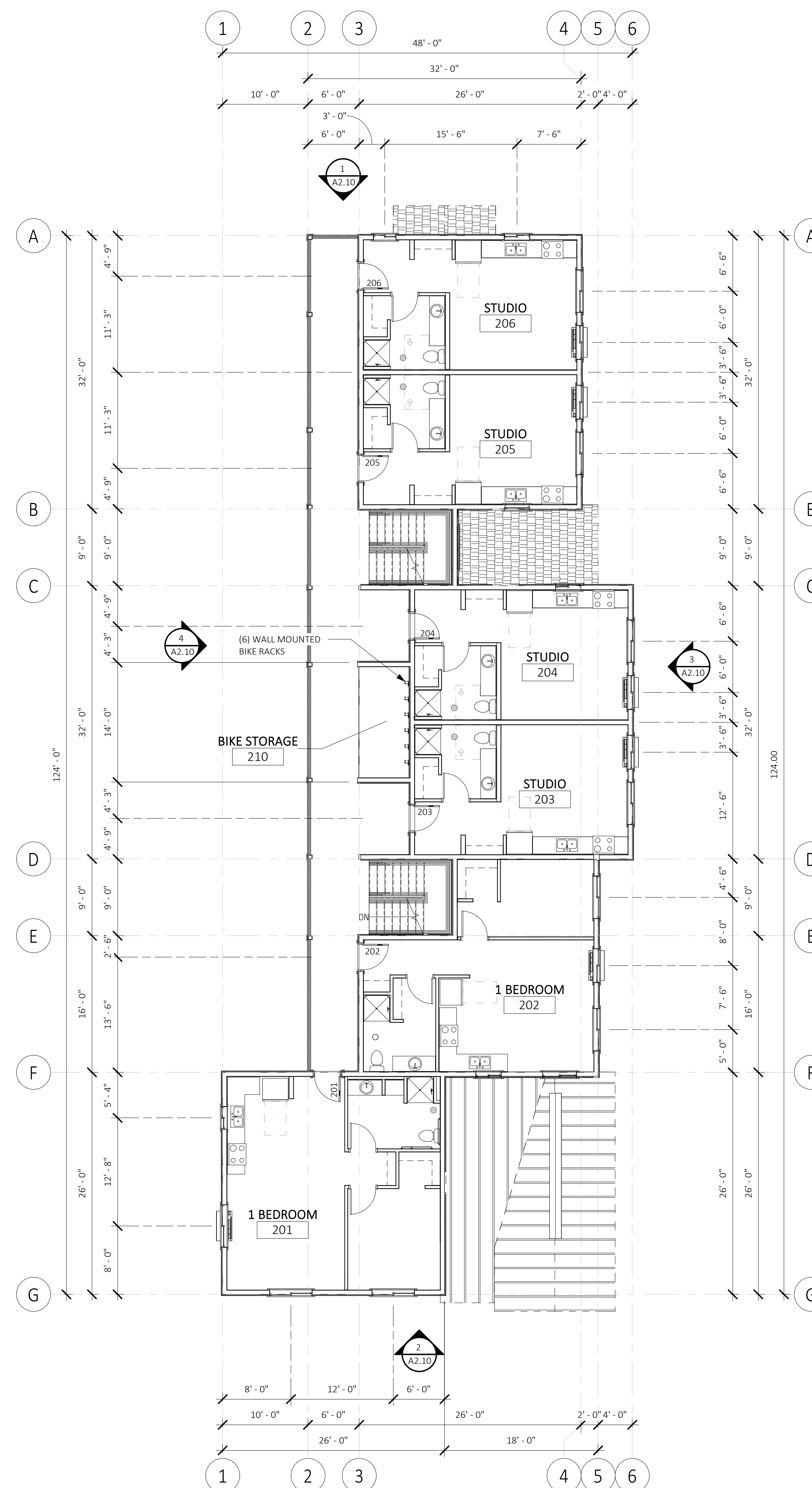
A1.10

1/27/2023 8:56:28 AM

Page 63 of 86



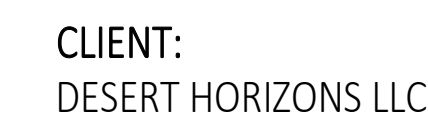
1 LEVEL_01 - FLOOR PLAN
1/8" = 1'-0"



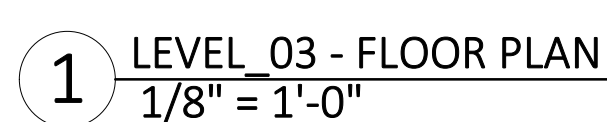
2 LEVEL_02 - FLOOR PLAN
1/8" = 1'-0"



NOT FOR CONSTRUCTION



PROJECT ADDRESS:
207 NORTH L STREET
LAKEVIEW, OR 97630

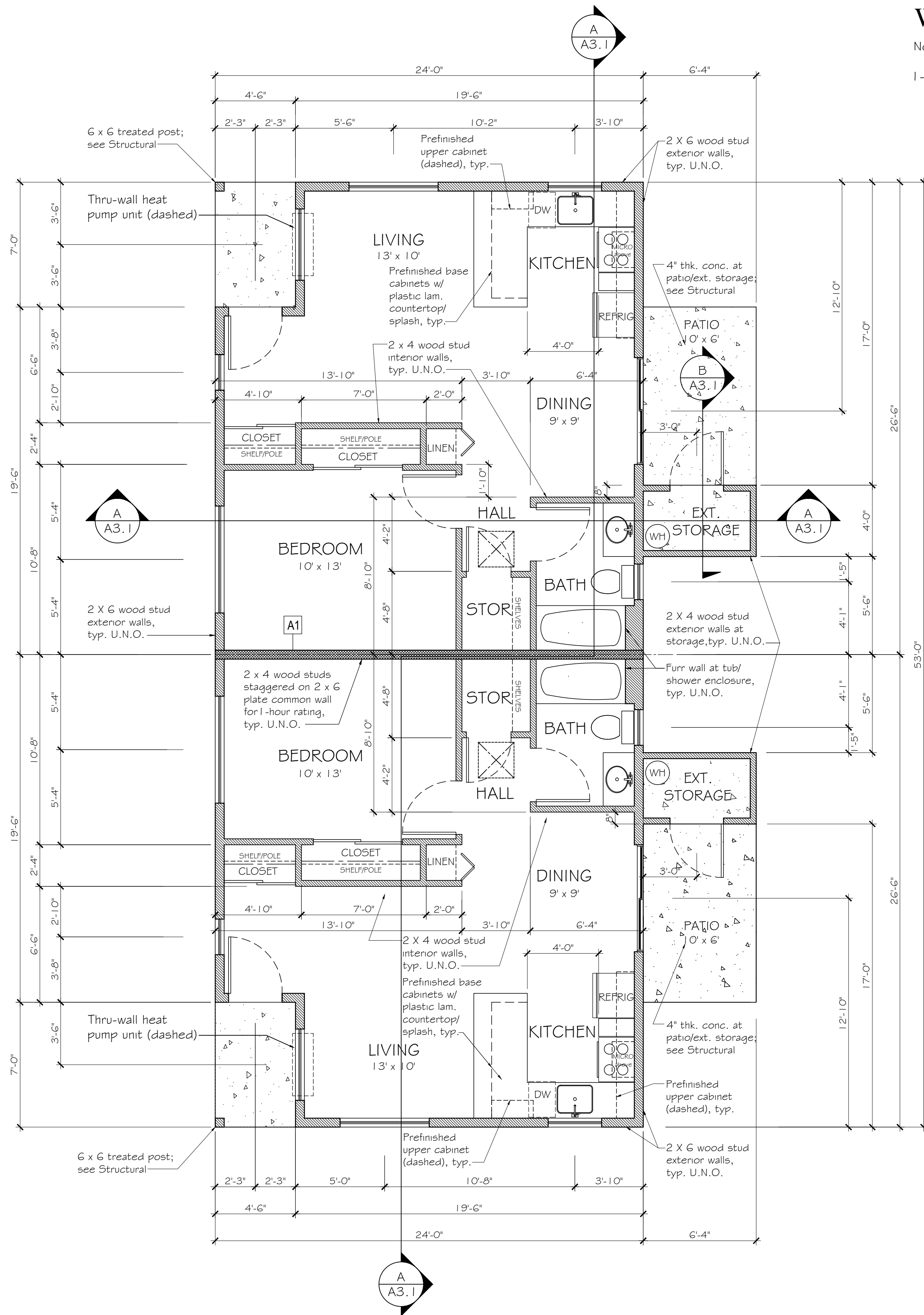


APPROVED FOR	DATE	BY
LAND-USE	1/30/2023	BJM

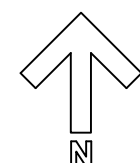
PROJECT NO: 2117.LPH
DRAWN BY: ZACK WILLIAMSON
CHECKED BY: VICTORIA TRANCA

FLOOR PLAN - LEVEL 03

A1.11

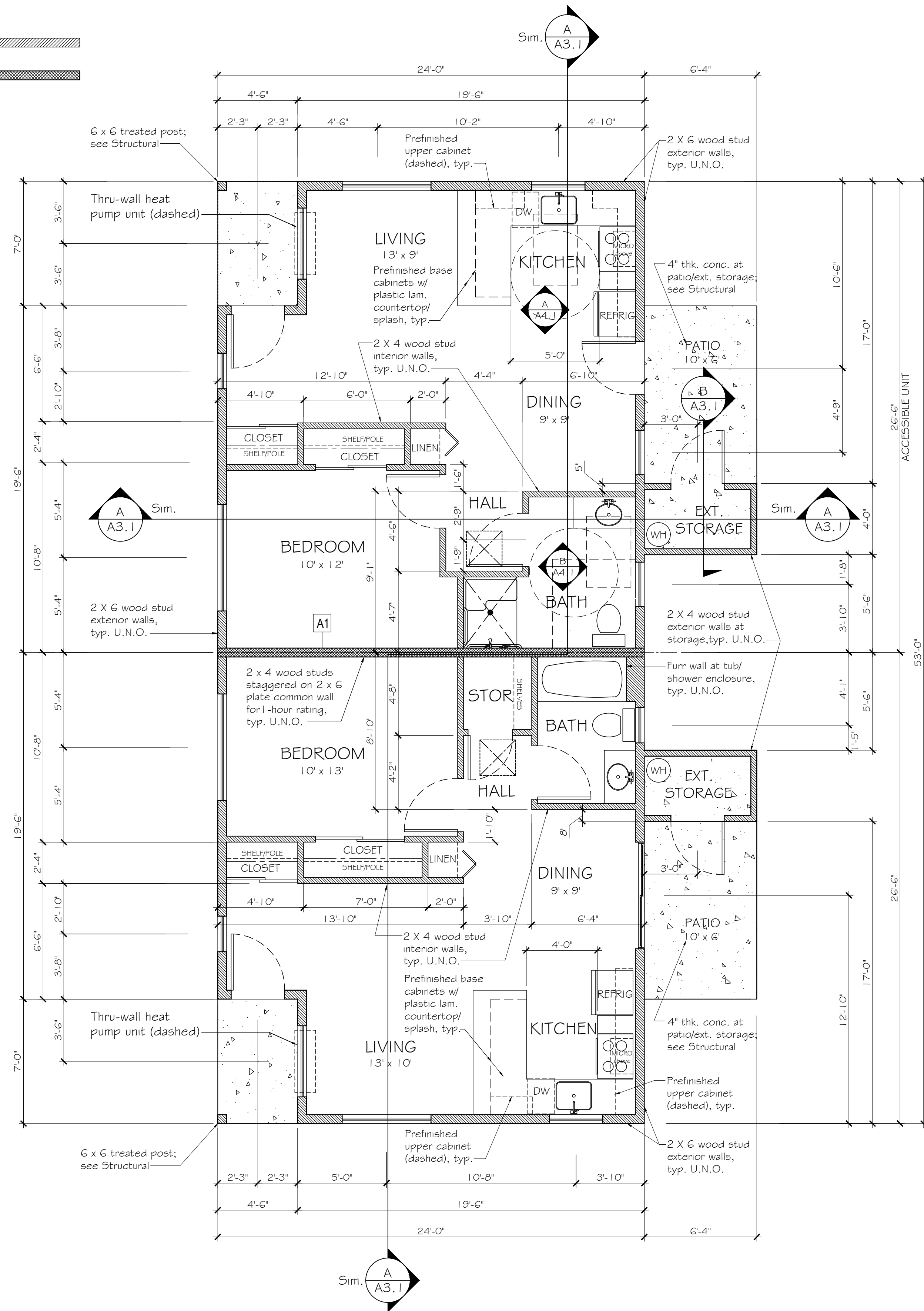
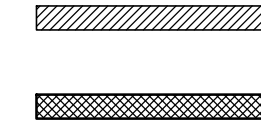


FLOOR PLAN-BUILDINGS 1,2, 4 and 5
SCALE: 1/4"=1'-0"

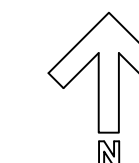


WALL LEGEND

Non-Rated Construction
1-Hour Rated Construction



FLOOR PLAN-BUILDING 3 (w/Accessible Unit)
SCALE: 1/4"=1'-0"



REGISTERED ARCHITECT
Mark McKechnie
Medford, Oregon 97501
4666

132 W. Main Street, Suite 101
Medford, Oregon 97501
PH. 541 772-4372 | OREGONARCHITECTURE.BIZ

PROJECT DESCRIPTION:
**Freedom Square Apartments
for BB Development**

PROJECT LOCATION:
South "U" Street · Lakeview, Oregon
PARCEL: 39S 20E 16AC-00100

Approved for the Owner By: _____ Date: _____

REVISIONS BY

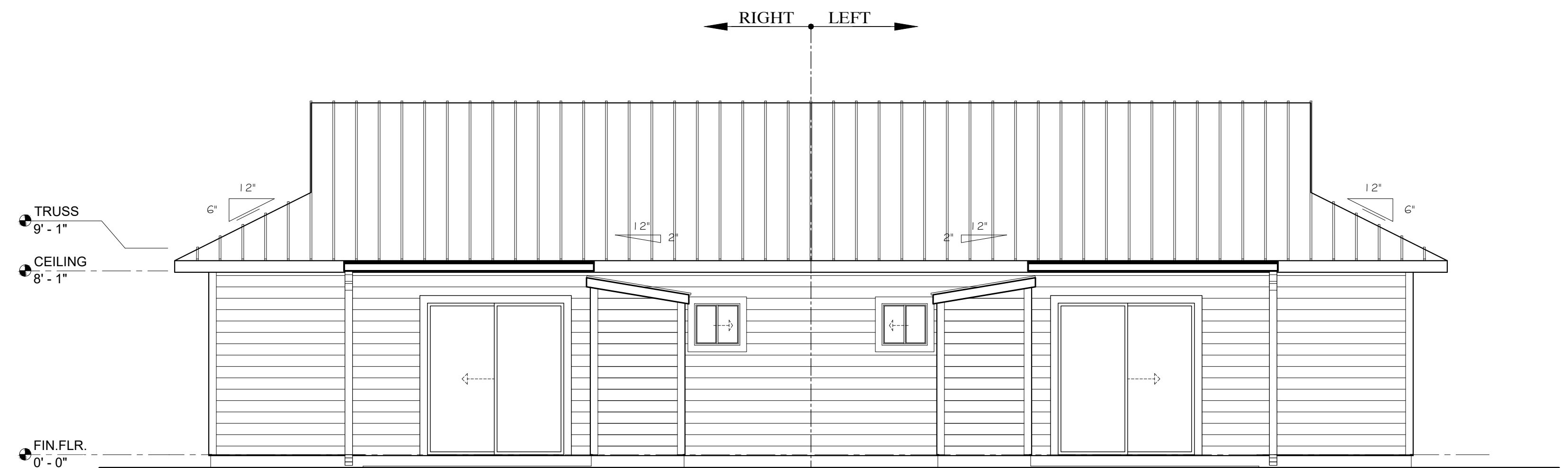
PLOT DATE: 03/20/23
ISSUE DATE: 03-22-2023

DRAWN BY:
JOB NO.:
SHEET

A1.1
FLOOR PLANS

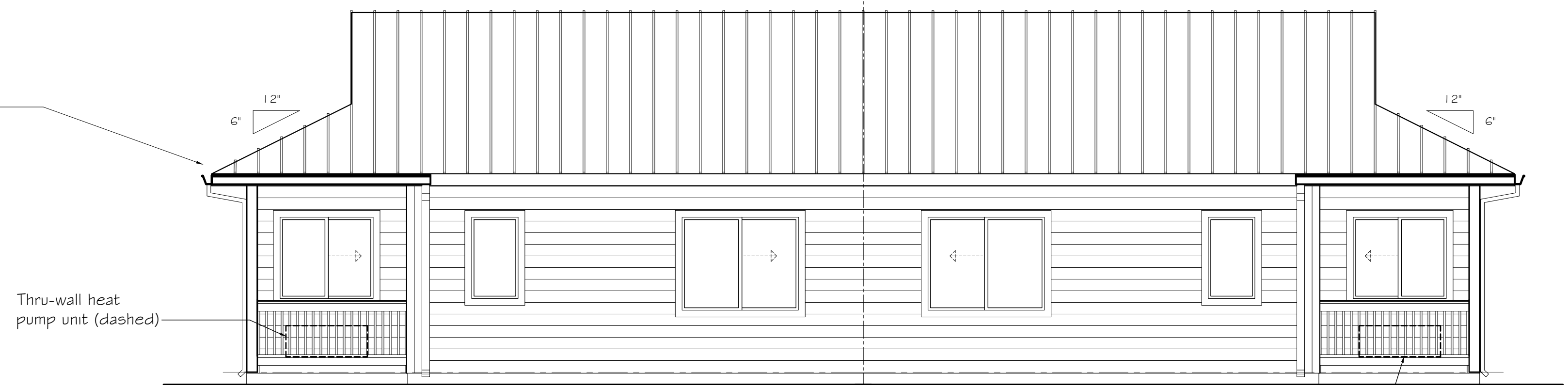
Page 66 of 86

THIS DOCUMENT, THE IDEAS AND THE DESIGNS INCORPORATED HEREIN, IS AN INSTRUMENT OF PROFESSIONAL SERVICE AND PROPERTY OF OREGON ARCHITECTURE, INC., AND IS NOT TO BE USED IN WHOLE OR IN PART, FOR ANY OTHER PROJECT, WITHOUT THE WRITTEN AUTHORIZATION OF OREGON ARCHITECTURE, INC. COPYRIGHT 2023.



NORTH ELEVATION of BUILDINGS - 1-5*

SCALE: 1/4"=1'-0"



SOUTH ELEVATION of BUILDINGS - 1-5*

SCALE: 1/4"=1'-0"

Thru-wall heat
pump unit (dashed)-



Freedom Square Apartments for BB Development

South "U" Street · Lakeview, Oregon
PARCEL: 39S 20E 16AC-00100

Prepared for the Owner By: _____ Date: _____

CTIONS	BY

DATE: 03/20/23

DATE: 03-22-2023

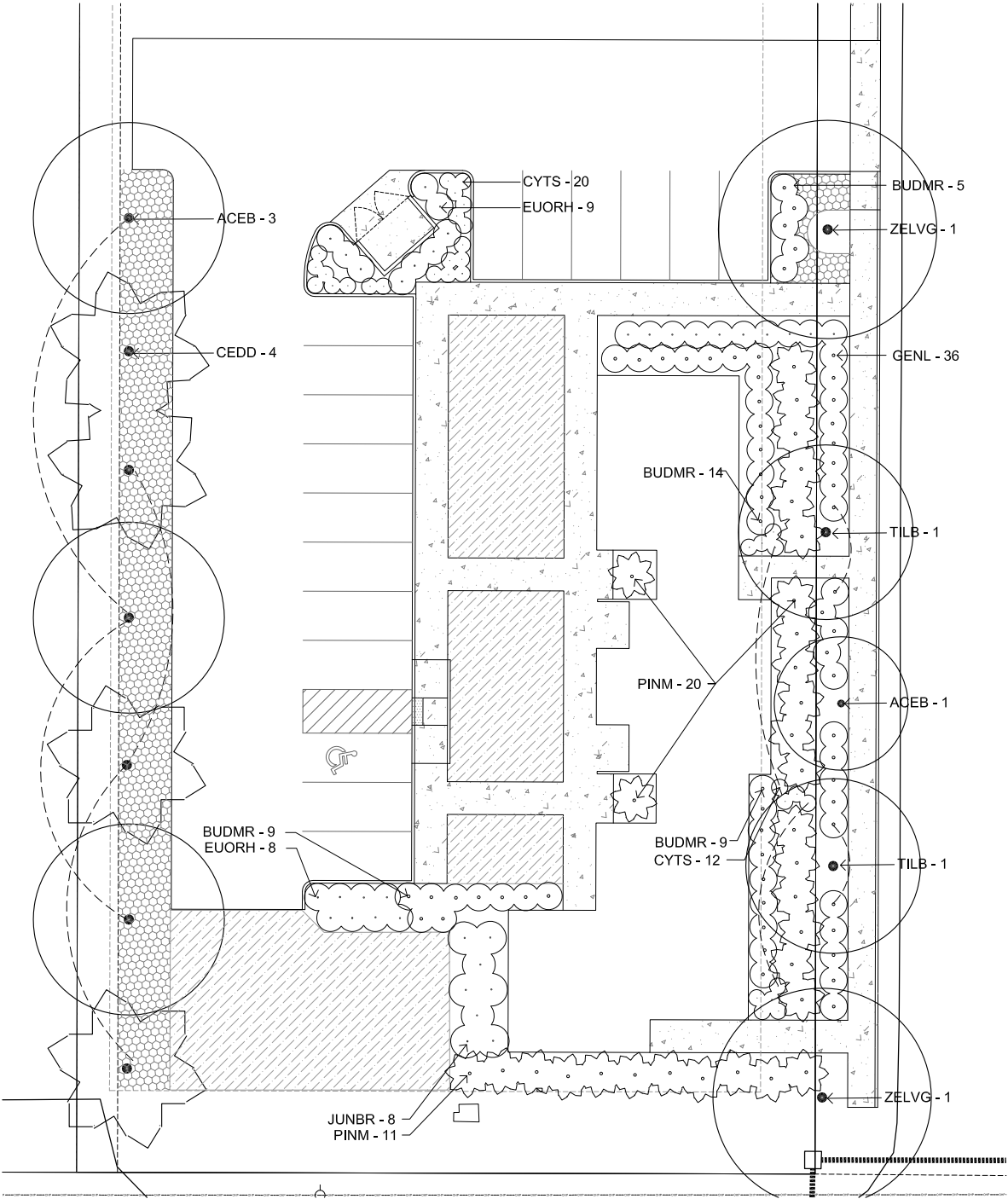
OWN BY:

NO.:

ET

A2.1

EXTERIOR ELEVATIONS



PRELIMINARY PLANT LEGEND			
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
ACEB	Acer Rubrum 'Bowhall'	Bowhall Red Maple	2" CAL
CEDD	Cedrus Deodara	Deodar Cedar	6' to 8'
TILB	Tilia americana 'Boulevard'	Boulevard Linden	2" CAL
ZELVG	Zelkova serrata 'Village Green'	Village Green Zelkova	2" CAL
SHRUBS			
BERCB	Berberis 'Cherry Bomb'	Cherry Bomb Barberry	1 GAL
BUDMR	Buddleia 'Miss Ruby'	Miss ruby Butterfly Bush	3 GAL
CYTS	Cytisus scoparius	Sister Roske Broom	1 GAL
EUQRH	Euonymus alatus 'Rudy Haag'	Rudy Haag Burningbush	3 GAL
GENL	Genista Lydia	Lidia Broom	1 GAL
JUNBR	Juniperus 'Blue Rug'	Blue Rug Juniper	3 GAL
PINM	Pinus Mugho Mugho	Dwarf Mountain Pine	3 GAL
GROUND COVER			
	Hydro-seed Eco Lawn	Low Water Use Low Mow Lawn	
	Rhus 'Gro-Low'	Grow Low Fragrant Sumac	



DRAWN BY:
KK

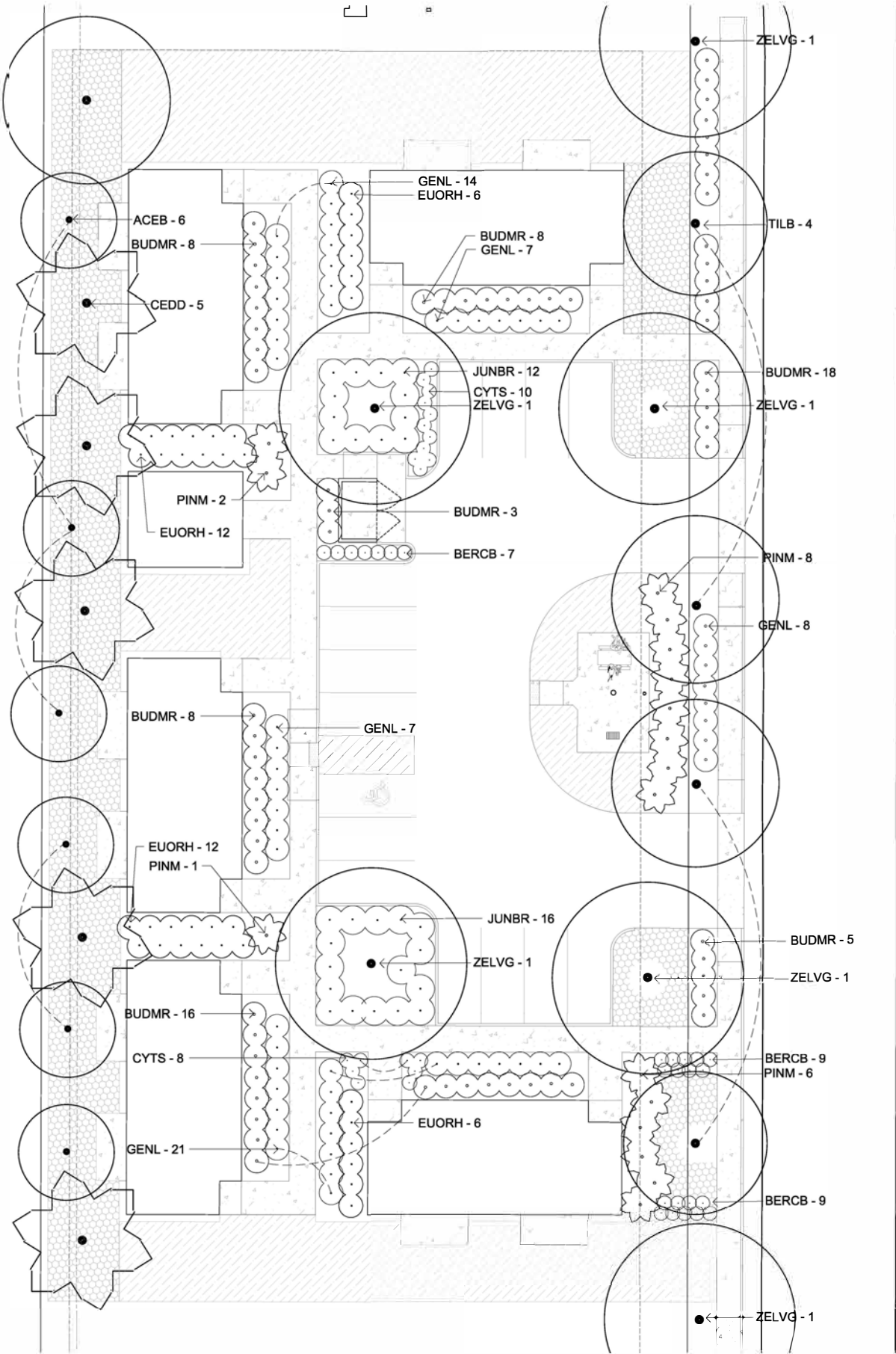
DESERT HORIZONS APARTMENTS
SOUTH STREET
LAKEVIEW OREGON

JOB NO. 0235
REVISION DATE

LANDSCAPE
PLANNING
SUBMITTAL

ISSUE DATE:
02.10.23

L 1.0



PRELIMINARY PLANT LEGEND			
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
ACEB	Acer Rubrum 'Bowhall'	Bowhall Red Maple	2" CAL
CEDD	Cedrus Deodara	Deodar Cedar	6' to 8'
TILB	Tilia americana 'Boulevard'	Boulevard Linden	2" CAL
ZELVG	Zelkova serrata 'Village Green'	Village Green Zelkova	2" CAL
SHRUBS			
BERCB	Berberis 'Cherry Bomb'	Cherry Bomb Barberry	1 GAL
BUDMR	Buddleia 'Miss Ruby'	Miss ruby Butterfly Bush	3 GAL
CYTS	Cytisus scoparius	Sister Rosie Broom	1 GAL
EUORH	Euonymus alatus 'Rudy Haag'	Rudy Haag Burningbush	3 GAL
GENL	Genista Lydia	Lidia Broom	1 GAL
JUNBR	Juniperus 'Blue Rug'	Blue Rug Juniper	3 GAL
PINM	Pinus Mugho Mugho	Dwarf Mountain Pine	3 GAL
GROUND COVER			
[Symbol]	Hydro-seed Eco Lawn	Low Water Use Low Mow Lawn	
[Symbol]	Rhus 'Gro-Low'	Grow Low Fragrant Sumac	



KenCairn

Landscape Architecture



www.KenCairnLandscape.com

147 CENTRAL AVE, ASHLAND, OR 97520

541.488.3194

REGISTERED

STATE OF

OREGON

REG. # 493

Kerry KenCairn

11/12/99

LANDSCAPE ARCHITECT

DRAWN BY:

KK

FREEDOM SQUARE APARTMENTS

SOUTH STREET

LAKEVIEW OREGON

JOB NO. 9235

REVISION DATE

LANDSCAPE

PLANNING

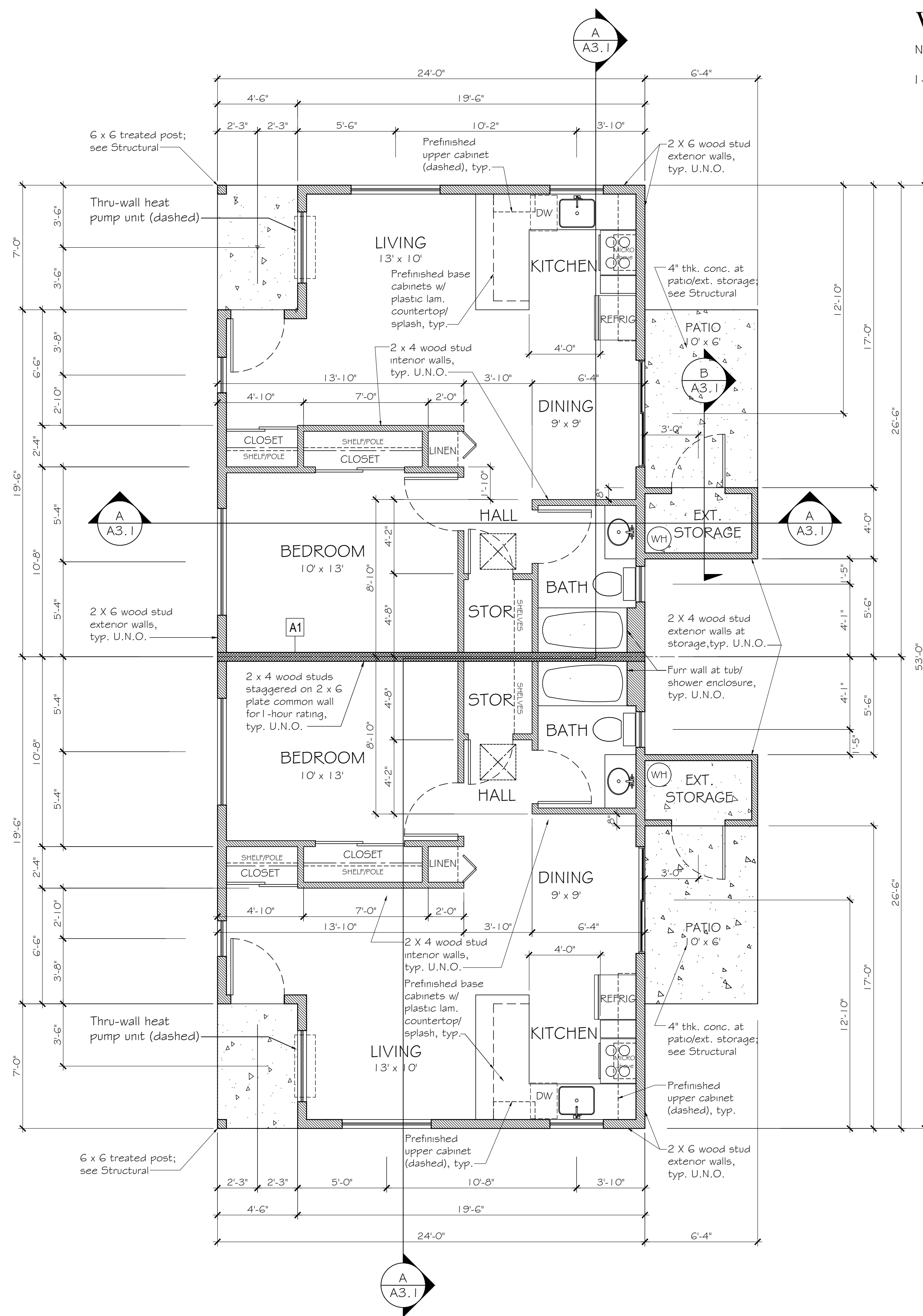
SUBMITTAL

ISSUE DATE:

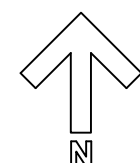
02.10.23

L 1.0

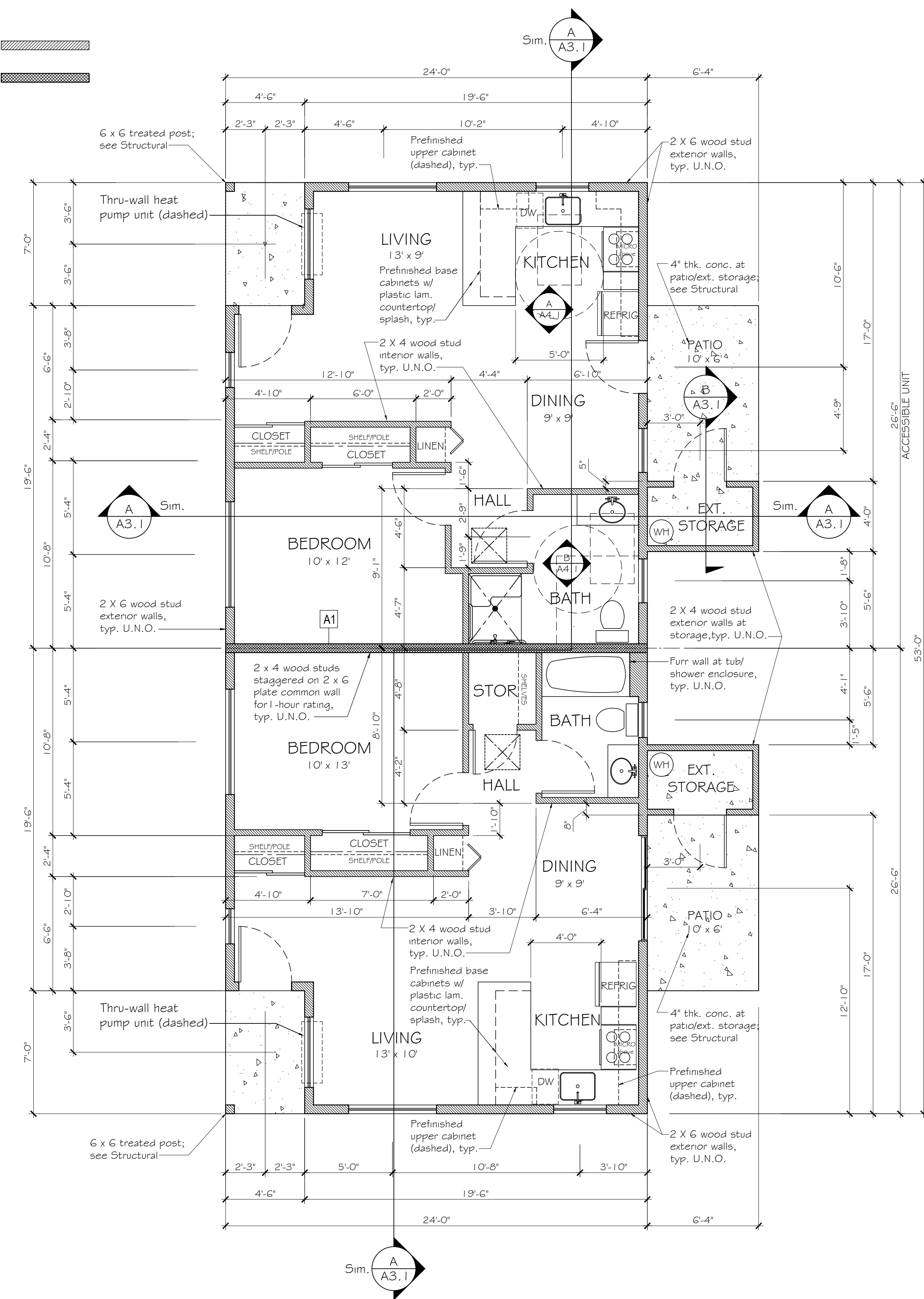
Page 69 of 80



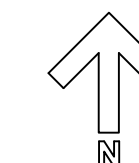
FLOOR PLAN-BUILDINGS 1,2, 4 and 5
SCALE: 1/4"=1'-0"

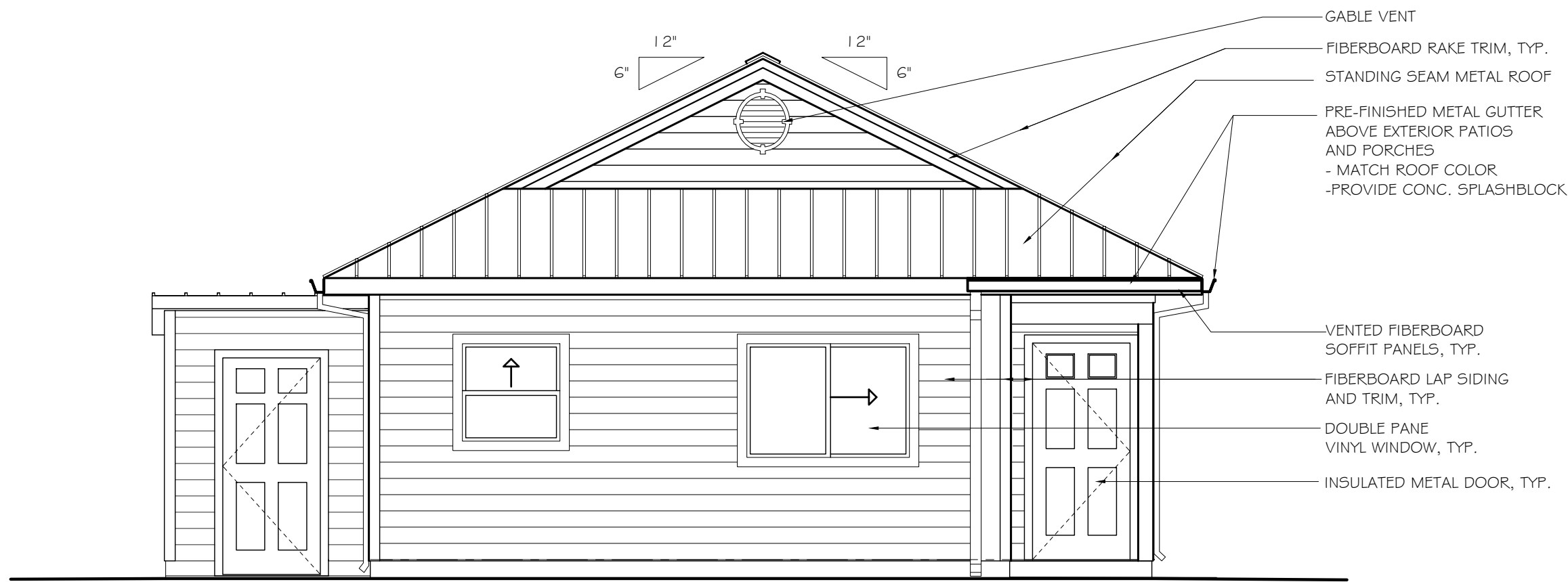


WALL LEGEND
Non-Rated Construction
1-Hour Rated Construction



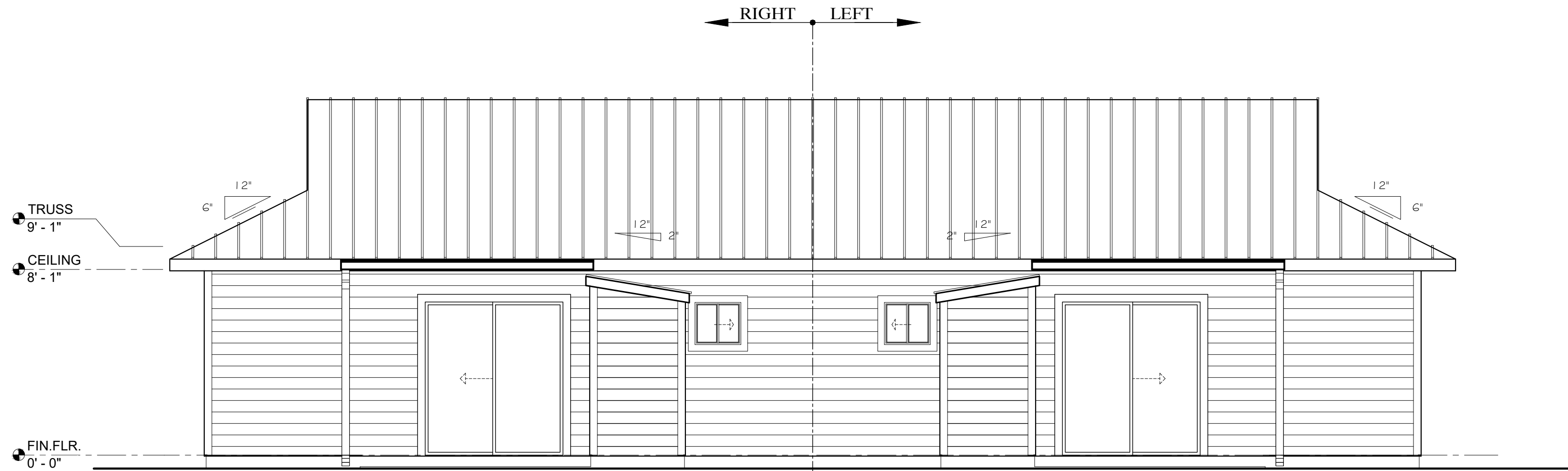
FLOOR PLAN-BUILDING 3 (w/Accessible Unit)
SCALE: 1/4"=1'-0"





WEST ELEVATION of BUILDINGS - 1-5*

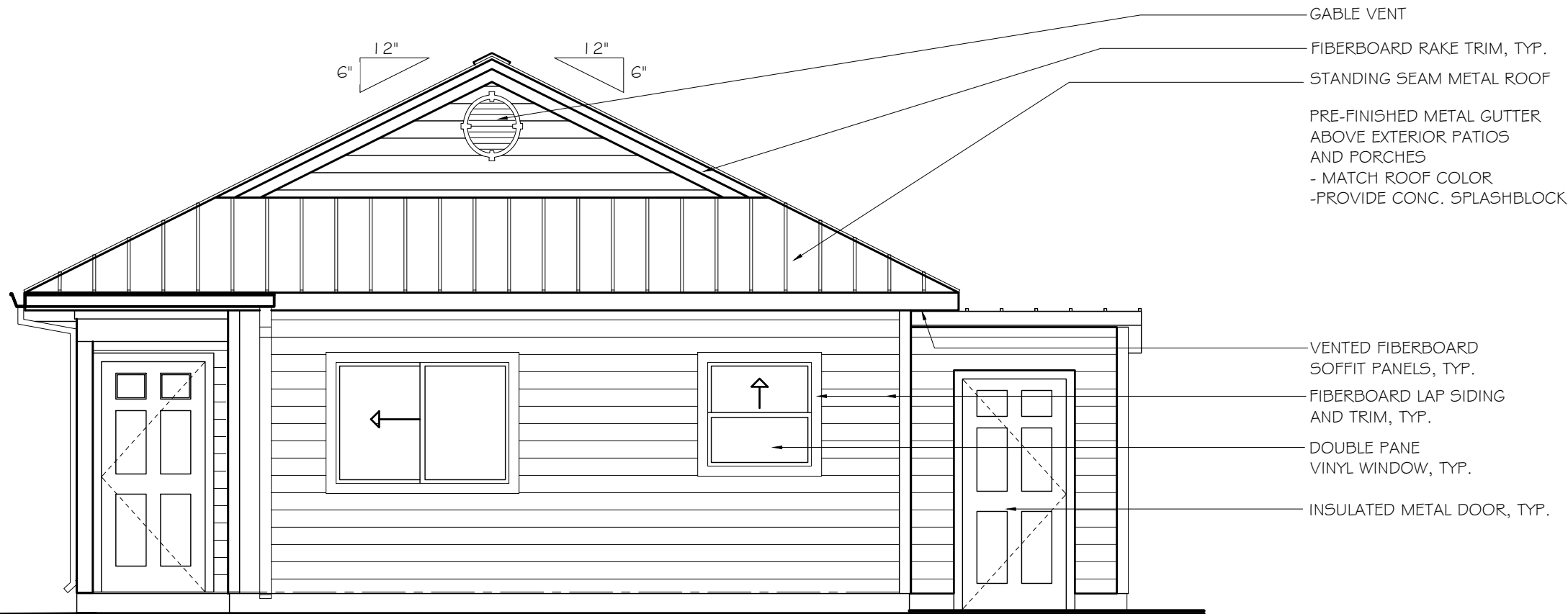
SCALE: 1/4"=1'-0"



NORTH ELEVATION of BUILDINGS - 1-5*

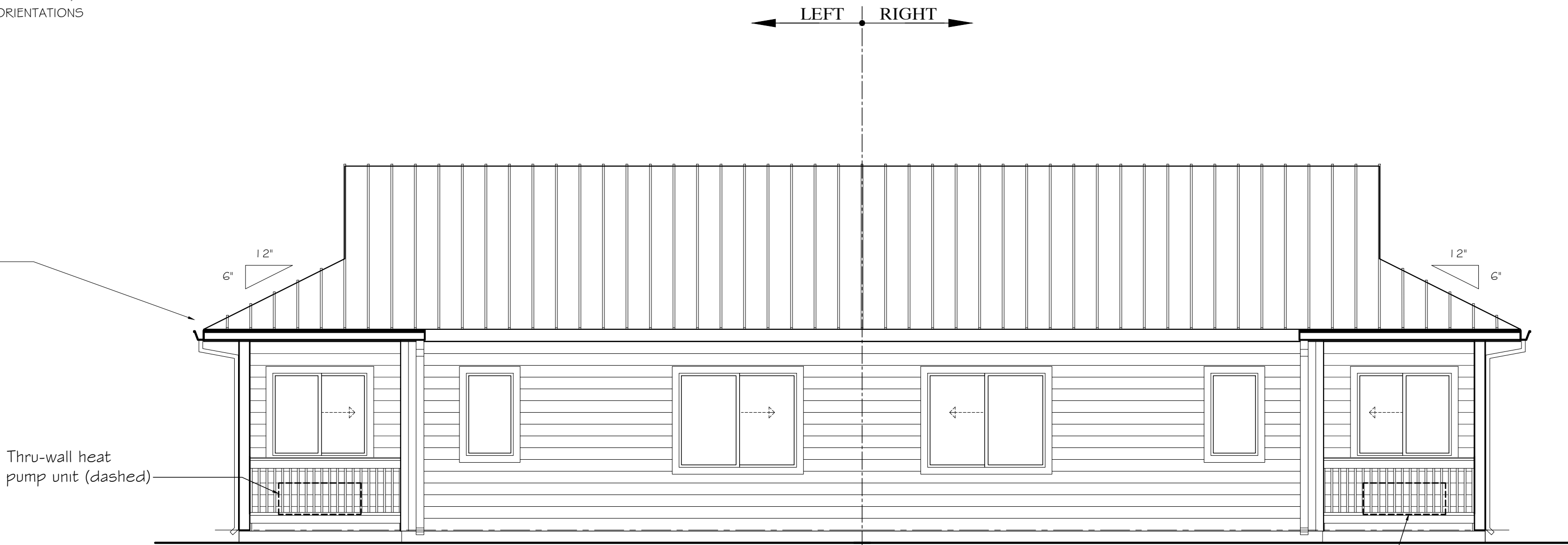
SCALE: 1/4"=1'-0"

* NOTE:
ORIENTATION BASED ON THE LOCATION OF BUILDING-1; ALL
UNITS ARE IDENTICAL BUT WITH DIFFERENT ORIENTATIONS



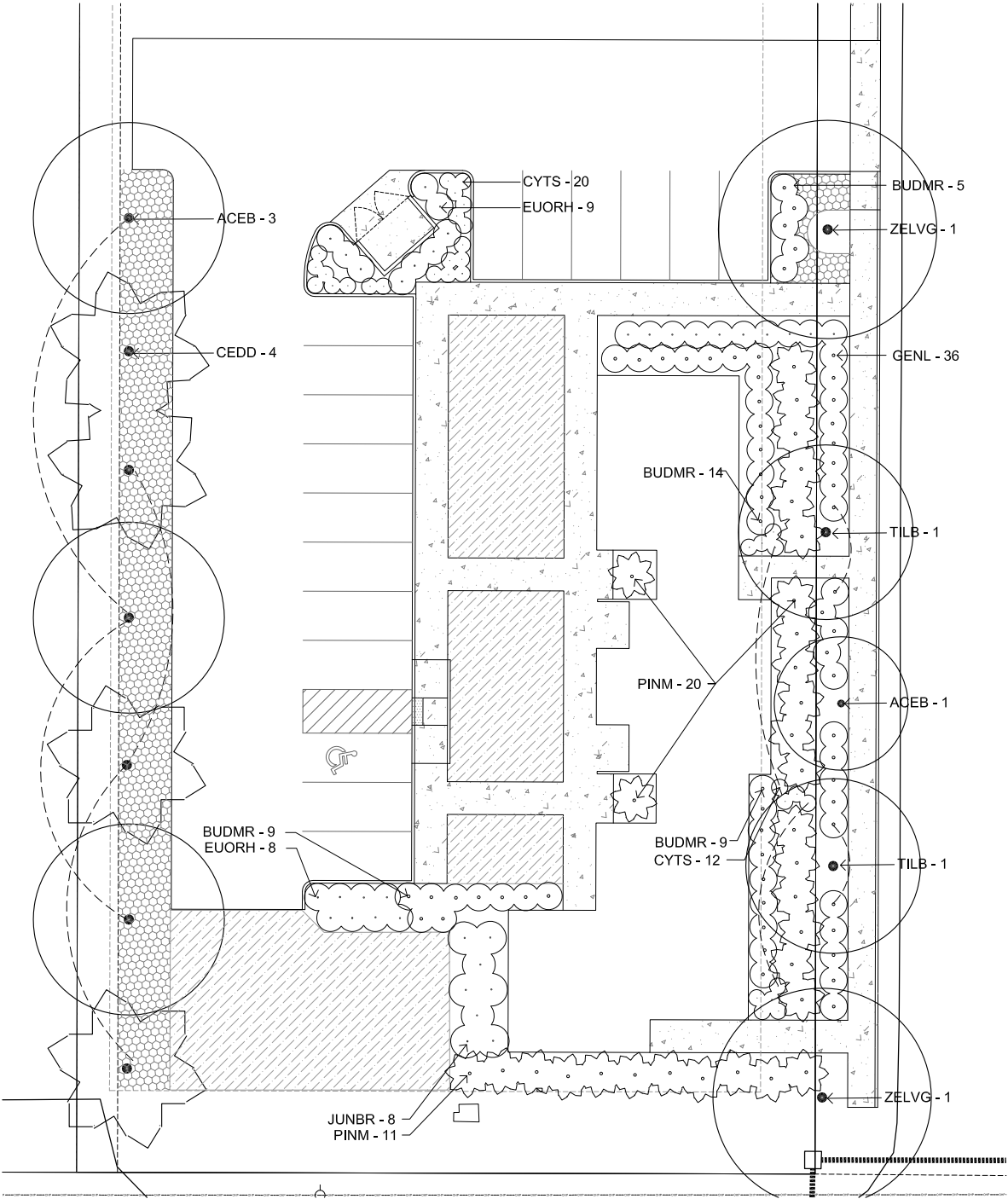
EAST ELEVATION of BUILDINGS - 1-5*

SCALE: 1/4"=1'-0"



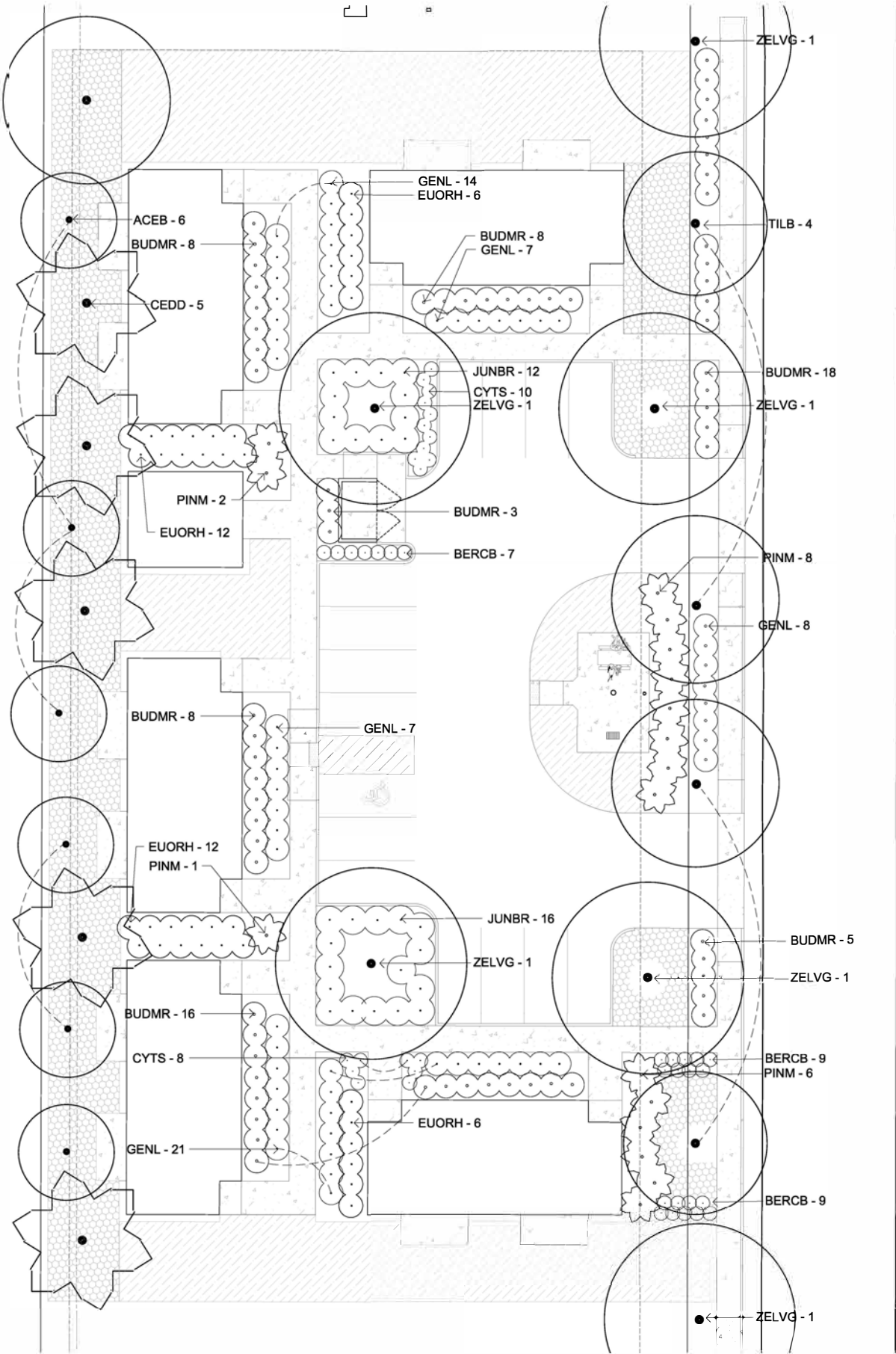
SOUTH ELEVATION of BUILDINGS - 1-5*

SCALE: 1/4"=1'-0"



PRELIMINARY PLANT LEGEND			
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
ACEB	Acer Rubrum 'Bowhall'	Bowhall Red Maple	2" CAL
CEDD	Cedrus Deodara	Deodar Cedar	6' to 8'
TILB	Tilia americana 'Boulevard'	Boulevard Linden	2" CAL
ZELVG	Zelkova serrata 'Village Green'	Village Green Zelkova	2" CAL
SHRUBS			
BERCB	Berberis 'Cherry Bomb'	Cherry Bomb Barberry	1 GAL
BUDMR	Buddleia 'Miss Ruby'	Miss ruby Butterfly Bush	3 GAL
CYTS	Cytisus scoparius	Sister Rosale Broom	1 GAL
EUORH	Euonymus alatus 'Rudy Haag'	Rudy Haag Burningbush	3 GAL
GENL	Genista Lydia	Lidia Broom	1 GAL
JUNBR	Juniperus 'Blue Rug'	Blue Rug Juniper	3 GAL
PINM	Pinus Mugho Mugho	Dwarf Mountain Pine	3 GAL
GROUND COVER			
	Hydro-seed Eco Lawn	Low Water Use Low Mow Lawn	
	Rhus 'Gro-Low'	Grow Low Fragrant Sumac	





PRELIMINARY PLANT LEGEND			
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
ACEB	Acer Rubrum 'Bowhall'	Bowhall Red Maple	2" CAL
CEDD	Cedrus Deodara	Deodar Cedar	6' to 8'
TILB	Tilia americana 'Boulevard'	Boulevard Linden	2" CAL
ZELVG	Zelkova serrata 'Village Green'	Village Green Zelkova	2" CAL
SHRUBS			
BERCB	Berberis 'Cherry Bomb'	Cherry Bomb Barberry	1 GAL
BUDMR	Buddleia 'Miss Ruby'	Miss ruby Butterfly Bush	3 GAL
CYTS	Cytisus scoparius	Sister Rosie Broom	1 GAL
EUORH	Euonymus alatus 'Rudy Haag'	Rudy Haag Burningbush	3 GAL
GENL	Genista Lydia	Lidia Broom	1 GAL
JUNBR	Juniperus 'Blue Rug'	Blue Rug Juniper	3 GAL
PINM	Pinus Mugho Mugho	Dwarf Mountain Pine	3 GAL
GROUND COVER			
	Hydro-seed Eco Lawn	Low Water Use Low Mow Lawn	
	Rhus 'Gro-Low'	Grow Low Fragrant Sumac	



KenCairn

Landscape Architecture

www.KenCairnLandscape.com

147 CENTRAL AVE, ASHLAND, OR 97520

541.488.3194

REGISTERED

STATE OF

OREGON

REG. # 493

Kerry KenCairn

11/12/99

LANDSCAPE ARCHITECT

DRAWN BY:

KK

FREEDOM SQUARE APARTMENTS

SOUTH STREET

LAKEVIEW OREGON

JOB NO. 9235

REVISION DATE

LANDSCAPE

PLANNING

SUBMITTAL

ISSUE DATE:

02.10.23

L 1.0

Page 73 of 80

Town of Lakeview

Staff Notice Materials



Town of Lakeview

525 N. 1st Street · Lakeview, OR

541-947-2029 General Business

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: THE TOWN OF LAKEVIEW DEVELOPMENT CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT SHALL BE PROMPTLY FORWARDED TO THE PURCHASER.

April 17, 2023

Dear Adjacent Property Owner,

Applications for land division and site design review have been filed for property comprising a portion of the land identified as 39S-20E-16AC, Tax Lot 100, which is located on the north side of South 3rd Street, and West of U Street. The subject property is located within the Residential Multi-Family – Subdistrict (R-MF). The proposed land division is to replat Lots 1-24 of Block 93 in the Oregon Valley Land Company's First Addition to Lakeview as two lots of approximately 0.93 acres each, and the site design review application is for the construction of two multi-family dwelling projects on the two replatted lots. The proposed multi-family dwelling projects consist of a three-story apartment building with 17 units on one lot, and five duplex units (ten units total) on the second lot. The decision will be based on the criteria in Sections 4.2.600 (Site Design Review Approval Criteria) and 4.3.140 (Approval Criteria; Preliminary Plat) of the Town's Development Code.

The application, applicable criteria, and all documents and evidence submitted by the Applicant are available for review at Town Hall at the above address. Copies of the criteria or application materials are available upon request for copying and mailing costs. A staff report will be available at least seven days prior to the hearing and copies of the staff report will be available upon request for copying and mailing costs at that time.

As an adjacent property owner, you may testify orally and/or provide written testimony at the Planning Commission hearing scheduled for May 8, 2023, at 5:30 PM at Town Hall. Hardcopy written testimony, whether transmitted by mail or hand delivered, must be received by 2:00 PM on the day of the hearing in order to be included in the record. Electronic written testimony must be provided via email to adminassistant@townoflakeview.org by 2:00 PM on the day of the hearing. After 2:00 PM on the day of the hearing, any written testimony must be delivered in hardcopy form at the public hearing.

An agenda will be available at the Planning Commission meeting and instructions for the conduct of the hearing will be provided by the Planning Commission Chair.

Failure to raise an issue or to provide sufficient specificity may preclude your ability to appeal the decision based on that issue.

Requests for additional information can be directed to Dawn Lepori at Town Hall.

Dawn Lepori

Dawn Lepori
Planning Assistant

LAKEVIEW TOWN PLANNING COMMISSION

HEARING NOTICE

Application No. 788

I. Land Use Action

Type of Land Use Action: Land Division (Replat) and Site Design Review

Nature of Use Which Could be Authorized: Two multi-family residential developments on two separate lots consisting of a 17 unit apartment building and 5 duplex buildings containing a total of 10 units

II. Applicable Criteria: Town of Lakeview Development Code Section 4.2.600 and 4.3.140

III. Applicant and Subject Property Information

Applicant: BB Development, LLC

Agent: Darryl Anderson

Address: North side of South 3rd Street, and West of U Street 39S2016-AC 100

Property Location: Township 39 South, Range 20 East, Section 16, Lots 1-24, Block 93 OVL 1st Edition.

Assessor Map Number: 39S2016-AC 100.

IV. Public Hearing

Date: May 8, 2023

Time: 5:30 p.m.

Place: Town Hall, 525 North First Street, Lakeview, Oregon

V. Other Information

Statutory Notice: ORS 197.763(3)(6) states that failure to raise an issue either in person or by letter or failure to provide sufficient specificity to allow the decision maker an

opportunity to respond to the issue precludes appeal to a higher judicial authority on the issue.

Documents and Staff Report: A copy of the file containing the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for review at no charge at Town Hall. A copy of the staff report to be used at the hearing will be available for review at no charge at Town Hall seven (7) days prior to the public hearing.

Copies of the above documents can be obtained at Town Hall at reasonable cost.

Submission of Evidence and Testimony: Persons may submit documents or evidence to the record of the hearing on this matter until the record is declared closed by the decision making body. All written evidence or documents should either be presented personally at the hearing or submitted prior to the time of said hearing. All verbal testimony shall be stated directly to the decision-making body prior to the point at which the public hearing is declared closed. If the decision making body declares the record is to remain open for a time period following the public hearing then written evidence and documents shall be submitted in accordance with the instructions provided at the public hearing. All written evidence or documents submitted should be legible, page numbered and identified with the application number indicated on this notice.

Further Information and Contact: For further information regarding this notice please contact the following person:

Dawn Lepori, Planning Assistant
Town of Lakeview
525 North 1 st Street
Lakeview, OR 97630
Telephone: 541-947-4957
Fax: 541-947-2952

DATE OF PUBLICATION: April 19, 2023

- CORRECT any records with errors.
- Submit records will not post until they have been corrected

\$0.60 0
US POSTAGE
FIRST CLASS
06250013911199
97630
545713.052

Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Jeanine + Daniel Flury
204 South T Street
Lakeview, OR 97630

\$0.60 0
US POSTAGE
FIRST CLASS
06250013911199
97630
545713.052

Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Vincent + Lara Magazini
202 South T Street
Lakeview, OR 97630

\$0.60 0
US POSTAGE
FIRST CLASS
06250013911199
97630
545713.051

Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Martin Moulton Family Trust
916 Center Street
Lakeview, OR 97630

\$0.60 0
US POSTAGE
FIRST CLASS
06250013911199
97630
545713.052

Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Victoria Nickelson
106 S T Street
Lakeview, OR 97630

\$0.60 0
US POSTAGE
FIRST CLASS
06250013911199
97630
545713.051

Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Dennis + Clidean Sheridan
PO Box 844
Lakeview, OR 97630

\$0.60 0
US POSTAGE
FIRST CLASS
06250013911199
97630
545713.051

Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Dennis + Pamela Amisbaugh
PO Box 768
Lakeview, OR 97630

\$0.60 0
US POSTAGE
FIRST CLASS
06250013911199
97630
545713.053

Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

John Gradmore
80 South T Street
Lakeview, OR 97630

Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Rick + Sheila Strubel
68 South T Street
Lakeview, OR 97630

Records with errors
will not post until they have been
corrected.
is 100% posted, you have successfully completed the validation/posting cycle for this

Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Gilbert Andrews
804 SE Ransom Lane
Madras, OR 97741



Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Gary & Shauna Taylor
212 South T Street
Lakeview, OR 97630



Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Kevin & Linda Forde
610 South 1 Street
Lakeview, OR 97630



Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Lake County
513 Center Street
Lakeview, OR 97630



Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Pacific Power & Light Co
700 NE Multnomah St
Portland, OR 97232



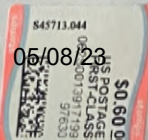
Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Forrest Bradley
811 South 12th Street
Lakeview, OR 97630



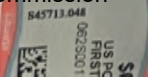
Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

AD Kreusch
c/o Bernard Kreusch Jr
2287 W 15th Street
Highlands Ranch, CO 80129



Town of Lakeview
525 N 1st Street
Lakeview, OR 97630

Teresa Black
2815 Hoback Road
Plush, OR 97637



Applicant Correspondence
Use Confirmation e-mail

May 2, 2023

From: [Matt Bogatay](#)
To: [Jay Harland](#)
Cc: [Darryl Anderson](#); [Dawn Roberts](#); [Seth Adams](#); [Michele Parry](#); diana@klamathhousing.org; [Briana Manfrass](#); [Victoria Tranca](#)
Subject: RE: apartment building project
Date: Tuesday, May 2, 2023 7:34:08 AM

Jay,

I appreciate your thoughts, however this project is considered a multifamily housing project and does not require any licensing for the type of residents planned to reside here.

Thank you,

photo



Matt Bogatay

President, Bogatay Construction, Inc.

[541-BOGATAY](tel:541-BOGATAY) | [541-331-0009](tel:541-331-0009) | mbogatay@bci.us

www.bci.us

4223 Venture Court, Klamath Falls, OR. 97601

From: Jay Harland <jay@csaplanning.com>

Sent: Tuesday, May 2, 2023 6:57 AM

To: Matt Bogatay <mbogatay@bci.us>

Cc: Darryl Anderson <darryla@andersonengineering.com>; Dawn Roberts <adminassistant@townoflakeview.org>; Seth Adams <Seth@csaplanning.com>; Michele Parry <townmanager@townoflakeview.org>

Subject: apartment building project

CAUTION: This email originated outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Bogatay,

I was thinking about this project before going to bed. The findings that Darryl provided is for a multi-family apartment building. This is an allowed use in the zone. The staff report treats this application as a multi-family dwelling.

However, in looking at the plans – there is a room labeled as a “therapy room”. Also, the most recent plans with the additional privacy screens there are notes about the design requirements being done this way because the residents may be a danger to themselves.

This raises a big question. My question is whether this building will actually be used as a residential facility that requires licensing by the Oregon Department of Human Services pursuant to ORS 443.400? If so, the notice is defective because the actual proposed use is not the use described on the application. Residential Facilities are a distinct use under the zoning code. The zoning code allows residential facilities up to 15 individuals in the multi-family zone. If the use requested is a residential care facility, the application needs to be amended and the hearing re-noticed. Also, two

of the units would need to be designated as staff units (so they do not count against the 15-unit maximum).

Please confirm that no licensing from DHS pursuant to ORS 443.400 will be required for this project.

Please also confirm this is not an issue for the duplex project (that appears to be a pretty standard independent living project but I just want to make sure).

Jay Harland



President
CSA Planning Ltd.
4497 Brownridge, Suite 101
Medford, Oregon 97504
(541) 779-0569

Written Public Comment
Received as of Close of Business

May 1, 2023

I am writing this with concerns for a proposed building on a property near Roberta Road and South 3rd Street owned by John Cogar. This property is currently an RV park.

It is my understanding that a multi-level, multi family structure is planned for this site. It is also my understanding that it is intended to be used as a type of homeless housing.

I am opposed to this type of structure there for many reasons, which I will list below.

Firstly as of this time there are no homeless housing programs in Lakeview. This helps keep the homeless population from coming to or rather being brought to the area. If a homeless housing project is built in Lakeview not only would it encourage homeless to come to Lakeview, where they can victimize its citizens, but also other communities would take the opportunity to rid themselves of their "problem homeless".

Second is the location. The little league fields are directly across South 3rd Street from this property. For many months there are many children frequenting these fields. I know that many homeless people are addicted to various drugs. Along with this comes intravenous drug use. I know that often times drug users seek out a secluded location, a ball field dug out for example, to consume their drugs and often leave used uncapped, and sometimes with drugs in them, syringes and needles behind. I believe this is a great danger to the children of the Lakeview area for contracting diseases or even overdosing due to this fact.

Next would be the proximity to the schools. From this location the shortest way into downtown Lakeview would be South 3rd Street. I know that many mentally disturbed people are homeless. Many mentally disturbed people are prone to violent outbursts. Also some of these are sexual predators. This would have them walking by the high school at all hours of the day and night. Many of these time children would be outside of the school unattended. I feel that this is an unfair arrangement to all the parties involved.

Next would be the added costs of public services. EMS calls would dramatically rise due to several factors. Law enforcement calls would also rise significantly due to the nature of the buildings occupants.

There would be a strain on the mental health program that Lake County has in place. Also it would be a strain to a volunteer fire department with more calls for service generated from this structure. Who is to pay for all these extra services? The cost would likely exceed hundreds of thousands of dollars.

And lastly I would like to mention property crimes. Homeless people need money just like everyone else. To this point there is not many ways for an unemployed homeless individual to access money so often they turn to theft as an answer.

I am not saying that all homeless are drug addicts, sex offenders or thieves by any means but I do know there is a likelihood of this occurring. I feel these facts and the cost and burden to the community for the gain of one individual should be sharply considered in moving forward with this project.

Thank you for your time,

Homeowner

Vincent Maganzini

202 South T Street