



# CITY OF JOHN DAY

## STAFF REPORT MPD-21-01

**Date Submitted:** May 13, 2021

**Agenda Date Requested:** May 20, 2021

**To:** John Day Planning Commission

**From:** Daisy Goebel, City of John Day  
Associate Planner

**Subject:** Staff report for MPD-21-01

**Location:** Map: 13S31E22A Tax Lots: 300 & 400

### Type of Action Requested

<input type="checkbox"/>	<b>Resolution</b>	<input type="checkbox"/>	<b>Ordinance</b>
<input checked="" type="checkbox"/>	<b>Formal Action</b>	<input type="checkbox"/>	<b>Report Only</b>

## 1. BACKGROUND

Iron Triangle, LLC is the owner on record of the property in question (Map Number 13S31E22A, Tax Lots 300 and 400), zoned Residential General (RG), located at the NW corner of the City of John Day city limits. The owner is proposing a Master Plan to subdivide and develop the lots in accordance with the City of John Day Development Code. The plan has been referred to as the “Second Phase” of Ironwood Estates, with the first phase being the Ironwood Estates Addition to the City of John Day as recorded in the Grant County Surveyor’s subdivision plat dated June 28, 1994. A preliminary third phase is in concept development, but will not be addressed in this proposal.

The plan includes public streets, city and private utilities, access to public greenspace, and up to 17 residential single-family lots ranging from 18,000 to 71,000 sf. The plan provides for two streets extending to the West of Ironwood Phase I, one of which will permanently terminate at a cul-de-sac due to topographical constraints.

## 2. APPLICABLE CRITERIA

Master Planned Developments are subject to the provisions of the John Day Development Code Section 5-4.5. The Master Planned Development overlay zone and Concept Plan shall be reviewed together using the Type III procedure in section 5-

4.1.040 of the Code. The detailed development plan and preliminary subdivision plats will be reviewed by City staff prior to final approval to ensure substantial compliance with the approved concept plan.

### 3. PLANNING COMMISSION CONSIDERATIONS

The Planning Commission's review must focus on the relevant code criteria and follow the public hearing requirements for type III Quasi-Judicial procedures per section 5-4.1.040 of the City Development Code. The Planning Commission should approve the requested development if it conforms to the approval criteria. Approval of MPD-21-02 includes the approval of the proposed preliminary subdivision plat as well as the proposed concept plan and any modifications to Code standards therein.

The applicant has the burden of demonstrating that the proposal meets all applicable Code Requirements and applicable state or federal requirements. It is the Planning Commission's responsibility to interpret the Code based on findings of fact.

### 4. STAFF RECOMMENDATION

Staff recommends that the Planning Commission either

- **approve MPD-21-02, with conditions imposed for code compliance;** or
- **continue the hearing on MPD-21-02 to a date and time certain to allow the applicant time to provide additional information, if required**

### 5. PUBLIC NOTIFICATION

The City of John Day mailed public notice to all affected property owners on April 27, 2021 and notice was posted in the Blue Mountain Eagle on April 28, 2021 as required by the Development Code.

The applicant invited residents adjacent to the development to participate in a neighborhood meeting on April 8, pursuant to section 5-4.1.080 of the Code.

Public comments received:

- Randall Pearson- May 1, 2021 letter to the City

### 6. FINDINGS

The following section shown in italics and boldface provides the decision making criteria as required by John Day Development Chapter 5-4.5 Master Planned Developments.

## Article 5-4 Administration of Land Use and Development

### 5-4.5 Master Planned Developments

#### **5-4.5.010 Master Planned Development—Purpose**

The purpose of this Section is to:

- A. Implement the Comprehensive Plan and applicable land use district(s) by providing a means for master planning large development sites;
- B. Encourage innovative planning that results in projects that benefit the community (i.e., through compatible mixed use development, improved protection of open spaces, transportation options and consistent application of standards in phased developments);
- C. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
- D. Facilitate the efficient use of land;
- E. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- F. Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;
- G. Encourage energy conservation and improved air and water quality and;
- H. Assist the City in planning infrastructure improvements.

#### **5-4.5.020 Master Planned Development—Applicability**

The master planned development designation is an overlay zone that may be applied over any of the City's land use districts. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this Chapter, or the City may require a development be processed as such when a project cannot otherwise meet the applicable Development Code requirements due to existing topography or natural features.

**Finding:** "Ironwood" is a Master Planned Development proposed by Iron Triangle to address the site-specific features of the property and surrounding areas.

#### **5-4.5.030 Master Planned Development - Review and Approvals Process**

- A. **Review Steps.** There are three required steps to planned development approval, which may be reviewed individually or combined into one package for concurrent review:
  1. The approval of a planned development overlay zone and concept plan;

**Finding:** A concept plan is provided as Exhibit B

2. The approval of a detailed development plan; and

**Finding:** Each Phase will include the approval of a detailed development plan. A detailed development plan for Phase II is proposed in this application.

3. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

**Finding:** The Preliminary Plat for Phase 2 is included with this application. Future Phases will include individual Preliminary Plats and Details as development is proposed.

**B. Approval Process**

1. *The Master Planned Development (PD) overlay zone and Concept Plan shall be reviewed together using the Type III procedure in Section 5-4.1.040, the submission requirements in Section 5-4.5.050, and the approval criteria in Section 5-4.5.060. (The overlay zone approval is a quasi-judicial decision requiring findings under Chapter 5-4.5 only; it is not a legislative decision under Chapter 5-4.7.)*
2. *The detailed development plan shall be reviewed using the Type I procedure in Section 5-4.1.020, to ensure substantial compliance with the approved concept plan.*
3. *Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type I procedure, as governed by Section 5-4.1.020.*
4. *Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows that in Section 5-4.5.030.A, above. Notification and hearings may be combined.*

**Finding:** This type III review will address the concept plan and the detailed development plan of Phase I (Exhibits C and D). The detailed development plans of future phases and the preliminary subdivision plats will be reviewed as administrative (type I) procedures, subject to any conditions required by the Planning Commission in the approval of this Master Plan.

**5-4.5.040 Master Planned Development—Modifications to Standards**

*The Planning Commission may approve modifications or adjustments to the standards in Article 5-2 and/or Article 5-3 through the master plan approval without the need for variances upon finding that all of the following criteria are met:*

- A. **Comprehensive Plan.** *The modification or adjustment is consistent with the policies of the Comprehensive Plan, and equally or better meets the intent of the Development Code section(s) to be modified, as compared to a project that strictly conforms to code standards.*
- B. **Public Benefit.** *The modification or adjustment shall result in an overall net benefit to the public through greater variety of housing, greater affordability in housing, more open space or more usable open space, greater protection of natural features, greater protection of scenic views or vistas, avoidance of natural hazards (e.g., geological hazards, streams, or other drainageways), exemplary architecture, improved transportation connectivity, improved pedestrian facilities, and/or similar benefits in new development. In evaluating this criterion, the Planning Commission shall consider whether the proposal on balance exceeds the City's minimum requirements.*
- C. **Public improvement standards and engineering design criteria** *shall not be modified without variance to such standards approved by the Public Works Director. The City may grant such variances concurrently with the master planned development;*
- D. **Residential Densities** *shall not exceed the density allowed under the applicable land use district in Article 5-2. Where the land use district allows a density bonus subject to Section 5-2.2.090, the total number of dwelling units shall not exceed the maximum density allowed by the district; and*

*E. Industrial and commercial uses, if not otherwise allowed in a Residential District, shall not be allowed in a Residential District master plan.*

**Finding:** Proposed modifications to Standards are address in each of the pertinent Sections of the Development Code addressed in this staff report. The planning commission must approve or deny the following modifications based on the above criteria.

1. 16.9% of the site is proposed to be reserved as Open Space. This would modify the 25% requirement of Section 5-4.5.060 (D)

**5-4.5.050 Master Planned Development—Overlay Zone and Concept Plan Submission**

A. **General Submission Requirements.** *The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Section 5-4.1.040. In addition, the applicant shall submit the following:*

1. *A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.*

**Finding:** Included in Exhibit A- Development Narrative

2. *A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.*

**Finding:** Approximate Development Schedule is included below. The timeline may be accelerated if market conditions warrant.

- Now-August 2021: Planning, Permitting, and Surveying
  - September 2021-March 2022: Construct Infrastructure (Roads, Sewer, Storm Drain, Water, Electrical and other utilities)
  - April 2022: City Approval of all improvements, Complete and Record Final Plat
  - April 2022-June 2024: Lot Sales, submit site and building plans for dwellings and start construction.
  - Jan 2024 - Submit Phase 3 preliminary Plat for approval. It is estimated that this will also be a 15-20 lot development. The size and extent of Phase 3 and all future phase will be determined by the local market conditions.
  - Repeat construction timeline (items a, b, c & d)-adjusting dates accordingly- for future phases
  - Continue repeating (a-f) every 3-4 years, until project is completed.
3. *A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.*

**Finding:** Phase 2 will consist of single family lots, Future Phases may be a mixture of single family and multi-family residential lots, developed by the project owners and possibly sold to individual home owners or developers.

4. *Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 5-4.5.060.*

**Finding:** See Exhibit A, Narrative

5. *Special studies prepared by qualified professionals may be required by the City Planning Official, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.*

**Finding:** A traffic study has been provided by the City of John Day (Exhibit F). Staff have not required any additional studies.

- B. *Additional Information. In addition to the general information described in Subsection "A" above, the concept plan, data, and narrative shall include the following exhibits and information:*
  1. *Existing Conditions map, as defined in Section 5-4.2.050 - Site Design Review Application Submission Requirements;*

**Finding:** Existing Conditions Map is included as Exhibit C.

2. *Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);*

**Finding:** All lots developed as part of the Master Plan Development are for single family, multifamily and open space uses. Proposed setbacks are shown on the Phase 2 Preliminary Plat Exhibit (D.) The standard setbacks for the RG zone will apply to the Ironwood Master Plan. The preliminary plat also shows existing, proposed and future stubs for utilities. Future phases will be submitting preliminary plats for approval as they develop, including all of the same information.

3. *Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);*

**Finding:** A grading plan for streets will be developed as part of the final construction plans, rough preliminary street grades and typical cross section are shown in the preliminary plat. The street grades will be 12% or less, as required by the Code.

4. *Landscape concept (e.g., shows retention of existing vegetation and general planting areas);*

**Finding:** A landscape concept has not been submitted. The construction of the streets, utilities and lots are proposed to minimize the initial ground disturbance as much as possible to retain the natural vegetation on the site. Disturbed areas will be mulched and seeded to restore vegetation to the slopes. To reduce the effects of storm runoff and erosion. The landscaping of each lot will be up to the homeowner/developer. There are no identified areas of vegetation to be preserved on the site.

5. *Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);*

**Finding:** The individual owners or project developers if constructing their own structures, will be submitting their dwelling plans for building permit approval. All structures must comply with City rules and requirements for residential areas, Building codes, and the CCRs.

6. *Sign concept plan (e.g., locations, general size, style and materials of signs);*

**Finding:** No signage is proposed for the development.

7. *Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).*

**Finding:** The owner has not provided a copy of the proposed CCRs.

**5-4.5.060 Master Planned Development—Overlay Zone and Concept Plan Criteria.**

*The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that not all of the criteria are satisfied when denying an application:*

- A. **Comprehensive Plan.** *The master plan conforms to the Comprehensive Plan.*

**Finding:** The proposed Master Plan Development conforms with the Comprehensive Plan, providing housing densities that are sufficient to support public services and facilities based on the full development of the property that is within the current City Limits and its hillside constraints. The Master Plan development will provide full public services consistent with basic urban development in the City of John Day. The proposed densities and types of house will vary throughout the phases of this development providing a variety of residential uses consistent with the City's Comprehensive Plan.

- B. **Land Division Chapter.** *All of the requirements for land divisions, including requirements for pre-planning large sites under Section 5-4.3.030, are met except as may be modified under Section 5-4.5.040;*

**Finding:** See the proposed conditions of this Master Plan development in sections 5-4.3.030 & Section 5- 4.5.040 of this report

- C. **Article 5-2 and Article 5-3 Standards.** *All of the land use, development, and design standards contained in Articles 2 and 3 are met, except as may be modified under Section 5-4.5.040.*

**Finding:** See sections 5-2 and 5-3 of this report for explanations of how each of the design standards are met or proposed to be modified in this Master Planned Development.

- D. **Open Space.** *Master plans shall contain a minimum of twenty-five (25) percent open space. Public open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and common areas that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the open space area shall be shown on the final plan and recorded*

*with the final plat or separate instrument, per Section 5-3.4.020A; and the open space shall be conveyed in accordance with one of the following methods*

**Finding:** City staff finds the 25% Open Space requirement to be inapplicable for this project. If approved by the planning commission, 16.9% of the property will be provided as “natural open space”, this area will be left in its existing condition and will not be developed other than potential hiking trails within future phases. Included in future phases is a proposed area (2.2% of the property) that will be a dedicated public common area. This area will be developed as a recreation and gathering area for the proposed community as part of the Master Planned Development. The type of facility in this common area will be determined in the planning of future phases and included in the detailed development plan submitted as part of those phases.

- 1. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planning Official with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities; or*
- 2. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.*

**Finding:** All reserved Open Space will be dedicated to the City of John Day as part of this and future phases of the Master Plan development. As part of each phase, the open space will be developed with hiking and multi-use gravel trails. No other development of the open space is proposed.

- E. Adjustments and Modifications to Standards. Where adjustment(s) or modification(s) to standards are requested, such adjustment(s) or modification(s) must be found to conform to the criteria in section 5-4.5.040*

**Finding:** The criteria in section 5-4.5.040 is addressed at the beginning of this report. The specifications and rationale behind the proposed modifications are addressed in the applicable sections of this report.

***5-4.5.080 Master Planned Development - Detailed Development Plan Submission Requirements***

*The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit. The detailed development plan may combine land division, development review, site design review, and/or other applications for concurrent review and approval. The detailed development plan shall be reviewed using a Type III procedure.*

**Finding:** In addition to the Concept Plan, the Phase 2 Preliminary Plat is being submitted with this application for approval. Future Phases will also require submission of Preliminary Plats for approval. Any conditions imposed by the planning commission in the course of this review will apply to all phases of the development.



**5-4.5.090 Master Planned Development - Detailed Development Plan Criteria**

City approval of the detailed development plan shall be based upon a finding that the final plan conforms to the concept plan and required conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan when the approval body finds that the change is consistent with the criteria in A-H, below. Changes exceeding those in subsections A-H, below, must be reviewed as major modifications under Chapter 5-4.6.

- A. *Increased residential densities (overall or reallocated between development phases) by no more than ten (10) percent over that which is approved, provided such increase conforms to the Comprehensive Plan and underlying Land Use District;*

**Finding:** Lot sizes are shown on the Phase 2 Preliminary Plat, rough lot layouts are shown on the concept plan. The densities will not exceed those of the underlying RG zone. Because of the overall topography and difficulty of construction on this site, lot sizes range from just over 18,000 sf to over 71,000 sf. This layout provides enough square footage to create access and a building site on each lot. The future phase portion of the Master Plan Development proposes to reduce lot sizes to maximize the buildable units. If approved by the planning commission, the flattest areas of these future phases could include lots in the 7,000-8,000 sf range and steeper lots in the 10,000-12,000 sf range. The remaining area of the future phases would be dedicated as Open Space for trails, and a common area developed to make up for the reduced lot square footage.

- B. *Increase in lot coverage or impervious surface (overall or reallocated between development phases) by no more than ten (10) percent over that which is approved;*

**Finding:** Lot coverage will be determined as each lot develops. Due to the larger proposed lot sizes it is not anticipated that lot coverage will be an issue in the first phase of the development.

- C. *Reduction in open space or landscaping by no more than ten (10) percent over that which is approved;*

**Finding:** The proposal includes about half of what is called for in a standard Master Planned Development. Staff finds that this modification is reasonable for the site. The developer may increase or decrease the open space allotment by up to 10% in either direction.

- D. *Increase in overall automobile parking spaces by ten (10) percent over that which is approved;*

**Finding:** Increased parking will be provided in the individual lot developments to account for the requested variance to waive on street parking requirements. See section 5-3.3.

- E. *Land use. No change in land use shall be permitted without a major modification to the Master Plan Development (Concept Plan) approval;*

**Finding:** Changes in land use are not anticipated in this proposal.

- F. *An increase in lot coverage within a designated open space area or an area subject to a potential hazard requires a major modification to the concept plan;*

**Finding:** There are no areas within the development that are at an increased risk of potential natural hazards.

- G. *Major changes in the location or configuration of proposed lots, blocks, buildings, streets, parking lots, utility easements, landscaping or other site improvements shall require a Major Modification pursuant to Chapter 5-4.6. "Major" in this subsection means by more than twenty (20) percent for setbacks, or more than twenty (20) feet in the alignment or placement of the features listed herein; and*

**Finding:** If future phases of development require major modifications, concept plan modification will be submitted.

- H. *Other substantial modifications not allowed as Minor Modifications in A-G, above, shall require approval of a major modification, in conformance with Chapter 5-4.6.*

**Finding:** Concept plan modifications, if proposed, will conform to the standards of Chapter 5-4.6.

#### ***5-4.5.100 Master Planned Development - Other Approvals***

- A. *Land Use and Site Design Reviews. For projects requiring land use or site design review, all such approvals must be final and appeal periods expired before the City issues building permits. Chapter 5-4.2 applies to site design review.*

**Finding:** Developments occurring on individual lots will be subject to Land Use Review or Site Design Review. Applicable reviews must also conform to any conditions imposed by the planning commission in this review.

- B. *Land Divisions. For projects requiring a land division, the preliminary land division plats must be final and appeal periods expired before a final plat is approved and building permits issued. Chapter 5-4.3 applies to land divisions.*

**Finding:** The appeal period for preliminary plats expires ten days after the notice of decision is mailed to participants. Findings of Chapter 4-4.3 are addressed below.

- C. *Streamlined Review Option. Applications for preliminary land division plats, land use reviews, and site design review applications that are part of a previously approved master planned development (detailed development plan) may be reviewed using a Type I procedure, rather than the conventional Type II procedure. This shall be the applicant's option, provided the City Planning Official may elevate a Type I application to a Type II review.*

**Finding:** This proposal will be reviewed using the streamlined review option. Future reviews that conform with this proposal may be reviewed as Type I procedures if approved by the Planning Commission.

#### **5-4.3 Land Divisions and Property Line Adjustments**

##### **5-4.3.020 General Requirements**

A. *Subdivision and Partition Approval Through Two-step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:*

1. *The preliminary plat must be approved before the final plat can be submitted for approval consideration; and*
2. *The final plat must include all conditions of approval of the preliminary plat.*

**Finding:** The preliminary plat is included as Exhibit D to this report. The final plat will be approved administratively by City staff subject to any and all conditions of approval required by the planning commission. The submission requirements and approval criteria of Section 5-4.3.090 will apply to the administrative review of the final subdivision plat.

B. *Compliance with Oregon Revised Statutes (ORS) Chapter 92. All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.*

**Finding:** ORS 92 addresses the procedures for approving a subdivision, the circumstances under which proposed subdivision lots may be bought and sold, and survey requirements for preliminary plats. The full text of ORS 92 can be found here:

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors092.html](https://www.oregonlegislature.gov/bills_laws/ors/ors092.html)

C. *Future Re-Division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:*

1. *Potential future lot division(s), consistent with the density and minimum lot size standards of Article 5-2;*
2. *Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;*
3. *A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.*

**Finding:** The minimum lot size for single-family dwellings in the RG zone is 10,000 sf. Each of the proposed lots within phase 2 exceeds 20,000 sf with the exception of lots 49, 51, and 55. Staff does not recommend requiring future-planning for the requisite sites because the terrain and orientation of the lots effectively prohibit further division of the sites.

D. **Lot Size Averaging.** *Single family residential lot size may be averaged to allow lots less than the minimum lot size in Residential districts, pursuant to Section 5-2.2.030, or through approval of a Master Planned Development under Chapter 5-4.5.*

**Finding:** Phase 1 of the Master Planned Development does not include any lot size averaging. Future phases include a proposed lot size averaging plan. The modification must be approved in the course of this review. See findings of 5-4.3.040 in this report.

*E. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 5-4.9.010, Temporary Uses, and subject to the requirements for mobile homes and recreational vehicles in Chapter 5-2.2.100, as applicable.*

**Finding:** The applicant has not requested a temporary sales office in conjunction with this proposal. Should one be needed, a separate review procedure may be required per Code Section 5-4.9.010—Temporary Use Permits

*F. Minimize Flood Damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program, State building code requirements, including elevating structures above the base flood elevation, and the City of John day Flood Plain Overlay. The applicant shall be responsible for obtaining floodplain development permit from the NFIP and local jurisdiction.*

**Finding:** The proposed development area is entirely outside of the regulated Flood Plain.

*G. Determination of Base Flood Elevation. Where a development site consists of five (5) or more acres or 50 or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation it shall be prepared by a qualified professional as part of the land division application.*

**Finding:** This requirement does not apply.

*H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.*

**Finding:** The site area is served by water, sewer, and electrical connections extending from the first (existing) phase of Ironwood. A public comment was received expressing concern about the water pressure throughout Ironwood (Exhibit E). The addition of seventeen new homes potentially utilizing the existing pump station on Valley View Drive may reduce water pressure unless upgrades to the facility are planned. Verification by the City public works director may be required by the planning commission to determine whether upgrades to the pump are needed.

*I. Need for Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.*

**Finding:** See findings of Section 3.4.040—Storm Drainage Improvements.

- J. *Floodplain, Park, and Open Space Dedications.* Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or as may be required for stormwater management.

**Finding:** The subject site is not within or adjacent to the regulatory floodplain or designated open space areas. The applicable open space areas have not been specifically planned or requested by the City. The planning commission may require the applicant to include specific uses and/or dedications of the proposed open space.

#### **5-4.3.030 Pre-Planning for Large Sites**

- A. *Purpose.* Section 5-4.3.030 requires the pre-planning of large sites in conjunction with annexation requests, and applications for large subdivisions including master plan developments; the purpose of which is to plan the development of pedestrian-oriented neighborhoods with a mix of housing opportunities, open space, and services at an appropriate neighborhood scale. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation, particularly as large parcels of land are committed to urban development.
- B. *Applicability.* This Section applies to land use applications and annexations affecting more than 40 acres of land under the same contiguous ownership. For the purposes of this Section, the same contiguous ownership means a majority share of ownership is controlled by the same individual, or group of individuals, corporations, or other entities.

**Finding:** This section does not apply to the subject proposal. Only the lots included in the proposal are under contiguous ownership, comprising less than 40 acres.

#### **5-4.3.040 Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes**

- A. *Flexible Lot Size.* To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees and other natural and built features, the approval body may grant a ten (10) percent modification to the lot area and/or lot dimension (width/depth) standards in Section 5-2.2.030, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that granting the modification allows for a greater variety of housing types or plans (e.g., single story and two-story) or it improves development compatibility with natural features or adjacent land uses. The approval body may require that standard size lots be placed at the perimeter of the development where the abutting lots are standard size or larger; except that this provision shall not apply where the abutting lots are larger than 20,000 square feet.

B. *Mid-block lanes. Lots may be developed without frontage onto a public street when mid-block lanes, as generally illustrated in Figure 5-4.3.040B, provide access to lots. Mid-block lanes may be required when practicable to provide connectivity between infill developments. Mid-block lanes with access easements for adjoining properties may be allowed as an alternative to requiring through streets where block lengths do not necessitate a through street. Such lanes shall meet the standards for alleys, per Chapter 5-3.4.010 and the standards under subsections C-F, below.*

**Finding:** Mid-block lanes are not requested by the applicant.

C. *Flag lots. Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be four (4). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The Fire Marshal may require an emergency turn-around. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).*

**Finding:** Flag lots are not requested by the applicant or required by the city.

D. *Driveway and lane width. The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is twenty (20) feet, except as required by the Uniform Fire Code.*

**Finding:** Driveways and private lanes are not included in the proposal.

E. *Easement and improvement of drive lane. The property owner shall record a 20-foot easement benefiting all properties that are to receive vehicle access. The drive lane shall be improved with an all-weather surface approved by the City. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.*

**Finding:** Driveways and private lanes are not included in the proposal.

F. *Maximum drive lane length. The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.*

**Finding:** Driveways and private lanes are not included in the proposal.

G. *Future street plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the Figure 5-4.3.040.B)*

**Finding:** Driveways and private lanes are not included in the proposal.

#### **5-4.3.050 Preliminary Plat Approval Process**

A. *Review of Preliminary Plat.* Review of a preliminary plat with two (2) or three (3) lots (partition), or a replat involving two (2) or three (3) lots, and not exceeding one (1) acre shall be processed using a Type II procedure, under Section 5-4.1.030. Preliminary plats involving four (4) or more lots (subdivision), replats involving four (4) or more lots, partitions and property line adjustments within the Park Reserve Zone, and partitions larger than one (1) acre shall be processed using a Type III procedure under Section 5-4.1.040. All preliminary plats shall be reviewed using approval criteria in Section 5-4.3.070. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 5-4.5.

**Finding:** The included preliminary plat is proposed for concurrent review.

B. *Review of Final Plat.* Review of a final plat for a subdivision or partition shall be processed using a Type I procedure under Section 5-4.1.020, using the approval criteria in Section 5-4.3.090, except where the Planning Official requires that a Type II or Type III procedure is required due to changes the applicant proposes to the preliminary plat.

**Finding:** The Final Plat will be reviewed administratively using a Type I procedure, unless substantial changes are requested.

C. *Preliminary Plat Approval Period.* Preliminary plat approval shall be effective for a period of two (2) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within the 2-year period. The Planning Commission may approve phased projects, including master planned developments, with overall time tables of more than two (2) years between preliminary and final plat approvals.

**Finding:** This proposal includes a phased development with time tables that will exceed two years. Future phases are not being submitted for preliminary plat approval at this time.

D. *Modifications and Extensions.* The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 5-4.6 - Modifications. The City Planning Official may, upon written request by the applicant and payment of the required fee, grant one written extension of the approval period not to exceed one year; provided that:

1. Any changes to the preliminary plat follow the procedures in Chapter 5-4.6;
2. The applicant has submitted written intent to file a final plat within the one-year extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
5. The extension request is made before expiration of the original approved plan.

**Finding:** Any modifications and extensions requested by the applicant must comply with these provisions.

E. *Phased Development*

1. *The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be more than 2 years without reapplying for a preliminary plat;*
2. *The criteria for approving a phased land division proposal are:*
  - a. *Public facilities shall be constructed in conjunction with or prior to each phase;*
  - b. *The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 5-4.3.110. A temporary public facility is any facility not constructed to the applicable City or district standard;*
  - c. *The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and*
  - d. *The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary plat application, and the decision may be appealed in the same manner as the preliminary plat.*

**Findings:** The applicant is not requesting a phased subdivision plan. Future phases are not included in this approval, so a request to subdivide Phase 3 is subject to additional review and independent approval.

**5-4.3.60 Preliminary Plat Submission Requirements**

- A. *General Submission Requirements. For all partitions (three or fewer parcels), the application shall contain all of the information required for a Type II procedure under Section 5-4.1.030, except as may be waived by the Planning Official. For all subdivisions (four or more lots) the application shall contain all of the information required for a Type III procedure under Section 5-4.1.040, and the information in subsections 1-3, below:*
- 1) *Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the required pre-application conference (Section 5-4.1.060C). The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users;*

**Finding:** See Exhibit F- John Day Transportation Study

- 2) *Traffic Impact Analysis, if required by the road authority. Traffic Impact Studies shall conform to the standards and procedures in Section 5-4.1.090; and*

**Finding:** The included Traffic Study is compliant.

- 3) *In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property*



*dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.*

**Finding:** Staff recommends that the dedication of City Property be removed as a condition of approval. Open space dedications are not required for this proposal, but may be accepted after approval if it is determined to be in the public interest.

B. *Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:*

1. *General information:*

a. *Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in Grant County (please check with County Surveyor);*

**Finding:** The current Subdivision name is “Ironwood Estates.” This is an extension of the existing Ironwood Estates Subdivision of Grant County, as recorded on June 28, 1994. The preliminary plat provided is for “Phase II of Ironwood Estates.”

b. *Date, north arrow, and scale of drawing;*

**Finding:** Preliminary Plat is Compliant.

c. *Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;*

**Finding:** Preliminary Plat is Compliant.

d. *A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted; and*

**Finding:** Preliminary Plat is Compliant.

e. *Identification of the drawing as a “preliminary plat”.*

**Finding:** Preliminary Plat is Compliant.

2. *Site analysis:*

a. *Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;*

**Finding:** The street locations, names, widths, and rights-of-way are shown on the Preliminary Plat.

- b. *Easements: Width, location and purpose of all existing easements of record on and abutting the site;*

**Finding:** Easements are included in the Preliminary Plat

- c. *Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;*

**Finding:** Existing and proposed utilities are shown on the Preliminary Plat.

- d. *Ground elevations shown by contour lines at 2-foot vertical interval, except where the Public Works Director determines that larger intervals are adequate; i.e., for steep slopes. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Director may waive this standard when grades, on average, are less than 6 percent;*

**Finding:** Contour lines are shown at 10-foot intervals due to the steep existing grades of the site. The contour lines were created using Lidar data provided by the City.

- e. *The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);*

**Finding:** The design survey will establish a benchmark along Valley View Drive based on a standard datum for the John Day area.

- f. *Potential natural hazard areas, including any areas identified as subject to a flood hazard as identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, County, or State as having a potential for geologic hazards;*

**Finding:** The subject site is not identified by FEMA as a high-risk area for flooding or by DOGAMI as a high-risk area for landslides and geological hazards.

- g. *Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection;*

**Finding:** No known sensitive lands are shown on the site. Drainageways have wetland potential and may need to be further investigated for wetland areas if disturbed by construction activities.

- h. *Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;*

**Finding:** The site consists of vacant land with views to the south of the Strawberry Mountain Range. A main drainage area is shown with the contours on the preliminary plat.

- i. Designated historic and cultural resources on the site and adjacent parcels or lots;*

**Finding:** There are currently no known historic and cultural resources on the site.

- j. The location, size and species of trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade in conformance with Chapter 5-3.2;*

**Finding:** The applicant did not provide a tree survey. The Planning Commission may request one prior to approving the Master Planned Development.

- k. North arrow and scale;*

**Finding:** Existing Conditions Map is compliant (Exhibit C)

- l. Name and address of project designer, if applicable; and*

**Finding:** Existing Conditions Map is compliant (Exhibit C)

- m. Other information, as deemed necessary by the City Planning Official for review of the application. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.*

**Finding:** Staff has not requested additional studies or exhibits.

- 3. *Proposed improvements:*
  - a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;*

**Finding:** Preliminary Plat and Concept Plan are compliant.

- b. Easements: location, width and purpose of all proposed easements;*

**Finding:** Preliminary Plat and Concept Plan are compliant.

- c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;*

**Finding:** Preliminary Plat and Concept Plan are compliant.

- d. *Proposed uses of the property, including all areas proposed to be dedicated to the public or preserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings;*

**Finding:** Preliminary Plat and Concept Plan are compliant.

- e. *Proposed improvements, as required by Article 5-3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);*

**Finding:** Preliminary Plat and Concept Plan are compliant. The timing of the proposed improvements is addressed in the applicant's narrative.

- f. *Preliminary location of development showing those future buildings can meet siting and dimensional standards of the district.*

**Finding:** Preliminary building locations are not included in the application. The proposed lots are large enough to accommodate future buildings.

- g. *The proposed source of domestic water;*

**Finding:** The subdivision will connect to the City Water System. Individual developments will connect to existing stubs on Valley View Drive and extend on site along the proposed road system.

- h. *The proposed method of sewage disposal;*

**Finding:** The proposed development will connect to the City Wastewater System. Developments will connect to existing stubs on Valley View Drive and extend on site along the proposed road system.

- i. *Proposed method of surface water drainage and treatment if required;*

**Finding:** Open ditches, field inlets, culverts, etc. will be used to convey storm runoff to existing the existing drainage way on the east side of the site, and runoff will be directed to a new ditch running between lots 58 and 57, into a lightly defined drainage on future phases portion of the property. See the proposed Concept Plan.

- j. *The approximate location and identity of other utilities, including the locations of street lighting fixtures;*

**Finding:** Private utilities will be extended from Valley View Drive to Phase 2 in the street right-of-way and Public Utility Easements (PUE) to the individual lots. No Street lights are proposed, unless required by the planning commission in the course of this review.

- k. *Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon Department of Transportation Rail Division regarding proposed railroad crossing(s);*

**Finding:** Does not apply.

- l. *Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable;*

**Finding:** Does not apply.

- m. *Identification of the base flood elevation for development of more than 2 lots or ½ acre, whichever is less. Written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment shall be a condition of City land use approval.*

**Finding:** Does not apply.

- n. *Evidence of contact with from the road authority for any development requiring access to its facility(ies); and*

**Finding:** The new access roads will be connecting to the existing Valley View Rd. The City Public Works Director has been involved the with planning of this project.

- o. *Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands, rivers, streams or other regulated water bodies.*

**Finding:** No mapping was found that identifies wetlands, rivers, streams, or regulated water bodies associated with this proposed project.

**5-4.3.070 Approval Criteria: Preliminary Plat**

A. *General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*

- 1. *The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 5-2 (Land Use Districts) and Article 5-3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5-5;*

**Finding:** Extensive analysis of applicable chapters of Article 5-2 and 5-3 are provided in the findings below.

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

**Finding:** There are no known records of the plat name being recorded for another subdivision. The applicant holds the burden of ensuring compliance with the provisions of ORS 92. Staff does not foresee conflicts with the applicable provisions of ORS 92.

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;*

**Finding:** No subdivisions or plats of major partitions have been approved for property adjoining the proposed Phase II. The future planned phase of the development is proposed to be constructed directly adjacent to an approved industrial subdivision. The proposed improvements have been planned to transition this phase with the adjoining property. Landscaping, buffering, and other features may be required by the planning commission in order to increase compatibility with the neighboring industrial park. Proposed improvements are laid out so as to transition to existing developments. Proposed improvements and dedications are identified on the preliminary plat.

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

**Finding:** No specific private common areas or improvements are planned at this time. If proposed in the future, any improvements will be subject to the applicable code review.

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

**Finding:** The construction of the infrastructure will disturb more than one acre of ground. In this situation, the developer will be required to receive a 1200C permit for erosion control. No other state or federal permits are known to be needed at this time.

6. *Evidence that improvements or conditions required by the City, road authority, Grant County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and*

**Finding:** Staff have not recommended improvements or conditions beyond what is required by the code. The City is not aware of any improvements or conditions required by Grant County, any special districts, private utilities, or other service providers.

7. *If any part of the site is located within an Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.*

**Finding:** The site is not located within an Overlay Zone

- B. *Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:*
1. *All lots shall comply with the General Development Standards of the applicable land use district (Article 5-2), and the standards of Section 5-3.1.020.J Street Connectivity and Formation of Blocks.*

**Finding:** The applicable standards are addressed below in the findings of Articles 5-2 and 5-3.

2. *Setbacks shall be as required by the applicable land use district (Article 5-2).*

**Finding:** Setbacks are addressed below in the findings of Article 5-2.

3. *Each lot shall conform to the standards of Chapter 5-3.1 - Access and Circulation.*

**Finding:** Access and Circulation standards are addressed below in the findings of Article 5-3.

4. *Landscape or other screening may be required to maintain privacy for abutting uses. See Article 5-2 Land Use Districts and Chapter 5-3.2 Landscaping and Screening.*

**Finding:** Landscaping requirements are addressed below in the findings of Article 5-3. The planning commission may require these measures in order to maintain compatibility between the future planned residential phase (phase III) and the industrial park located to the south.

5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 5-3.1 Access and Circulation.*

**Finding:** If lots are developed with proposed residences sited with portions of the proposed building located more than 150 feet from the internal streets, the developer will be required to improve the access drive to UFC standards in conformance with this Code.

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement for access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

**Finding:** Common drives are not included in the proposed master plan.

7. *All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.*

**Finding:** The proposed horizontal improvements have been professionally engineered according to industry standards.

8. *Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require*

*reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 5-3.4 Public Facilities.*

**Finding:** The planning commission may attach conditions of approval at their discretion in order to carry out the provisions of this Code during the process of reviewing and approving the proposal.

**5-4.3.100—Public Improvements Required**

*Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 5-4.3.110.*

**Finding:** As the construction is completed with each phase of the Master Plan Development, the City must approve all improvements. The contractor and/or developer will provide a two (2) year performance bond/warranty for all of the improvements, prior to submitting the final plat or selling any of the lots. If all of the improvements are not completed by before the final plat is to be recorded the developer must follow the State of Oregon’s rules and Section 5-3.4.090 of this code, and submit a bond or payment for all uncompleted items, as deemed necessary by the City of John Day.

**Article 5-2 Land Use Districts**

**5-2.2.020 Residential Districts—Allowed Land Uses**

**Finding:** Single Family dwellings and transportation facilities are permitted outright in the Residential General Zone.

**5-2.2.030 Residential Districts—Development Standards**

**Finding:** See table below. The standards included are specific to single-family homes and do not apply to multiple-family or attached residential developments.

Standard	Code Requirement	Proposal	Finding
Min. Lot Area	10,000 sf		
Min. Lot Width	40 ft.		
Min. Lot Depth	80 ft.		
Max. Building Height	35 ft.		
Max. Lot Coverage	40%		
Min. Landscape Area	10%		
Min. Front Setback			
Garage/Carport Entry Setback	20 ft.		
Open Structure Setback	5 ft.		
Rear Setback	15 ft.		
Side Setbacks			



The residential step-down requirement does not apply to this development because it is not adjacent to a Residential Limited (RL) zone.

## Article 5-3 Community Design Standards

### Access and Circulation

#### 5-3.1.020 Vehicular Access and Circulation

- A. **Intent and Purpose.** *The intent of this Section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section applies to all public streets within the City of John Day, and to all properties that abut these roadways. This Section implements the transportation policies of the City of John Day Transportation System Plan.*
- B. **Applicability.** *This Chapter applies to all public streets within the City and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation; and when properties are subject to Land Use Review or Site Design Review.*
- C. **Access Permit Required.** *Access to a public street (e.g., a new curb cut or driveway approach) requires an Access Permit. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the applicable roadway authority, as determined through the review procedures in Article 5-4.*

**Finding:** Access permits to connect to existing City Streets will be applied for by the developer as part of the construction plan approval. Individual driveway construction permits are to be approved during the Land Use or other design review process for the lot owners as they develop their individual lots.

- D. **Traffic Study Requirements.** *The City may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with Section 5-4.1.090, Traffic Impact Study.*

**Finding:** The City of John Day has provided a transportation study in accordance with the Code (Exhibit F).

- E. **Conditions of Approval.** *The City or other roadway authority, as applicable, may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.*

**Finding:** The site currently has two access points off of Valley View Drive. The future phases portion of the project will access Government Way Rd., which the City of John Day is currently developing.

- F. **Access Spacing.** *Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards:*

1. *A minimum of 175 feet of separation between driveways (as measured from centerlines of the driveways) is required along State highways where the speed is 35 MPH or less.*
2. *\* Urban STA Spacing is 175 feet or mid-block if the current block spacing is less than 350 feet. Note: From OAR 734-051, Table 4, Access Management Spacing Standards for Private and Public Approaches on District Highways.*

**Finding:** Does not apply.

3. *Collector Streets. A minimum of 50 feet separation between driveways (as measured from centerlines of the driveways) is required on collector streets, except that driveways may be consolidated and adjoin each other for more than one dwelling and meet this standard. See also, subsection 5-3.1.020(F)(3) below.*
4. *Special Provisions for All Streets. Direct street access may be restricted for some land uses in order to maintain the safety and function of adjacent roadways, and as required for specific land uses pursuant to Article 5-2. For example, access consolidation, shared access, and/or access separation greater than that specified by this Chapter may be required by the City, Grant County, or ODOT for the purposed of protecting the function, safety and operation of the street for all users. Where no other reasonable alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.*

**Finding:** As the proposed lots develop, individual site plans and building permits will be submitted, all proposed driveways are to meet these standards.

- G. *Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted on corner lots, or for circular driveways, subject to the access spacing standards in subsection 5-3.1.020F above. The number of street access points for multiple family, commercial, industrial, and park & open space developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required in order to maintain the required access spacing and minimize the number of access points.*

**Finding:** As the proposed lots develop, individual site plans and building permits will be submitted, all proposed driveways are to meet these standards.

- H. *Shared Driveways. The number of driveway and private street intersections with collector and arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. As applicable, the City shall require shared driveways as a condition of land divisions or site design review for traffic safety and access management purposes in accordance with the following standards...*

**Finding:** No shared driveways are proposed as part of the Master Planned Development, unless required by the planning commission. As the proposed lots develop, neighboring properties or multiple lots owned by the same owner may decide to create shared driveways. Individual site

plans and building permits will be submitted for review and all proposed driveways are to meet these standards.

- I. *Joint and Cross Access – Requirement. When necessary for traffic safety and access management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations as follows:*
  1. *For parking areas where multiple property owners have entered into a shared use agreement;*
  2. *Where access onto an arterial street is limited;*
  3. *For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:*
    - a) *A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority’s access management classification system and standards;*
    - b) *A design speed of 10 miles per hour and a maximum driveway width, excluding parking stalls, of 24 feet; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;*
    - c) *Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;*

**Finding:** This type of cross access is more typical with commercial and large residential properties, but may apply as some of the multi-family lots develop. The owner/developer will be required to follow the City’s Development Code as it applies.

- J. *Joint and Cross Access – Easement and Use and Maintenance Agreement. Pursuant to this Section, property owners shall:*
  1. *Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;*
  2. *Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;*
  3. *Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.*

**Finding:** If needed, the easements will be recorded separate from the final plat or individually. This will be reviewed as needed prior to the start of construction on the proposed lot.

- K. **Access Connections and Driveway Design.** *All driveway connections to a public right-of-way (access) and driveways shall conform to all of the following design standards:*
  1. **Driveway width.** *Driveways shall meet the following standards:*
    - a) *One-way driveways (one way in or out) shall have a minimum driveway width of 10 feet (single lane) and a maximum width of 12 feet per lane, and shall have appropriate signage designating the driveway as a one-way connection.*
    - b) *For two-way access, each lane shall have a minimum width of 9 feet and a maximum width of 11 feet.*
    - c) *Driveway width shall increase (taper out) to provide for required emergency*

*vehicle access and truck/trailer turning radius.*

**Finding:** As the proposed lots develop, individual site plans and building permits will be approved subject to these standards.

2. *Driveway Approaches. Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas.*

**Finding:** As the proposed lots develop, individual site plans and building permits will be approved subject to these standards.

3. *Driveway Construction.*
  - a. *Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 5-3.1.020K.*

**Finding:** No roadside sidewalks are proposed as part of the project.

- b. *Driveway aprons shall conform to Americans with Disability Act requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 3 feet in width, with a cross slope not exceeding 2 percent, and providing for landing areas and ramps at intersections.*

**Finding:** No roadside sidewalks are proposed as part of the project.

- c. *Where no sidewalk exists and the Public Works Director determines that sidewalk improvements in the vicinity are unlikely in the future, a paved apron extending 10 feet behind the right-of-way is required.*

**Finding:** All driveways constructed within this Master Plan Development will be required to follow this guideline with the exception that concrete may be substituted for pavement.

- d. *Where a drainage ditch exists, a 12-inch minimum culvert extending a minimum of two (2) feet past the edge of the driveway on both sides of the driveway is required.*

**Finding:** The construction plans will identify the minimum culvert size base on storm runoff calculations. 12" will be the minimum size, culverts are required to be CMP, Ductile Iron, Concrete, or other product approved by City Public Works.

- L. ***Fire Access Turnarounds.** When required by applicable Fire Codes, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a fire equipment access drive shall be provided within 150 of all exterior walls of the first story of a building that is located more than 150 feet from an existing public street. The drive shall contain unobstructed adequate aisle width (14-20 feet) and turn-around area for emergency vehicles. The Fire Marshal*

may require that fire lanes be marked as “No Stopping/No Parking.” For requirements related to cul-de-sacs or dead-end streets, please refer to Section 5-3.4.010N (below.)

**Finding:** In Phase 2, the proposed streets will end in cul-de-sacs in compliance with Fire Code standards.

M. **Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13’ 6” for their entire length and width.

**Finding:** Not Applicable

N. **Vision Clearances.** No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between three (3) feet and eight (8) feet in height shall be placed in “vision clearance areas” at street intersections on streets, driveways, alleys, or mid-block lanes. The minimum vision clearance area may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). The Public Works Director may allow light standards, utility poles, tree trunks and similar objects within a required clear vision area.

**Finding:** The applicant will comply with the Vision Clearance standard unless more sight distance is required by the Public Works director given the specific terrain, road alignment, and other factors.

O. **Conditions and Exceptions.**

1. The City may impose turning restrictions (i.e., right in/out, right in only, or right out only) for safety and to maintain adequate traffic operations where a driveway opens onto a collector or arterial street.
2. Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family dwellings.
3. The City may reduce required separation distance of access points where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements, provided all of the following requirements are met:
  - a) Joint-use driveways and cross-access easements are provided;
  - b) The site plan incorporates a unified access and circulation system in accordance with this Section; and
  - c) The property owner(s) enter in a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint-use driveway.

**Finding:** The preliminary plat shows the proposed street layout for the site. The planning commission may impose separation or turning restrictions if it is deemed necessary for transportation safety.

P. **Site Circulation.** New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in Section 5-3.1.030.

**Finding:** The applicant is proposing a 25' wide road to provide traffic circulation as well as other modes of transportation, connecting the lots throughout the site. Sidewalks are not proposed but a trail system will be developed throughout the open spaces and easements connecting different portions of the project. Each trail will be field-fit as needed based on the terrain, vegetation and other features of the area.

*Q. **Construction.** The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling.*

*1. **Protection of Public Ways.** Driveways and access roads shall be graveled to prevent tracking of mud onto city streets during site development and construction. The Public Works Director may also require rinsing of vehicles on-site before they are permitted to enter the public right-of-way.*

**Finding:** A gravel construction entrance will be provided as part of the construction plans for the site infrastructure. Individual lot construction by lot owner/developer will be required to do the same, per the Development Code.

*2. **Surface Options.** Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, including interlocking pavers or other durable paving material. When approved by the Public Works Director, porous paving systems may be used to manage surface water runoff. All paving materials shall be subject to review and approval by the Public Works Director.*

**Finding:** The applicant has proposed to add gravel as a surface option provided that the entrance to a public way is asphalt, concrete, or other approved surfacing that will prevent the migration of gravel into the City Street.

*3. **Surface Water Management.** All driveways, parking areas, aisles, and turnarounds shall have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with applicable engineering standards, and shall be subject to review and approval by the Public Works Director.*

**Finding:** The applicant has proposed that the City allow runoff from the lots to enter the public rights-of-way if the terrain makes it impractical to contain on site. Discussion of concerns regarding surface water management are addressed in the findings of the Public Facilities portion of this report. The planning commission may require further site investigation to determine the effects of the proposed surface water management plan.

#### **5-3.1.30 Pedestrian Access and Circulation**

*A. **Site Layout and Design.** To provide safe, direct, and convenient pedestrian circulation, all developments, except single-family and duplex dwellings shall provide a continuous pedestrian system within the development site that connects to the public right-of-way, regardless of whether a public sidewalk currently exists. The pedestrian system shall be based on the standards in subsections 1-4, below*

1. **Continuous Walkway System.** *The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, if any, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 5-3.1.020, Vehicular Access and Circulation, and Section 5-3.4.010, Transportation Standards.*

**Finding:** The proposed walkway system along the proposed streets is shown on the typical section. Each street will include a pavement width for two 10-ft vehicle travel lanes and an additional 5 ft. for pedestrians. The streets will not provide roadside parking in order to improve the visibility between drivers and pedestrians. In addition, gravel pathways consistent with other pathways throughout the City will be constructed to connect streets and open spaces within the Master Planned development to existing streets and developments, the preliminary plat and concept plan provide examples of these but exact locations and configuration may vary to limit the disturbance of the site, protect native vegetation, and avoid obstacles in the terrain.

2. **Safe, Direct, and Convenient.** *Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:*
  - a. *Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.*
  - b. *Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.*
  - c. *"Primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance, as applicable.*

**Finding:** The primary buildings in the Master Planned development will be single family homes and duplexes. The most common connection between them will be the public streets. The 5 ft. paved area of each street will provide the connection. As part of the Future Phases portion of the Master Plan a Common area for recreation/gathering is being provided and will have an interconnection of pathways, streets, and parking lots leading to any structures or gathering areas. This area will be submitted for design review when the Future Phases portion of the Master Plan development is developed. The planning commission may require changes to the proposed plan if it is not found to be safe, direct, and convenient.

3. **Connections Within Development.** *Connections within developments shall be provided as required in subsections a-c, below:*
  - a) *Walkways shall connect all building entrances to one another to the extent practicable.*
  - b) *Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections*
  - c) *Parking areas containing twenty-four (24) or more parking spaces shall be broken up so that parking bays do not exceed twelve (12) contiguous parking spaces without a break. Parking areas may be broken up with landscape areas (per subsection 5-3.2.030.E),*

*handicap-accessible walkways, plazas, streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk that is at least four (4) feet wide for residential projects and at least six (6) feet wide in all other projects, with 6-inch raised curbs, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.*

**B. Walkway Design and Construction.** *Walkways, including those provided with access ways through a block, shall conform to all of the standards in subsections 1-4, below.*

- 1. Vehicle/Walkway Separation.** *Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or masonry bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.*

**Finding:** The street system is multi-use there will be enough room for two 10 ft. travel lanes and an additional 5 foot shoulder for pedestrians. A modification is requested by the applicant to waive the requirement for vehicle/walkway separation. The streets are local residential streets with low traffic speeds. In Phase 2 each cul-de-sac will have less than 10 homes. In the Future Phases portion of the Master Plan development, traffic counts will be larger. The applicant has proposed multiple other pathway routes for pedestrians to travel. No raised sidewalks or protective features are proposed in this application.

- 2. Crosswalks.** *Where a walkway crosses a parking area, driveway, or street ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., light-color concrete or pavers inlaid between asphalt), which may be part of a raised/hump crossing area. The reviewing body may approve painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.*

**Finding:** The applicant is proposing that any proposed crosswalks needed at intersections or trail crossings be identified with painted markings, and that the allowed width for such a crossing be increased for this project. (approx. max. width at returns at intersections, typical proposed street width is 25-ft) These streets will only have limited local traffic from the lots developed in this project.

- 3. Walkway Width and surface.** *Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least four (4) feet wide in residential projects and at least six (6) feet wide in all other projects. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide, or as required by the roadway authority or park district, as applicable.*

**Finding:** Pedestrian walking areas included in the street system will be asphalt pavement (wider shoulder to the street). The applicant is requesting a modification to waive the requirement for multi-use.



4. **Accessible Routes.** Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

**Finding:** This standard does not apply to single-family or duplex developments.

### 5-3.1 Landscaping, Street Trees, Fences, and Walls

#### 5-3.2.20 Landscape Conservation

- A. **Applicability.** All development sites containing Significant Vegetation, as defined by subsection B, below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development to the greatest extent practicable. The retention of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting, particularly on steep slopes and areas prone to landslide or susceptible to soil erosion. Mature landscaping provides summer shade and wind breaks, controls erosion, and allows for water conservation due to larger plants having established root systems.

**Finding:** Other than the establishment of vegetation for the purposes of preventing erosion, no other plantings are proposed as part of the infrastructure development and lot creating portions of this Master Plan Development. A landscaping plan has not been submitted, but may be requested by the planning commission. The stated goal of the applicant will be to minimize the removal of vegetation and/or disturbance of the project as much as possible to protect the site. Juniper trees and shrubs have taken over some areas of the site. Some Junipers will be removed to improve visibility and conserve water in the John Day River basin.

- B. **Significant Vegetation.** "Significant vegetation" means individual trees and shrubs within an Open Space District, any existing or proposed open space area within a development, geological hazard areas, flood plains, and jurisdictional wetlands, as determined by a natural resource agency with jurisdiction, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service, Grant County, or other government agency, where removal of vegetation is necessary to protect the public health, safety or welfare as determined by the City approval body.

**Finding:** Vegetation will be removed for infrastructure construction and Junipers will be removed for water conservation and improved visibility. The applicant has not submitted a determination of significant vegetation on the site.

- C. **Mapping and Protection Required.** Significant vegetation shall be mapped as required by Chapter 5-4.2, Site Design Review. Significant trees shall be mapped individually and identified by species and diameter or caliper at 4 feet above grade, except where a site contains more than five acres the Planning Official may accept a canopy-level inventory of trees based on an aerial photograph for a preliminary land division application. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.

**Finding:** Significant vegetation has not been mapped. The planning commission may require

this information prior to approval or approve the request with the condition that a map of significant vegetation be provided prior to construction.

**D. Protection Standards.** *Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to the extent practicable to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City may allow removal of significant vegetation to provide for a reasonable building envelope (area exclusive of required yard setbacks), and areas for access and utilities. Where other areas must be disturbed to provide for construction staging areas, the applicant shall be required to restore such areas after construction with landscaping to prevent erosion and to protect the public health, safety, and welfare. With the owner's consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.*

**Finding:** Significant vegetation has not been mapped. The planning commission may require this information prior to approval or approve the request with the condition that a map of significant vegetation be provided prior to construction.

**E. Construction; Erosion and Sediment Control.** *An erosion and sediment control plan is required for all new construction. All significant vegetation on a site that is not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas, streams and other water bodies to prevent erosion, pollution, or landslide hazards.*

**Finding:** The construction of the infrastructure will be disturbing over one acre of ground, therefore the contractor/developer will be required to prepare an Erosion Control Plan for DEQ approval and DEQ requires a 1200C Permit.

**F. Exemptions.** *The protection standards in "D" and "E" shall not apply to:*

- 1. Dead or Diseased Vegetation. Dead or diseased vegetation may be removed from an area containing significant vegetation, as defined by subsection B, provided the burden is on the property owner to demonstrate to the Planning Official that said vegetation is in fact diseased or dead before it is removed.*
- 2. Hazardous Vegetation and Other Emergencies. Significant vegetation may be removed without land use approval pursuant to Article 4-1 when the vegetation poses an immediate threat to life or safety, or the vegetation must be removed for other reasons of emergency (e.g., fallen over road or power line, blocked drainage way, or similar circumstance), as determined by the City Planning Official or emergency service provider.*

**Finding:** A landscaping plan and significant vegetation map have not been submitted to determine where dead or diseased vegetation exists. The applicant will need to provide a landscaping plan with evidence of dead or diseased vegetation before it is removed. Hazardous vegetation may be removed if necessary during the development process.

### 5-3.2.030. Landscaping and Screening

- A. **Applicability.** *This Section shall apply to all new developments requiring Site Design Review. The landscape standards may be modified in accordance with the Adjustment procedure in Section 5-4.2.060.B. The Planning Official may approve an adjustment to any standard in this section by up to 20%; the Planning Commission reviews larger adjustments.*
- B. **Landscaping Plan Required.** *A landscape plan is required. All landscape plans shall conform to the requirements in subsection 5-4.2.050B.5 (Landscape Plans).*

**Finding:** No Landscaping or Screening is proposed as part of the infrastructure and lot construction portion of the Master Planned Development. The planning commission may require a landscape plan be approved prior to construction or may waive the requirement.

- C. **Landscape Area Standards.** *The minimum percentage of site area required to be in landscaping varies by zone. See the development standards in Article 5-2.*
- D. **Landscape Materials.** *Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected canopy cover of all plants upon maturity, i.e., typically three (3) or more years after planting.*
  - 1. **Existing Vegetation.** *Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees with a trunk diameter greater than ten (10) inches are protected on a development site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required by a ratio of one (1) inch caliper of new tree(s) for every one (1) inch caliper of existing tree(s) protected. This provision does not waive the requirement for landscape areas or "breaks" between parking bays under subsections 5-3.1.030 and 5-3.2.030E; it only reduces the number of new trees that may be required where existing mature trees are preserved.*
  - 2. **Plant Selection.** *A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.*
  - 3. **"non-native, invasive" plants,** *as per Section 5-3.2.020.B, shall be removed during site development, to the extent practicable, to prevent the plants from spreading; and the planting of new invasive species is prohibited.*
  - 4. **Hardscape features.** *In meeting the landscape area requirements of this Chapter, and where soil and drainage conditions allow, areas covered by unenclosed patios, decks, plazas, and similar hardscape features may count toward up to fifty percent (50%) of the required landscape area, provided that such surfaces allow for stormwater infiltration to the aquifer. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.*
  - 5. **Ground Cover Standard.** *All landscaped area, whether or not required, that is not planted with trees and shrubs, shall have ground cover plants that are sized and spaced as follows: a minimum of one (1) plant per twelve (12) inches on center in triangular spacing, or other planting pattern that is designed to achieve at least fifty percent (50%) coverage of all landscape surface areas.*

6. Tree Size. Trees shall have a minimum diameter or caliper 4 feet above grade of two 2 inches or greater at time of planting.
7. Shrub Size. Shrubs shall be planted from 5 gallon containers or larger.
8. Non-plant Ground Covers. Bark dust, chips, or similar mulch shall be used to cover all landscape surfaces not otherwise planted or covered with hardscape surfaces. Stone, aggregate and similar materials may be used as ground cover, but shall cover no more than fifty percent (50%) of the area to be landscaped and shall be limited to footpaths, landscape bed borders, or structures providing erosion control or stormwater management. Non-plant ground covers cannot be a substitute for ground cover plants.
9. Significant Vegetation. Significant vegetation protected in accordance with Section 5-3.2.020 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 5-3.2.040 may be waived by the City when existing mature trees protected within the front yard provide the same or better shading, visual quality, and compatibility with adjacent structures and utilities as would otherwise be provided by standard street trees.
10. Storm Water Facilities. Surface storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 5-3.4.040, shall be landscaped with water tolerant, native plants.

**Finding:** A 10% minimum landscape area is required within the RG zone. The application does not include a landscaping and screening plan. The planning commission may request the submission of a landscaping plan prior to plan approval or may approve the plan with conditions that address the landscaping requirements for the project.

**E. Landscape Design Standards.** All yards, parking lots, and required street tree planter strips shall be landscaped to achieve the following criteria:

1. Yard Setback Landscaping. Landscaping in yards shall:
  - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes and maintaining opportunities for solar access and territorial views;
  - b. Use shrubs and trees as wind breaks;
  - c. Consider the root and canopy growth characteristics of trees and avoid conflicts with utilities;
  - d. Retain natural vegetation where it does not conflict with clear vision requirements and utilities;
  - e. Define pedestrian pathways and open space areas with landscape materials;
  - f. Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants;
  - g. Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;
  - h. Use a combination of plants for year-long color and interest;
  - i. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.
2. Parking areas. A minimum of ten percent (10%) of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of "evenly distributed" shade trees with shrubs and/or

ground cover plants that conform to the criteria in Section 5-3.2.030.E.1, above. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per twelve (12) parking spaces on average shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than twenty-four (24) spaces shall include landscape islands with trees to break up the parking area into rows of not more than twelve (12) contiguous parking spaces. All parking area landscapes shall have dimensions of not less than 24 square feet of area, or not less than 4 feet in width by 6 feet in length, to ensure adequate soil, water, and space for healthy plant growth. (See Figures in Section 5-3.1.030.)

3. Buffering and Screening Required. Buffering and screening are required as follows:

- a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area abuts a street, a low (2-4-foot-high) evergreen hedge, masonry wall (brick, concrete block, stone, poured-in-place concrete, or similar material), arcade, trellis, or similar screen structure shall be established between street and driveway. The required screening shall have breaks, where necessary, to allow pedestrian access to the site and to allow visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide the required screening within one (1) year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover.
- b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to a ground-floor residence, a four (4) foot wide landscape buffer with a curbed edge may fulfill this requirement.
- c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and adjacent Residential districts. Such screening shall be provided by a decorative wall (i.e., masonry, architectural quality vinyl, or similar quality material), and shall be subject to Site Design Review. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 5-3.1, Access and Circulation. (See Section 5-3.2.050 for standards specific to fences and walls.)
- d. Flag Lot Screen. In approving a flag lot, as regulated under Chapter 5-4.3 Land Divisions, the City may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents, in accordance with the provisions of Section 5-4.3. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence, however, the owner may install one at his or her discretion.

E. **Maintenance and Irrigation.** All yards and landscape areas, regardless of whether such areas are required by this Code, shall be maintained in good health, with sufficient irrigation and care. Irrigation shall be required through Site Design Review for new landscaping; temporary

*irrigation for a period of two years may be permitted where proposed species are drought tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All plants and non-plant materials, including man-made features, on a site shall be maintained in good condition, or otherwise be replaced by the owner upon being notified by the City of such code violation.*

**Finding:** The application does not include a landscaping and screening plan. The planning commission may request the submission of a landscaping plan prior to plan approval or may approve the plan with conditions that address the landscaping requirements for the project.

#### **5-3.2.040 Street Trees**

*Street trees shall be planted for all developments that are subject to Land Division or Site Design Review where landscape park strips exist or are required with the development. Requirements for street tree planting strips are provided in Section 5-3.4.010, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines, and any applicable road authority requirements:*

- A. **Growth Characteristics.** *Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance, and in consideration of any list of desirable street trees that may be established from time to time by the City. The following should guide tree selection by developers and approval by the City. The following should guide tree selection by developers and approval by the City:*
- 1. Provide a broad canopy where shade is desired, except where limited by overhead utilities or other space limitations.*
  - 2. Use low-growing trees for spaces under low utility wires.*
  - 3. Select trees which can be "limbed-up" to comply with vision clearance requirements.*
  - 4. Use narrow or "columnar" trees where awnings or other building features limit growth, where view protection is desired, or where greater visibility is desired between buildings and the street.*
  - 5. Use species with similar growth characteristics on the same block for design continuity.*
  - 6. Avoid using trees that are susceptible to insect or pest damage and trees that produce excessive shoots (suckers), seeds or fruit.*
  - 7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.*
  - 8. Select trees for their seasonal color if desired.*
  - 9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, exhaust, or other considerations.*
  - 10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.*
- B. **Tree Size at Planting.** *The minimum tree size at planting is two (2) inch caliper measured four (4) feet above ground for deciduous trees, and six (6) foot height for evergreen trees.*
- C. **Spacing and Location.** *Street trees shall be planted within existing or proposed planting strips or in sidewalk tree wells on streets without planting strips, except where root system conflicts*

*with utilities are unavoidable, in which case the City may approve trees planted in front yards of lots. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain at least sixteen (16) square feet, or typically, four (4) feet by four (4) feet; trees shall be centered in the planter strip between sidewalk and curb. In general, trees should be spaced between thirty (30) feet and sixty (60) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. Actual spacing should be based on the trees' growth characteristics and provide for a mostly continuous tree canopy cover over adjacent sidewalks when the trees mature.*

- D. **Soil Preparation, Planting and Care.** The developer of subdivision or new site development with street frontage improvements shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two (2) years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting, after which the adjacent property owners shall maintain the trees.*
- E. **Assurances.** The City shall require developers of subdivisions (4 or more lots), including those within Master Planned Developments, to provide a performance and maintenance bond in an amount determined by the Public Works Director, to ensure the maintenance, care and, if necessary, the replacement of required street trees during the first two (2) years after planting. See also, Section 5-3.4.090.*
- F. **Tree Maintenance.** Maintenance of street trees, whether located in a public right-of-way or private property, is the ongoing responsibility of the adjoining property owner, subject to John Day City Code 3.814.*

**Finding:** Required street trees are not proposed for this project. The planning commission may request the inclusion of street trees or permit an exception to this standard if it is in the public interest and complies with the requirements of Section 5-4.5.040.

#### **5-3.2.050 Fences and Walls**

- A. **General Requirements.** All fences and walls placed within a required setback yard shall comply with the standards of this Section.*
  - 1. The City may require installation of walls and/or fences as a condition of land use or development approval. (See also, Section 5-3.2.030 for screening requirements.)*
  - 2. Except as provided under subsection 5-3.2.050(B), below, fences and walls placed within a required setback yard shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall:*
    - a. Within front and street-facing yard setbacks, four (4) feet*
    - b. Within side and rear yard setbacks, six (6) feet*
  - 3. The allowable height of a fence or wall may be restricted to less than the dimensions under subsection 5-3.2.050(A)(2) to maintain required sight distance at a street intersection or driveway approach, as determined by the Public Works Director.*
  - 4. Where a fence or wall is placed atop another fence, wall, berm, or other manmade feature, height is measured from grade at the base of such feature.*
  - 5. Walls and fences required by the City for screening or buffering shall comply with Section 5-3.2.030.*
  - 6. Walls and fences shall comply with the vision clearance standards of Section 5-3.1.020.*
- B. **Exceptions and Adjustments.***

1. *One arbor, gate, or similar fence or wall not exceeding eight (8) feet in height and six (6) feet in width is allowed within a front or street-facing yard provided it does not encroach into a required clear vision area.*
  2. *Within a front or street-facing yard in a Residential district, a cyclone fence or similar type of fence is allowed to reach six (6) feet in height, provided such fence shall have openings evenly distributed and comprising at least fifty percent (50%) of the surface area of the fence. Alternatively, a solid fence or wall is allowed within the rear yard of a reverse frontage lot (i.e., where rear yard abuts a street right-of-way), provided such fence or wall shall be setback a minimum of five (5) feet from the right-of-way behind a landscape buffer.*
  3. *Within side and rear yard setbacks, including rear yard setbacks on reverse frontage lots, the maximum fence and wall height is seven (7) feet, provided such fences and walls comply with the standards of subsection 5-3.2.050(B)(4) and the permitting requirements of subsection 5-3.2.050(C).*
  4. *All portions of a fence or screening wall exceeding six (6) feet in height in a side or rear yard, including rear yard setbacks on reverse frontage lots, as allowed under subsection 5-3.2.050(B)(3), shall provide openings evenly distributed and comprising at least twenty percent (20%) of the surface area of that portion of the fence. For example, a six (6) foot solid cedar fence with one foot of latticework could meet this standard. Similarly, a wall consisting of a solid masonry base with ornamental (e.g., wrought iron) detailing could also meet the standard.*
  5. *The Planning Commission, through a Type II Site Design Review, may approve a fence or wall exceeding the height limits of this Chapter. In approving such applications, the Planning Commission must find that the proposed fence or wall is necessary to buffer road noise, to protect the privacy of residents, or to mitigate adverse impacts of adjacent land uses, and does not pose a hazard to public health or safety. The Planning Commission shall also consider whether the proposed fence design (materials, color, detailing, etc.) is compatible with existing structures in the vicinity.*
- C. Permitting.** *A building permit is required for fences exceeding six (6) feet in height and retaining walls exceeding four (4) feet in height. In addition, walls exceeding four (4) feet require prior approval by the Public Works Director, who may require the applicant to submit plans prepared by a registered engineer.*
- D. Maintenance.** *For public health and safety, walls and fences shall be maintained in good condition, or otherwise replaced by the property owner.*
- E. Materials.**
1. *Permitted fence and wall materials include weather-treated wood; untreated cedar and redwood; metal (e.g., chain link, wrought iron, and similar fences); bricks, stone, masonry block, formed-in-place concrete, or similar masonry; vinyl and composite (e.g., recycled) materials designed for use as fencing; and similar materials as determined by the City Planning Official. In addition, non-invasive evergreen hedges kept to a height of not more than eight (8) feet may be considered screening walls for the purpose of this Chapter.*
  2. *Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire; scrap lumber, untreated wood, metal (except chain link), scrap materials, and tarps; dead, diseased, or dying plants; and materials similar to those listed herein.*

**Finding:** No fences are proposed as part of this Master Plan Development. Small walls may be needed for construction of the infrastructure due to the grades of the site. All walls will be part



of the construction plans submitted for approval prior to construction. Any fences or walls constructed on the lots will be part of the lot development by the homeowner or developer, they must follow all the rules and standards of the City's Development Code.

### 5-3.3 Parking and Loading

#### 5-3.3.030 (A). Vehicle Parking—Minimum Standards by Use

- A. Single Family Dwellings, including attached and detached dwellings and manufactured homes each require 2 off-street parking spaces. The standards for multifamily and group living are included in Table 5-3.3.030A of the Code. Bicycle parking standards and loading areas do not apply to this proposal.

**Finding:** The applicant has requested that the minimum parking requirements of the Residential zone be increased to make up for the deletion of on-street parking. The proposal would require an additional parking space be provided for each dwelling unit created.

- B. Vehicle Parking- Minimum Accessible Parking

**Finding:** No ADA parking is required for single family residential development or small multi-unit family dwellings. Parking is proposed as part of the Common Area for the Future Phases of the Master Planned Development. If larger multi-family units are proposed for any of the lots they will be required to go through site design review. The Common Area development will go through site design review as required and all accessible parking requirements are to follow current City, State, and Federal requirements for ADA.

- C. *On-Street Parking. On-street parking shall conform to the following standards:*
  - 1. *Dimensions. The following constitutes one on-street parking space:*
    - a) *Parallel parking, each twenty-two (22) feet of uninterrupted curb;*
    - b) *Diagonal parking, each with twelve (12) feet of curb;*
    - c) *90 degree (perpendicular) parking, each with twelve (12) feet of curb.*
  - 2. *Location. Parking may be counted toward the minimum standards in Table 5-3.3.030A when it is on the block face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it must not violate any law or street standard.*
  - 3. *Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.*

**Finding:** The applicant is requesting a modification to this standard. No on-street parking is proposed in order to keep the streets clear and maximize visibility for vehicles and pedestrians.

### 5-3.4 Public Facilities

#### 5-3.4.010 Transportation Standards

*A. Development Standards and Criteria. Projects shall be required to meet the current standards in effect at the time an application is filed*

1. ***Adequate Public Facilities.*** *No development shall be approved unless adequate transportation facilities are available or improvements will be constructed and operational, as required by this Code, the John Day Transportation System Plan and the John Day Local Street Network Plan. If existing improvements leading to or serving the site are inadequate to handle anticipated loads, improvements are to be constructed and operational prior to the issuance of building permits or in conjunction with construction of the approved lots or parcels pursuant to financial assurance for the improvements or a written agreement with the City prior to final plat approval. Development resulting in increased traffic on a state highway shall meet the traffic operations standards per the current Oregon Highway Plan.*

**Finding:** The applicant will be creating the lots in phases. As each phase is developed the developer will provide a preliminary plat for approval, construction plans for approval, and construct all approved improvements prior to recording the final plat, unless the City approves the improvements to be Bonded prior to recording the final plat.

2. ***This provision does not apply***
3. ***Street Improvements.*** *Streets within and adjacent to a development shall be improved in accordance with the City of John Day Transportation System Plan and the provisions of this Chapter. Development of new streets, including sidewalks, curbs, gutters, bicycle lanes, vehicle travel lanes, traffic control devices, and park strips, and additional right-of-way or street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Chapter; and all public streets shall be dedicated to the applicable road authority upon the Public Works Director's acceptance of said improvements;*

**Finding:** Based on the difficult terrain to construct streets, the Applicant has requested a modification to the street improvement standard to waive the requirement for including sidewalks, curbs, bike lanes, and park strips. The proposal includes a street section that is wide enough for two travel lanes, and 5 feet for other travel methods, for a total of 25 feet of paved surface. (see street section) As part of the Final Plat the public street Right-of-Ways will be dedicated to the City of John Day.

4. ***Access Improvements.*** *All new streets, and driveways connecting to streets, shall be paved; driveways and driveway aprons shall be improved as required under Section 5-3.4.030 and subject to approval by the Public Works Director.*

**Finding:** See included street section for proposed typical street cross section. Three inches (3") of Hot Mix Asphalt Pavement is proposed for Public Streets. Drive aprons will be the responsibility of the owner/developer of each individual lot as they develop them. The Master Planned Development seeks to only gravel the streets in the beginning and that the City allow the remaining paving to be Bonded and completed once the 80% of the lots have sold.

*B. **Guarantee.** The City may accept a future improvement guarantee (e.g., cash, bond, and/or owner agreement not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:*

- 1. A partial improvement would create a potential safety hazard to motorists or pedestrians;*
- 2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the standard improvement associated with the project under review would not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;*
- 3. The improvement would be in conflict with an adopted capital improvement plan; or*
- 4. The improvement is associated with an approved land partition and the proposed land partition does not create any new streets or result in increased transportation demand.*

**Finding:** Not required for this proposal.

*C. **Creation of Rights-of-Way for Streets and Related Purposes.** Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the John Day Transportation System Plan and Local Street Network Plan, and the deeded right-of-way and improvements conform to the standards of this Code.*

**Finding:** All right-of-ways for streets and turn-arounds will be created as part of and recorded on the Final Plat.

*D. **Creation of Access Easements.** The City may approve an access easement connecting to a public street only when the easement is necessary to provide for access and circulation in conformance with Chapter 5-3.1, Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.*

**Finding:** Not requested by the applicant

*F. **Street Location, Width, and Grade.** Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan, Local Street Network Plan, or subdivision plat, as applicable. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets. Where the location of a street is not shown on an adopted City street plan, the location of streets in a development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the street standards of this Chapter*

**Finding:** The approximate street locations are shown on the Concept Plan for the Master Plan Development, Phase 2 streets are shown on the Preliminary Plat. For Phase 2 the proposed typical section and approximate grades of the finished street are shown on the preliminary plat. Each future phase will provide the same information on the Preliminary Plat. Due to the terrain of the property, connectivity throughout the site is limited on the upper road and a rocky outcrop on the neighboring property. The lower cul-de-sac street in phase 2 will end at lot 57

which will be retained by the developer, with an “no build easement” recorded on the final plat were a potential right-of-way may be needed if the neighboring property proposes to develop. This area will be dedicated only once the City has approved a development plan for this property.

*G. **Minimum Rights-of-Way and Street Sections.** Street rights-of-way and improvements shall be the widths in Table 5-3.4.010. Variances to street design standards are subject to review and approval by the Public Works Director. Where a range of width is indicated, the width shall be the narrower in the range unless unique and specific conditions exists as determined by the Public Works Director based upon the following factors:*

- 1. Transportation policies of the Transportation System Plan;*
- 2. Anticipated traffic generation;*
- 3. On-street parking needs;*
- 4. Sidewalk and bikeway requirements, including the extension of and connection to existing sidewalks;*
- 5. Requirements for placement of utilities;*
- 6. Street lighting;*
- 7. Minimize drainage, slope, and sensitive lands impacts;*
- 8. Street tree location, as provided in Chapter 5-3.2;*
- 9. Protection of significant vegetation, as provided in Chapter 5-3.2;*
- 10. Safety, comfort, and convenience of motorists, bicyclists, and pedestrians;*
- 11. Placement of street furnishings (e.g., benches, lighting, bus shelters, etc.), as applicable;*
- 12. Access needs for emergency vehicles and for emergency evacuation; and*
- 13. Transition between different street widths (i.e., existing streets and new streets).*

**Finding:** The streets included in the Master Plan are local residential. Table 5-3.4010F lists Options A-E for these streets, with Right-of-Way widths varying from 38’ to 60’ wide. All options show 10’ travel lanes, 8’ parking (one or both sides), curb, and 4’6” sidewalks. The applicant did not select one of the options allowed in the code, because of the requested variance for removing curb, sidewalk, and on-street parking requirements. The proposed typical street section for all roads within this Master Plan Development are shown in Exhibit H. The proposed typical street section is a 25’ Paved surface - (2) 10’ travel lanes and 5 feet extra that can be used by pedestrians. The street will have 2’ gravel shoulders on each side, and a drainage ditch in cut areas. No curb, concrete sidewalk, pavement markings, or roadside parking will be provided.

*H. **Subdivision Street Connectivity.** All subdivisions including those within Master Planned Developments, shall conform to all the following access and circulation design standards:*

- 1. Connectivity to Abutting Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided by the John Day Local Street Network Plan and the requirements of this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshall, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.*

**Finding:** The street layout on the Concept Plan and the preliminary plat for phase 2 connects to the existing Valley View Drive that loops through the existing phase 1. The terrain of phase 2 does not allow for the connection of these streets. The future phases portion of the Master Plan Development provides connectivity with a looped street layout to a common entrance location. There is no other practical location to connect the streets to Phase 1 or Phase 2 because of existing developed lots and the topography of the site.

2. *When Abutting an Arterial Street. Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with Chapter 5-3.1. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.*

**Finding:** Not applicable. The property does not abut an arterial street.

3. *Continuation of Streets. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below, and to avoid or minimize through traffic on local streets. Appropriate design and traffic control and traffic calming measures, as provided in subsection H, below, are the preferred means of discouraging through traffic.*

**Finding:** The two cul-de-sacs proposed are extensions of existing planned street stubs provided as part of Ironwood Phase 1. The street proposed for Future Phases is a looped street, if the loop is not completed as part of a Phase, the street will end in a temporary emergency access turn-around. (cul-de-sac or hammer head type turn-around) until the next phase extends it.

4. *Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, all subdivisions and site developments requiring the extension of public streets shall be served by a connecting network of public streets and/or access ways, in accordance with the John Day Local Street Network Plan. The block length in new residential subdivisions shall not exceed 600 feet.*

**Finding:** Due to the hillside topography of the site, and limited potential for future development in the area, the applicant is proposing the street layout that best fits the site. Creating a block type circulation pattern throughout the development is not practical given the terrain.

5. *Access way Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable (e.g., due to topographic barriers or other physical constraints), an access way shall be provided at or near the middle of a block in lieu of the street connection. The City may also require developers to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way would connect the ends of the street to another street or public access way. Such access ways shall conform to all of the following standards, which may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians:*

- a. *Accessways shall be no less than ten (10) feet wide and contain a minimum six (6) foot wide paved walkway surface within a right-of-way or easement allowing public access; where emergency vehicle access is required, the access way shall be no less than twenty (20) feet wide and contain an all-weather driving surface with the required weight-bearing capacity;*
- b. *If the streets within the subdivision or neighborhood are illuminated, all access ways in the subdivision shall be lighted. Accessway lighting shall provide at least 2-foot candle of illumination of the walkway surface;*
- c. *A right-of-way or public access easement provided in accordance with subsection b that is less than ten (10) feet wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;*
- d. *All public walkways shall conform to applicable ADA requirements (exception allowed for hillsides); and*
- e. *The City may require landscaping as part of the required access way improvement to buffer pedestrians from adjacent vehicles, or to screen the access way for the privacy of adjoining residents.*

**Finding:** The standards in subsection 4 are impractical due to the topographic barriers of the site. If the Planning Commission determines that the proposed trail system does not compromise the safety of pedestrians, the above width, surfacing, lighting, and landscaping standards may be imposed or modified as necessary.

**A. Traffic Signals and Traffic Calming Features.**

1. *Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Federal Highway Administration approved guidelines, including but not limited to: Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.*
2. *When an intersection meets or is projected to meet traffic signal warrants, the City may accept alternative mitigation, such as a traffic roundabout, in lieu of a traffic signal, if approved by the Public Works Director and applicable road authority.*
3. *The City may require the installation of traffic calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving surfaces to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.*

**Finding:** No traffic signals or calming features are included in this development unless required by the planning commission.

**B. Extension of Streets, Sidewalks, and Bikeways.**

1. *Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the*

*pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is not binding; rather it is intended to show potential future street extensions with future development and ensure that the proposed development does not preclude future street connections to adjacent development land.*

**Finding:** The Concept plan shows the proposed extent of street construction for the proposed Master Plan Development. This is preliminary and may need to be adjusted for alignment and/or grades during the design process.

2. *Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-i, below:*
  - a. *These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.*
  - b. *A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.*
  - c. *Temporary street ends shall provide turnarounds constructed to Uniform Fire Code standards for streets over 150 feet in length. See also, Section 5-3.1.020.*
  - d. *Wheelchair ramps and other facilities shall be provided as required by the Americans with Disabilities Act (ADA). The lower lip of the wheelchair ramp shall be flush with the roadway surface.*
  - e. *Mailboxes and utility cabinets shall not infringe on public sidewalks or access ways.*
  - f. *Bikeways shall be designed and constructed consistent with the design standards in the "Oregon Bicycle and Pedestrian Plan: Design Standards and Guidelines," and the American Association of State Highway and Transportation Officials' (AASHTO's) "Guide for the Development of Bicycle Facilities," as applicable.*
  - g. *Temporary dead-end streets (not cul de sacs) that may be extended in the future shall have a right-of-way and pavement width that will conform to City standards when extended, and shall be posted as streets to be extended in the future.*
  - h. *Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional easements or rights of way shall be required to allow all cut and fill slopes to be within the easements or right-of-way. The Director of Public Works shall determine the required extra width.*

**Finding:** The property is at the western limit of the City Limits. No right-of-way is being dedicated at this time to provide connection to the neighboring property to the west. Lot 57 will have a "No build easement" over the area where a future right-of-way may be needed which

will be retained by the Developer. This area will be dedicated if it is deemed necessary by the City and the neighboring property receives an approved development plan that requires it.

**C. Street Alignment and Connections.**

1. *The creation of new streets making "T" intersections at collectors and arterials shall provide for intersection spacing of not less than 300 feet, as measured from the centerlines of the offset streets.*

**Finding:** All proposed street connections are T-shaped, ranging from 80-90 degree angles. All proposed intersections are spaced at greater than 300 feet from other intersections.

2. *Spacing between local street intersections shall have a minimum separation of 125 feet, except where the Public Works Director approves closer spacing due to topographic constraints or as necessary to provide a traffic calming feature, such as an open space, roundabout, or similar amenity. This standard applies to four-way and three-way (offset) intersections.*

**Finding:** None of the new local street intersections are less than 125 feet apart.

3. *All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if it falls within the Geological Hazards Overlay or it contains a stream or other natural drainageway. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.*

**Finding:** The proposed Phase II streets do not provide circulation through the site. Due to the topography, the developer is requesting a modification to allow the extended streets to end in cul-de-sacs. The proposed future phases portion is looped creating circulation in this portion of the Master Plan Development. Walking paths could provide pedestrian circulation throughout Phase II where possible.

4. *Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.*

**Finding:** Development beyond this Master Planned Development is outside of the City Limits and in the UGB. Where practical, the developer has provided an option for the future extension of the street in the event that the neighboring property

5. *In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to block length standards in Section 5-3.1.020.*



**Finding:** Topography thought the site and surround area prevent the development of blocks pre the City's Standards.

*D. Sidewalks, Planter Strips, Bicycle Lanes. Development shall be required to extend and improve sidewalks, planter strips, and bicycle lanes, as applicable, in conformance with the standards in Table 5-3.4.010, and pursuant to the City of John Day Transportation System Plan, John Day Local Street Network Plan, and/or the requirements of any other applicable roadway authority. The decision body may approve deferral of such improvements only as provided by Chapter 5-4.2 Site Design Review or Chapter 5-4.3 Land Divisions, as applicable. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.*

**Finding:** No sidewalks, planter strips, bicycle lanes etc. exist in the current phase of Ironwood and none are proposed for the Master Planned development, unless required by the planning commission. If the modification to waive the requirement for building these improvements is not approved, the sidewalks, bike lanes, and/or other improvements would extend off streets that do not have these improvements.

*E. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where the Public Works Director approves closer spacing due to topographic constraints or as necessary to provide a traffic calming feature, such as an open space, roundabout, or similar amenity.*

**Finding:** All new intersections included in the Master Plan, both inside and connecting to the existing streets, will intersect at 80-90 degrees. Interior streets are shown at right angles in the proposed design. To conform with the topography these may need to be adjusted, but no angles will be less than 80 degrees.

*F. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to a proposed development are less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 5-3.4.010.*

**Finding:** No additional adjacent right-of-way is being dedicated for existing streets.

*G. Cul-de-sacs. Streets shall be planned to continue to and through abutting properties, consistent with the connectivity standards in Section 5-3.4.010G. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. For example, the Public Works Director may approve a cul-de-sac where a street extension would otherwise exceed allowable street grades or negatively impact a natural drainageway or jurisdictional wetland. When cul-de-sacs are allowed, all of the following shall be met:*

- 1. The cul-de-sac shall not exceed a length of 600 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;*

**Finding:** Cul-de-sacs are being requested for use as permanent endings for streets that either cannot be extended due to the site conditions or may be extend in the future with further development of the UGB. The applicant is seeking to extend the allowable cul-de-sac length to 1000 ft. for Phase II since the lot densities proposed are less for the two cul-de-sacs than a potential 600 ft. cul-de-sac at the RG zone with a minimum lot size of 10,000 sf. The upper cul-de-sac would be the longest and still only has 11 homes accessing it, with no feasible chance of extension due to the topography.

- 2. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code. Circular turnarounds shall have a radius of no less than 40 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement); except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and*

**Finding:** The cul-de-sac radiuses proposed for the development are 45 feet, per the current UFC.

- 3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way connection between it an adjacent streets access ways, parks, or other right-of-way. Such access ways shall conform to Section 5-3.1.040.*

**Finding:** Trails throughout the Open Spaces will connect segments and the ends of the Streets to provide pedestrian and multi-use connections.

*H. Grades and Curves. Except as approved by the Public Works Director, grades shall not exceed 10 percent on arterials, 12% on collector streets, or 12% on any other street. The Public Works Director may approve steeper grades for short street segments, provided the street grade does not exceed 15% for a distance greater than 250 feet), and:*

**Finding:** The Street Profile shows the proposed street grades, subject to small adjustments for the final construction plans. No street grades in the Master Planned Development will exceed the limits of 12% typically or 15% for sections less than 250 feet with the Public Works Director's approval.

- 1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and*

**Finding:** All proposed streets in the Master Plan development are to be local residential streets, and all centerline radius are 100 ft. or greater.

- 2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.*

**Finding:** All intersections will be constructed matching the crown cross slope of the road being connected into and then transitioning through a vertical curve to the grade continuing down the street at centerline. Each edge of pavement will radius between the new street and existing street. Grading intersections like this will create a “landing” that is greater than 20’ long from the edge of the intersection and that is less than 5% in the general vehicle stopped position.

- I. **Curbs, Curb Cuts, Ramps, and Driveway Approaches.** Concrete curbs, curb cuts, wheelchair ramps, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in Chapter 5-3.1, Access and Circulation.

**Finding:** No curbs, curb cuts, ramps or driveway approaches are proposed with this development.

- J. **Development Adjoining Arterial Streets.** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access from through traffic and minimize traffic conflicts. (See also, the access requirements under Section 5-3.1.020.) The development design shall include one or more of the following, as required by the City based on multimodal safety, compatibility between the roadway and adjacent residential uses, maintenance and aesthetic considerations:
  1. A parallel access street (frontage road) along the arterial with a landscape median with raised curbs of not less than ten (10) feet in width separating the two streets;
  2. Deep lots (120 feet or greater) abutting the arterial or major collector to provide adequate arterial buffering with access taken from the subordinate street;
  3. Screen planting within a non-access reservation (e.g., public easement or tract) of not less than five (5) feet in width at the rear or side property line along the arterial; or
  4. Other treatment approved by the decision body, consistent with the purpose of this Chapter.

**Finding:** Does not apply.

- K. **Alleys, Public or Private.** Alleys shall conform to the standards in Table 5-3.4.010. The corners of alley intersections shall have a radius of not less than 12 feet and allow access to utilities.

**Finding:** No public or private alleys are proposed as part of the Master Planned Development

- L. **Private Streets and Gated Streets.** Private streets, including gated drives serving more than two (2) dwellings (i.e., where a gate limits access to a development from a public street), are not permitted.

**Finding:** No public or private alleys are proposed as part of the Master Planned Development

- M. **Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in John Day or vicinity.

**Finding:** The Master Planned Development Phase 1 proposed street names are shown on the preliminary plat for approval, unless changes are requested by the Planning Commission. All future street names will be submitted for approval by the City of John Day.

*N. **Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.*

**Finding:** As each phase of the Master Plan development is completed the boundary, individual lots and right-of-way monuments will be established and recorded per the City of John Day, Grant County, and State of Oregon's rules and regulation on a Final Plat. Any improvement not completed and monuments not permanently set will be bonded prior to the sale of any lots.

*O. **Street Signs.** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.*

**Finding:** The developer will pay all cost of any signs necessary for the Master Plan development based on the City's actual cost to install them.

*P. **Mail Boxes.** Mail box locations shall be as approved by the United States Postal Service.*

**Finding:** Mail box cluster proposed locations are shown on the preliminary plat for Phase II. Once final construction plans are developed, they will be submitted to the local US Postal Service for approval of the locations.

*Q. **Street Light Standards.** Street lights shall be installed in accordance with City standards. At a minimum street lights shall be installed at street intersections; additional street lights or lighting of pedestrian access ways may be required by the City to provide for public safety and welfare.*

**Finding:** No street lighting is proposed by the applicant for any of the streets. The applicant is requesting that each lot be required to have an approved lighting source at the beginning of their driveway (at the street) as the development occurs. The planning commission may require street lighting in the development in order to provide for public safety or may waive the street lighting requirement in accordance with the request.

*R. **Street Cross-Sections.** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway unless otherwise approved by the Public Works Director. The final lift shall also be placed no later than one (1) year from the commencement of initial construction of the development.*

**Finding:** The Master Plan development is proposing a variance to this standard. Initially the streets are requested to be constructed with 75% of the base rock in place. Then after 80% of the

lots are sold and/or developed, the final 25% of the base rock will be added and graded per construction plans and a single lift of asphalt be placed.

#### **5-3.4.20 Public Use Areas**

##### **A. Dedication of Public Use Areas.**

1. *Where a proposed open space, park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the public dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.*
  2. *The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.*
  3. *Alternatively, the City may impose conditions of approval providing for reservation and ongoing ownership, improvement and maintenance of open space areas (e.g., through Master Plan Development approvals under Chapter 5-4.5), including payment of property taxes for said property, by a private entity such as a homeowners association.*
- B. System Development Charge Credit.** *Dedication of land to the City for public use areas, voluntary or otherwise, may be eligible as a credit toward required system development charges for parks, as applicable.*

**Finding:** This Master Plan development provides Open Space and trails. Dedication to the City has not been determined. No other park or playground public use areas are proposed, unless specific uses or developments are required by the Planning Commission.

#### **5-3.4.30 Sanitary Sewer And Water Service Improvements**

- A. Sewers and Water Mains Required.** *Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and applicable engineering requirements. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the Public Works Director when alternate alignment(s) are provided.*

**Finding:** The Master Planned Development provides for full development of City Services throughout the site.

**Sewer and Water Plan Approval.** *Development permits for sewer and water improvements shall not be issued until the Public Works Director has approved all sanitary sewer and water plans in conformance with City standards.*

**Finding:** The Main lines will be designed per City and APWA standards, submitted to the City and State agencies with jurisdiction for review and approval. Once installed all systems will be tested and approved for acceptance by the City.

- B. Over-Sizing.** *The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future*

*development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the City may grant the developer credit toward any required system development charge for the same, or the City may authorize other cost-recovery or cost-sharing methods, in conformance with Section 5-3.4.010D.*

**Finding:** Over-sizing is not anticipated since this project is near the limits of the City and UGB. If it is determined that it is needed by the Public Works Department, it will be addressed during the infrastructure design.

- C. ***Inadequate Facilities.*** *Development permits may be restricted or rationed by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The City may require water booster pumps or sanitary sewer lift stations be installed with backup power.*

**Finding:** The sanitary sewer in this area is provided via gravity lines, the applicant is proposing gravity sewer lines be extended in Phase II. The topography of the future phase portion of the Master Planned Development has a low area that may require a sanitary sewer lift station. When preparing the preliminary plat for this area, the developer and the City Public Works Department will determine the best option- either a lift station or deep gravity lines.

The portion of the public water system that will supply Phase 2 is an existing boosted system. The domestic flows are pressurized by a jockey pump. The current size may be insufficient for the proposed development. The capacity of the pump will be verified during the design process. Fire flows will be supplied by the same pump that feed phase 1 of Ironwood. The future phase portion is lower and will be served by a gravity feed system that runs from Valley View Drive to the developed portion of Government Way Rd., in the current access road that the City is improving to a City Street.

***Water Pressure.*** *Above a certain elevation, where the City has limited ability to serve new development, a developer may be required to install a water storage reservoir and related infrastructure for required water flow pressure, consistent with adopted City master plans.*

**Finding:** Phase 1 of Ironwood is currently served by a booster station that boosts the pressure in the lines. This booster will also serve the proposed Phase 2. Capacity/Storage is not currently an issue for the existing development, but additional infrastructure improvements may be necessary in order to accommodate the proposed Phase 2. A public comment was received expressing concerns about the potential decrease in water pressure resulting from this development (Exhibit E).

### **Storm Drainage Improvements**

- A. ***General Provisions.*** *A development permit may be granted only when adequate provisions for storm water and flood water runoff have been assured (i.e., through plans and assurances approved by the City). See also, Section 5-3.4.090.*

**Finding:** During the design of each phase, calculations will be provided showing the capacity of the downstream systems. If they are found to be insufficient, improvements will be designed as part of the construction plans to be approved by the City and any other agencies with jurisdiction of the storm water conveyance and/or discharge. The planning commission may request these calculations prior to or as a condition of approval for this application.

A comment was received (Exhibit E) expressing concerns regarding the drainage pattern for the NW corner of the subdivision. The proposed culvert shown in the attached letter has caused concern that additional runoff, erosion, and flooding may occur adjacent to the site.

- B. *Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the Public Works Director.*

**Finding:** The onsite and offsite contributing area in a drainage basin flowing into the storm system will be accounted for in the design of the storm systems.

- C. *Effect on Downstream Drainage. The rate of stormwater runoff leaving a development site during and after development (post-development) shall not exceed the rate of stormwater runoff leaving the site before development (pre-development).*

**Finding:** Detention facilities and/or control structures will be designed as needed to regulate the flow rates. Systems must be designed with input from the Public Works Dept., since they will be responsible for the maintenance of the systems once approved, constructed, and accepted. Further studies and historical data may be requested by the Planning Commission in order to ensure compliance with the above standard.

- D. *Storm Drainage Analysis and Mitigation Required. The Public Works Director may require an applicant for development to provide a storm drainage analysis prepared by a qualified professional engineer registered in the State of Oregon to examine pre- and post-development stormwater runoff conditions and any required mitigation consistent with the City of John Day Stormwater Master Plan. Such analysis, at a minimum, shall quantify pre- and post-development runoff volumes and rates and propose mitigation based on stormwater management best practices, as specified by the Public Works Director. Such mitigation shall ensure that post-development runoff rates do not exceed pre-development rates and necessary facilities are provided to protect public health, safety, and welfare. If upon reviewing the applicant's storm drainage analysis, the Public Works Director determines that the stormwater runoff resulting from the development will overload any existing and/or proposed drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential adverse impacts.*

**Finding:** During the design of each phase calculations will be provided showing the capacity of the downstream systems. If it is found to be insufficient, improvements will be designed as part of the construction plans to be approved by the City and any other agencies with jurisdiction of the storm water conveyance and/or discharge.

- E. **Over-Sizing.** *The City may require as a condition of development approval that any public storm drainage system serving new development be sized to accommodate future development upstream, provided that the City may grant the developer credit toward any required system development charge for the same, or the City may authorize other cost-recovery or cost-sharing methods, in conformance with Section 5-3.4.010D.*

**Finding:** The onsite storm drain system is not anticipated to need any over-sizing since all of the contributing area beyond this Master Plan Development is outside the City Limits or UGB. If deemed necessary, the applicant will work with the Public Works Department as needed to address any conditions for potential over-sizing.

- F. **Existing Watercourse.** *Where a watercourse, drainage way, channel, or stream traverses a proposed development there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety. See also, Chapter 5-2.9 Flood Plain Overlay Zone.*

**Finding:** The Master Plan Development is not in any Flood Plain Overlay Zones and the existing drainage ways that drain across the site will either be part of the dedicated Open Space or, if crossing a private lot, will include a storm drain easement. The existing drainage ways are small, steep, and well defined. The proposed easements will be a minimum of 30' wide and will be centered on the drainageway for open channels and as needed for piping systems and structures

#### **5-3.4.50 Utilities**

##### **A. Underground Utilities.**

1. *Generally, all new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The City may require screening and buffering of above ground facilities to protect the public health, safety or welfare through Site Development Review.*
2. *Subdivisions and Master Planned Developments. The following additional standards apply to all new subdivisions, including those within Master Planned Developments, in order to facilitate underground placement of utilities:*
  - a. *The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 5-3.1);*

**Finding:** During the design portion of each phase, after the basic infrastructure has been finalized, plans will be provided to each private utility company (power, phone, cable, fiber optics, etc.) for them to add their design. Private utility designs will need to meet the City's requirements and will be part of the final construction plans submitted for City approval.



- b. *The City reserves the right to approve the location of all surface-mounted facilities;*

**Finding:** Plans, details, and specifications will be submitted for City approval.

- c. *All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and*

**Finding:** All City utilities will be installed prior to surfacing the streets. The private utilities if not fully installed will have all conduits, junction boxes, etc. installed so that any primary and/or secondary service can be installed without and further disturbance of the street or surrounding area.

- d. *Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.*

**Finding:** Any sewer or storm drain stubs will be extended to the right-of-way line as part of the infrastructure construction. Water services will be installed up to and including the meter box, set to grade. The meter to be set when the owner/developer of the lot request service, by the City Public Works. Private utilities will be installed to the right-of-way line or in the proposed Public Utility Easement (PUE) along the right-of-way, for future extension to the new structures.

- B. *Exception to Undergrounding Requirement. An exception to the undergrounding requirement may be granted where existing physical constraints, such as steep topography, natural resource constraints (e.g. geologic conditions, rivers and streams), or existing development conditions make underground placement impractical.*

**Finding:** All new utilities are proposed to be underground. Final design by utility companies may request otherwise if underground installation is determined to be impractical given existing conditions after infrastructure design and construction.

#### **5-3.4.060 Easements**

- 1. *Provision. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be determined by the Public Works Director.*

**Finding:** The typical placement of the underground private utilities will be in the public right-of-way or in the proposed PUE that runs along each lot/right-of-way line. Anything other than this is to be approved by the City Public Works Department during the design process.

- 2. *Recordation. As determined by the Public Works Director, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be*

recorded with the final plat. See Chapter 5-4.2, Site Design Review, and Chapter 5-4.3, Land Divisions.

**Finding:** All easements determined to be necessary as part of the design and construction of each phase will be included and recorded on the Final Plat.

#### **5-3.4.070 Construction Plan Approval**

1. **Plan Approval and Permit.** *No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council.*

**Finding:** Construction plans for each phase will be developed after each phase's preliminary plat and conditions are approved. The plans will follow all applicable City, State and Federal design standards. Plans will be submitted for approval prior to any construction and no construction will begin until fees are paid and permit(s) issued.

2. **Performance Guarantee.** *The City may require the developer or subdivider to provide bonding or other performance guarantees, to the City's satisfaction, to ensure completion of required public improvements pursuant to Section 5-3.4.090.*

**Finding:** As the construction is completed for each phase of the Master Plan Development, the City must accept all improvements. The contractor and/or developer will provide a two-year performance bond/warranty for all of the improvements prior to submitting the final plat or selling any of the lots. If all of the improvements are not completed by before the final plat is to be recorded, the developer must follow the State of Oregon's rules and Section 5-3.4.090 of this code, and submit a bond or payment for all uncompleted items as deemed necessary by the City of John Day.

#### **5-3.4.80 Installation**

- A. **Conformance Required.** *Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.*

**Finding:** Construction Plans are to be designed per State agency regulations, City standards, APWA standards and specifications, and/or as directed by the Public Works Department.

- B. **Adopted Installation Standards.** *The City of John Day may adopt design standards, criteria and specifications for public improvements as well as private utility installation within the public right-of-way; until such standards are adopted, project designs shall conform to the recommendations of the Public Works Director.*

**Finding:** Construction Plans are to be designed per State agency regulations, City standards, APWA standards and specifications, and/or as directed by the Public Works Department.

- C. *Commencement.* Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.

**Finding:** All needed permits will be applied for and submitted as needed with the construction plans for approval by the City, prior to any construction.

- D. *Resumption.* If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.

**Finding:** This provision will be included in the construction plan specifications to be followed by any developer or contractor working on the project.

- E. *City Inspection.* Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to review under Chapter 5-4.6, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

**Finding:** Minor modifications are typical of construction projects and the developer will follow the requirements of the Code. Major modifications that change material types, lot sizes and locations, etc. that could affect the construction of the project with delay should be all addressed by the City and the developer during the plan approval process. Any monuments disturbed by the construction of the project will to be replaced by a licensed surveyor prior to acceptance of the project.

- F. *Engineer's Certification and As-Built Plans.* A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 2 set(s) of "as-built" plans, in conformance with the Public Works Director's specifications, for permanent filing with the City. The Public Works Director may require the developer or subdivider to provide a warranty bond or other assurance pursuant to Section 5-3.4.090.

**Finding:** Once the construction is completed, the project engineer will provide the City with any inspection reports, test results, and certification of the construction. The City will be provided 2 hard copy sets of the "as-builts" as well as a pdf version for the record.

#### **5-3.4.90 Performance Guarantee And Warranty Bond**

**A. Performance Guarantee Required.** *The City at its discretion may approve a final plat or building permit when it determines that at least 75 percent of the public improvements required for the land division or phase thereof are complete and the applicant has an acceptable assurance for the balance of said improvements. The applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City.*

**Finding:** The developer will provide performance guarantees as required by the city.

**B. Determination of Sum.** *The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs (110% of estimated improvement costs, as prepared by a qualified civil engineer).*

**Finding:** Project Engineer will provide cost estimate based on similar projects/work completed in the area. Estimate to be approved by the City of John Day.

**C. Itemized Improvement Estimate.** *The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.*

**Finding:** Project Engineer will provide an itemized estimate based on typical bid items. (i.e. Cubic yards, tons, LF, etc.)

**D. Agreement.** *A written agreement between the City and developer shall be recorded with the final plat. The agreement shall not be valid until it is signed and dated by both the applicant and City Planning Official. The agreement shall contain, at a minimum, all of the following:*

- a. The period within which all required improvements and repairs shall be completed;*
- b. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;*
- c. The improvement fees and deposits that are required;*
- d. (Optional) A provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.*

**Finding:** Agreement to be provided by the developer, for City's approval, and agreement executed prior to recording of the final plat.

**E. When Subdivider Fails to Perform.** *In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.*

**Finding:** This provision will be specifically addressed in any written agreement prepared with the City of John Day.

**F. Termination of Performance Guarantee.** *The developer shall not cause termination of nor allow expiration of the guarantee without first securing written authorization from the City.*

**Finding:** This provision will be specifically addressed in the bond policy.

*G. **Warranty Bond.** A warranty bond good for two (2) years is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal fifteen percent (15%) of the total cost of improvements and begin upon acceptance of said improvements by the City.*

**Finding:** A warranty bond will be provided by the developer

### 5-3.5 Signs

**Finding:** No signage for the Master Plan development is being proposed. If signage is needed in future Phases, all signs will meet the City of John Day's sign standards, permit application requirements, and will be submitted for approval.

## 7. MODIFICATIONS FOR DISCUSSION

- (1) **Open Space.** 16.9% of the site is proposed to be reserved as Open Space. This would modify the 25% requirement of Section 5-4.5.060 (D)
- (2) **Landscape Concept.** Waive requirement or address through separate documentation to be provided to City Planning Official prior to development.
- (3) **Architectural Concept and CCRs.** City does not enforce CCRs but can enforce architectural concepts (i.e. developments would be subject to the concept design standards). If the applicant chooses not to submit an architectural concept and the planning commission allows this modification, then any enforcement of architectural concepts and/or CCRs (i.e. exterior lighting, satellite equipment, minimum dwelling unit size, story limitations, etc) defaults to the land developer.
- (4) **Adequate Utilities.** Verification by the City public works director of the water pressure due to expanded residential housing (both planned and future development) to ensure utilities are adequate to meet needs.
- (5) **Walkway Design and Construction.** Applicant is not proposing sidewalks or multi-use paths, consistent with the existing Phase 1 of Ironwood Estates. Alternative pathways are possible from the Phase 2 development to the John Day Innovation Gateway and Integrated Park System and these are shown, but the Applicant is concerned about devaluing lots in order to provide access to the limited number of residents who may use them. Commission should discuss the need for sidewalks/trail access and appropriate markings. Applicant is requesting a waiver for the requirement for including sidewalks, curbs, bike lanes, and park strips. The pedestrian circulation plan is not robust and is non-conforming with the code, but it is consistent with the Phase 1 development.
- (6) **Landscaping, Street Trees, Fences, and Walls.** No landscaping is planned for the development. Applicant is requesting a waiver for this requirement.

- (7) **Access Improvements.** The Applicant is requesting to only gravel the streets in the beginning and that the City allow the remaining paving to be Bonded and completed once the 80% of the lots have sold. City staff recommend this, provided the streets are paved within 24 months of project initiation, since it is uncertain how long it will take for 80% to sell. Recommended adjustment is 80% or 24 months, whichever is soonest.
- (8) **Street Alignment and Connections.** A proposed through street connecting to the privately-owned lot west of the development is designed, however, the City is recommended the Planning Commission approve this development and a no-build easement, with the caveat that the City shall not permit future development on the adjoining lot unless and until the lot is annexed into the city limits, submits a complete plan per the Code for the horizontal improvements and future development, and all streets and utilities are connected from Patterson Bridge Road to this cul-de-sac at Ironwood Drive. Otherwise, we could have a developer request a single home and to extend this street and utilities for one home, then another, then another, etc. similar to other developments like Charolais Heights that did not complete the street network but simply extended a private lane.
- (9) **Parking.** The applicant has requested a waiver for on-street parking requirements. In lieu of on-street parking, the proposal would include an increase on the number of parking spaces required per unit.
- (10) **Cul-de-sacs.** The cul-de-sacs are longer than what is allowed but are necessary due to topography.
- (11) **Street Light Standards.** Applicant is requesting to have individual home owners put in street lights instead of the developer.
- (12) **Stormwater Management Plan.** Planning Commission should require approval of the stormwater plan from the John Day public works director as a condition of recording the final plat.
- (13) **Redevelopment Plan.** Recommend waiving the requirement for a future redevelopment plan since the future terrain has limited development capacity.
- (14) **Preliminary Plat.** Commission can approve the preliminary plat as submitted for Phase 2. The Phase 3 plat includes smaller than average lot sizes. Staff recommends the Applicant return to the Planning Commission for final approval of the Phase 3 Preliminary Plat in order to verify compliance and/or needed modifications.

## 8. PLANNING COMMISSION MOTION

After hearing the staff presentation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The following motion is suggested:

"I move to approve MPD-21-01 based on the findings contained in the staff report [with conditions or modifications, if any]."

*The staff report may be amended during the course of the hearing.*