



# CITY OF JOHN DAY

## STAFF REPORT MPD-21-02

**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-21-02

**Location:** Tax Lot 2703 on Map 13S31E & Tax Lot 3100 on Map 13S31E25BB

### 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

Mahogany Ridge Properties, LLC is the owner and developer of “The Ridge,” an approximately 81.83-acre site near the SE corner of the City of John Day city limits. The proposed Master Plan Development includes Tax Lot 2703 on Map Number 13S31E and Tax Lot 3100 on Map Number 13S31E25BB. The parcel is zoned Residential General (RG). The property will be developed in multiple phases and will include lots for single family and multi-family units. Based on the topography and other constraints of this property, the goal is to create a variety of innovative housing options that best fit the unique characteristics of the site. The property will be developed in phases as needs and market conditions dictate.

The first phase will create 13 lots and include public streets, city and private utilities, trails and pathways, and natural open spaces. The proposed lots 1-11 range from 0.35-1.93 acres, capable of providing the space needed for developing hillside lots; providing space for the structures, utilities, and parking required; and minimizing the impacts on native vegetation and natural terrain features. A minimum of 60% of these lots will be committed to multi-family dwelling units such as multiplexes or cottage cluster homes, with the goal of creating affordable housing units to fill a recognized need within the community. Mahogany Ridge Properties plans to reserve between 1-4 of the lots and will construct multi-family units on them, either commissioned or on speculation. The

remaining lots will be sold as bare lots with all utilities stubbed to the property and public street access.

As part of Phase 1, lots 12 and 13 will be larger lots, 10-20 acres. The building sites for these parcels are at the very top of the hillside and would require a large amount of public infrastructure to serve very few home sites. The elevation of the building sites is currently above the City's highest water storage tanks. These lots are proposed single family and the homeowner will be responsible for the extension of private access and utilities as needed. These lots could be redeveloped in the future if, utility service becomes available and public access can be provided. Parcels 14 & 15 are parcels reserved for future phases of the project. Open Space will be dedicated throughout the development, these areas will remain primarily undeveloped, with gravel pathways connecting to the public streets and other pathways.

## 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 final subdivision plat 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.

## 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:** “The Ridge” is a Master Planned development required by the City to address the site specific features of this property and surrounding area including the existing topography, services, utilities and accessibility. Any subdivision of a lot greater than 40 acres cannot be approved without the approval of a Master Planned Development per Code Section 5-4.3.030.

##### ***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;
2. The approval of a detailed development plan; and
3. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

**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 F). 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 drainage ways), 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:** The planning commission must approve or deny the following modifications based on the above modification criteria. Specific explanations of the variance requests are addressed in this staff report.

- No proposed street trees
- No proposed sidewalks, curbs, or buffers
- No proposed on-street parking
- A proposed cul-de-sac exceeding 600 ft. in length
- No proposed street lighting
- Delaying the paving of the street until after final plat approval

**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:** Satisfactory. See 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:** Satisfactory. The approximate development schedule is included below. The timeline may be accelerated if market conditions warrant.

**Now-March 2022**—Planning, Permitting, Construction Plans and Surveying

**March 2022-July 2023**—Infrastructure Construction (Roads, Sewer, Storm Drainage, Water, Electrical, and other utilities)

**July 2023-October 2023**—City Acceptance of public improvements, completion of Final Subdivision Plat

**Oct 2023-June 2024**—Lot Sales, approval of SDRs and building plans for dwellings and start of construction.

**Detailed Development Plans for future phases will be submitted as market conditions allow.**

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 I will include a mix of single- and multi-family residential lots for sale to individual homeowners or developers and possibly developed by the project owners if market conditions are favorable. Future phase are planned to have lots designated for single and multi-family structures. Depending on market conditions at the time of construction the developer may sale individual lots or build some or all of the new structures.

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

**Finding:** Satisfactory. Narrative responses have been incorporated into this staff report.

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:** The subject property is largely within the John Day Geological Hazard (GH) Overlay. Due to the increased risk of landslide hazards recognized by the Oregon Department of Geology and Mineral Industries, the Code requires developers to obtain a permit for all construction, grading, and other development activities to ensure that the activity is reasonably safe from geological hazards (Code Chapter 5-2.6). A geotechnical investigation was performed on the site in July 2020 (Exhibit D). The recommendations and further analysis of the investigation are provided in the findings of Chapter 5-2.6 in this report.

DKS Associates has also prepared a transportation study for the site dated May 2021 (Exhibit G). Further analysis of the transportation study is provided in the findings of section 5-4.1.090 in this report.

- 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:** Sufficient. See Exhibit B- Existing Conditions

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 phase 1 preliminary plat. The standard setbacks for the RG zone will apply to "The Ridge" Master Plan. The preliminary plat also shows existing, proposed and future stubs for utilities. Future phases will be subject to Detailed Development Plan approval as they progress, and will include 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 Exhibit E. The street grades will be 12% or less.

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

**Finding:** The construction of the streets, utilities and building lots will 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. The Ridge owners received a grant to remove Juniper from the site to reduce vegetative overgrowth. They will leave the required number of trees to be compliant with their grant requirements. City staff recommend accepting this proposal in lieu of a specific vegetation plan and/or planting areas, but this will need to be approved as a variance.

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

**Finding:** The individual owners/developers or project developer 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:** Proposed CCRs have not been submitted. Planning Commission may request additional time to review and approve proposed restrictions and covenants.

**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:** We believe that 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 though out 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 sections 5-4.3.030 & 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:** Applicable standards and criteria of Article 5-2 and 5-3 are addressed below in the findings of Articles 5-2 and 5-3.

- 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*
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;*
  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:** Staff finds that 25% open space is appropriate for the proposed development. 12.4% of the subject property will be dedicated as natural open space in Phase 1 (see Exhibit F—Preliminary Plat) The open space area will be left in its existing condition and will not be developed aside from multi-use trails. Future phases of the project will provide additional open space and trails connecting the phases to new and existing streets. All 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 (below.)*

**Finding:** Proposed adjustments and modifications proposed as part of this Master Plan Development are outlined throughout 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:** The applicant has included a Preliminary Plat for Phase 1 of the development (Exhibit F). Future Phases will also require submission of Preliminary Plats for approval. Any conditions of approval imposed by the planning commission will apply to future 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 1 Preliminary Plat, rough lot layouts are shown on the Concept Plan. Overall the densities will not exceed those of the underlying RG zone.

- 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 lot sizes it is not anticipated that percent of coverage will be an issue.

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

**Finding:** The amount of Open Space shown is approximately half of what is called for in a Master Plan Development. Staff finds the proposed allotment to be reasonable. As trails and final lots are finalized in the design process, the amount of Open Space may increase to accommodate the trails and necessary drainage.

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

**Finding:** Increased parking to be provided in individual lot developments in conformance with the Code. On-street parking will not be provided. 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:** No land use or zoning changes are proposed for this development.

- 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:** None proposed at this time. Future phases may require a major modification proposal.

- 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:** None proposed at this time. If Future Phase require, 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:** None proposed at this time. If Future Phase require, concept plan modification will be submitted.

### **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 F 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 in the RG zone ranges from 10,000 sf for single-family homes to 12,000 sf for multi-family dwellings. Lots 1, 3, 4, 5, 6, 7, 8, and 10 of Parcel 1 exceed 200% the minimum lot size allowed. Staff does not see a need to require future-planning for these sites. The terrain and orientation of the lots effectively prohibit further division of the sites.

Parcels 2-5 represent future phases of the Ridge. These lots range from 10.75 to 20.75 acres and are included in concept in Exhibit C- Concept Plan. The Concept Plan does not meet the above requirements to also serve as a future re-division plan. The Planning Commission may require the applicant to submit a re-division plan prior to approval.

- 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:** The applicant has not requested lot sizes less than that of the underlying zone.

- 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 adequately served with existing or planned public utilities and facilities. Lots 12 and 13 will require a booster to receive water service

*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 storm water management.*

**Finding:** The subject site is not within or adjacent to the regulatory flood plain or designated open space areas. The Applicants have indicated their interest in reserving a portion of the 80-acre development for future recreation, but no specific trail plans have been developed or requested by the City in order to process this application.

#### **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 applies to the subject proposal. 80 acres of land owned by Mahogany Ridge, LLC is included in the proposed subdivision.

- C. *Area plan required. Prior to submittal of an annexation petition or land division application for an area subject to Section 5-4.3.030, a conceptual master plan shall be submitted to the City Planning Official with the required pre-application materials for the project or proposal. The conceptual master plan shall illustrate the type and location of planned streets, utility corridors, parks, open spaces, and land uses for the subject site and all lands under contiguous ownership. The plan shall demonstrate how future development, including any proposed phasing, can meet the guidelines under subsection D, below.*

**Finding:** See Concept Plan (Exhibit C)

- D. *Land use and design standards. The conceptual plan required under subsection C shall be consistent with the following design criteria:*
1. *All neighborhoods have identifiable centers and outer boundaries;*
  2. *Edge lots are readily accessible to neighborhood commercial uses, if any, and recreational uses by walking and bicycling;*
  3. *Land uses are mixed to the extent allowed by this Code;*
  4. *Where a variety of housing is required by this Code, different housing types and a range of lot sizes are located in close proximity to one another;*
  5. *Streets are interconnected to the extent practicable; blocks are walkable in scale (e.g., 200-600 feet in length), except where topography, existing development, or other physical features require longer blocks, which case pedestrian access ways connect through long blocks;*
  6. *Civic buildings, monuments and/or open spaces (e.g., parks, squares, greenbelts, natural areas, etc.), and scenic viewing points are given prominent sites throughout the neighborhood;*
  7. *Overall, the master plan achieves a housing density that is consistent with the Comprehensive Plan and Development Code; and*
  8. *The plan reserves land needed for public use (e.g., schools, parks, fire stations, and other facilities), in accordance with the Comprehensive Plan and to the extent allowed under applicable law.*

**Finding:** The Planning Commission must make a determination of whether the above design criteria are met.

- E. *Implementation. The City will review the conceptual master plan required by this Section and provide input to the applicant during the pre-application meeting for the land use application or annexation petition, as applicable. The City may also refer the plan to outside agencies with jurisdiction (e.g., roadway authority) for their input. The master plan is not binding but the applicant is encouraged to refine the plan based on the City input before submitting a land use application or annexation petition for the subject property. The applicant is also required to contact adjacent property owners and solicit their input prior to submitting a land use application, pursuant to Section 5-4.1.080.*

**Finding:** City staff met with the applicants for a preliminary site visit in December 2019. Additional meetings were held to discuss and refine the details of the proposed application throughout the planning period. The applicant invited residents adjacent to the development to participate in a neighborhood meeting on April 12<sup>th</sup>, pursuant to Section 5-4.1.080.

**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.*

**Finding:** The proposed depth of lots 1 and 2 of Phase 1 are less than what is required for multi-family and duplex developments. The proposed depth of these lots is within 10% of the required depth of 100 ft. and the overall density of the subdivision does not exceed the allowable density of the zone. The abutting lots exceed the 20,000 sf maximum, however, so the planning commission must require these lots to be reserved for single-family (attached or detached) development only.

- 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

- 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:** The proposal includes multiple phases with time tables that will exceed 2 years. Future phases have not been formally planned. If approved as presented, the applicant will need to submit additional preliminary subdivision plats to the planning commission for approval for Phases 2-5 as they are developed. The Planning Commission may request the applicant provide preliminary future re-development plans for the other phases prior to approval. Alternatively, the applicant may wish to submit preliminary plats for future phases with timelines exceeding two years between preliminary and final plat approvals.

*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 requests to subdivide parcels 2-5 are 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 G- 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:** 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:** The Preliminary Plat (Exhibit F) shows the proposed right-of-ways and Open Space to be dedicated to the City. No other dedication of real property was requested or is being proposed, unless required by the Planning Commission.

- 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 proposed Subdivision name is “The Ridge”, the preliminary plat provided is for Phase 1 of “The Ridge.”

- 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:** Existing Conditions Map is compliant (Exhibit B).

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

**Finding:** Existing Conditions Map is compliant (Exhibit B).

- 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 Conditions Map is compliant (Exhibit B).

- 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;*

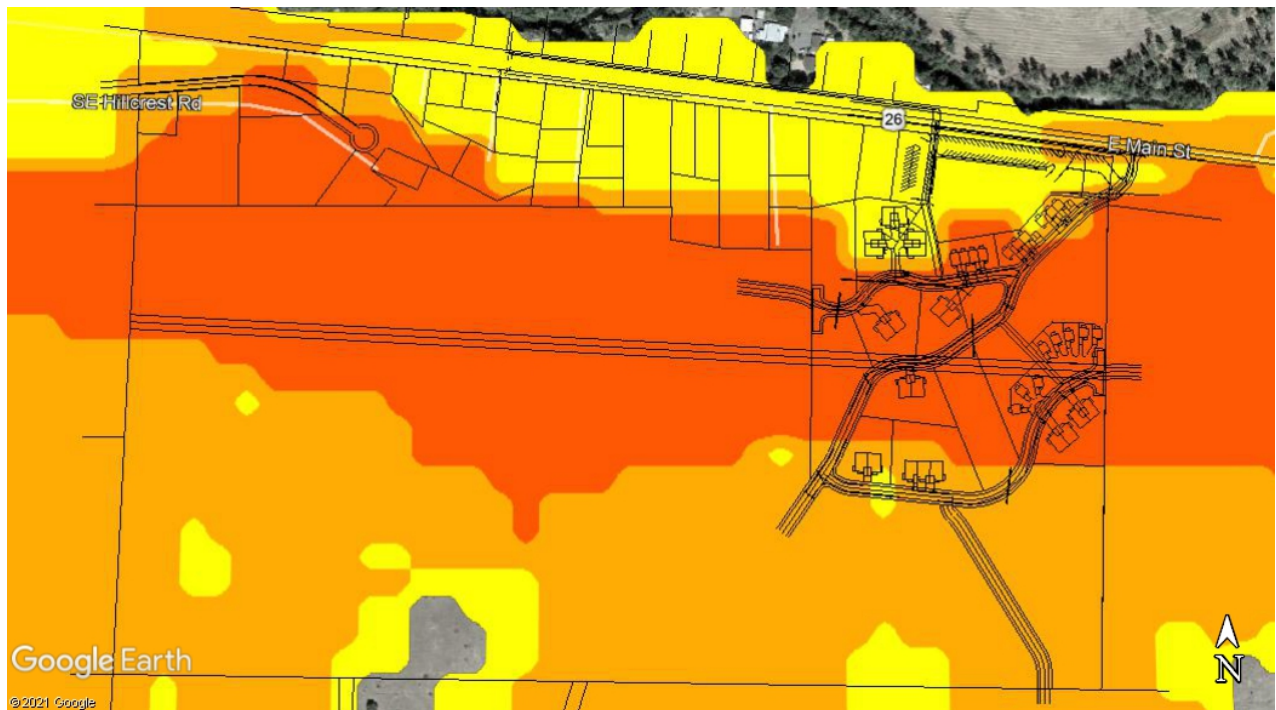
**Finding:** Existing Conditions Map is compliant (Exhibit B). 10' contours are shown due to the steep existing grades of the site, created using preliminary USGS contour data and minimal survey data from previous projects.

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

**Finding:** Design survey will establish a benchmark along the state highway for surveying purposes based on a standard datum for 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 Existing Conditions Map does not include identification of areas within the geologic hazard overlay. Staff is including a map below showing the hazard area (in red) for reference. Additional information regarding site analysis and recommendations are included in the findings of Section 5-2.6 No other natural hazard areas have been identified on the subject site.



- 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:** According to the applicant, there are currently no known sensitive lands on the site. Drainage ways have wetland potential and may need to be further investigated for wetland areas if disturbed by construction activities. A riverine wetland is shown on the Department of State Lands wetland delineation inventory, but to the best of our knowledge, this site has not been characterized or formally delineated. A desktop review by the DSL is needed to verify if the proposed development requires wetland mitigation and/or conservation.

- 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 unique views of adjacent landscapes. Small remnants of a structure that was removed years ago remain near Hillcrest Rd.

- 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 B)

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

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

- 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:** Concept Plan and Preliminary Plat are compliant (Exhibits C and F).

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

**Finding:** Concept Plan and Preliminary Plat are compliant (Exhibits C and F).

- 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:** Concept Plan and Preliminary Plat are compliant (Exhibits C and F).

- 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:** Open space reserves and proposed lots are shown on the Preliminary Plat. Specific uses for open space areas have not been proposed. Potential locations of future buildings are not shown in the preliminary plans. Uses that are permitted in the underlying zone and otherwise compliant with the Code will be permitted within the proposed residential lots. Development of individual sites will be subject to the applicable design standards for that development and any conditions imposed by the planning commission in the approval of this master plan.

- 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:** Design standards are addressed in the Article 5-3 findings (below).

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

**Finding:** The Preliminary plans do not show potential locations for vertical development, but the preliminary plat includes setback notations. With the potential exception of lot 1, the proposed lots will meet siting and dimensional standards for most permissible developments.

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

**Finding:** The proposed lots will be served by the City water system. Connection is available to the existing line at Hwy 26 and is proposed to be extended on site along the proposed road system. See Preliminary Plat (Exhibit F).

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

**Finding:** The proposed lots will be served by the City sewer system. Connection is available to the existing line at Hwy 26 and is proposed to be extended on site along the proposed roads. See Preliminary Plat (Exhibit F).

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

**Finding:** Open ditches, field inlets, culverts, catch basins, and other systems will be constructed to convey surface water to existing structures along Hwy 26. See Preliminary Plat (Exhibit F). On-site stormwater infiltration facilities are not proposed at this time.

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

**Finding:** Private utilities will be extended from Highway 26 to the site in the street right-of-way and Public Utility Easements (PUE) to the individual lots. Street lighting fixtures are not included in the proposal.

- 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:** John Day does not have trains.

- 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:** No watercourses are involved in this proposal.

- 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:** The subject site is entirely outside of the 100- and 500-year floodplain.

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

**Finding:** The proposed location of Highway access was approved by ODOT for previous development plans in the area (Strawberry View Estates.) Final plans will need to be prepared and submitted to ODOT for approval.

- 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:** Wetlands were identified in the vicinity of this project, see Exhibit I, enclosed.

#### **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:** Sidewalks and bike lanes are not proposed in the development. Paths and trails have not been specifically designed, but are presumed to provide conforming transitions to adjacent land. Roads, utilities, and surface water management facilities are shown on the Preliminary Plat. Public 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 private common areas or improvements are identified on the preliminary plat. Public facilities and recreational infrastructure will be dedicated to the city or maintained by a competent entity in conformance with section 5-3.4.020.

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

**Finding:** A state highway access permit shall be obtained from ODOT and a 1200C permit shall be obtained from the Department of Environmental Quality prior to approval of the final plat. No other State or Federal permits were addressed in the applicant's proposal.

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 ODOT, Grant County, special districts, 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 within the Geological Hazard Overlay Zone. The standards and criteria of the GH overlay are addressed in this report under the findings of Chapter 5-2.6—Geological Hazard (GH) Overlay.

- 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.

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:** Some areas of the proposed lots could potentially be developed with portions of buildings constructed more than 150 feet from the proposed public streets. If developers wish to construct vertical improvements on these interior portions of their lots, the City will require access drives to be improved to the standards of the Uniform Fire Code, in accordance with Chapter 5-3.1.

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, transportation facilities, and Open Space that is designated on an adopted master planned development are permitted outright in the Residential General Zone.

The Ridge Master Plan seeks to make the best use of the site and it’s features. To do this, the project will not restrict any of the uses allowed within the RG zone. The goal is to provide a minimum of 60% of the lots for multi-family development and to maximize the limited amount of buildable land on the property. All of the structures on the property are to follow the City’s development code for the RG zone in combination with the CCR’s for “The Ridge” Master Plan Development.

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

**Finding:** See table below. Because multi-family and single-family-specific lots are not designated in this proposal, each lot must meet the most restrictive minimums in order to accommodate the highest possible density of development.

<b>Standard</b>	<b>Code Requirement</b>	<b>Proposal</b>	<b>Finding</b>
Min. Lot Area	12,000 sf	14,000- 82,000 sf	Compliant
Min. Lot Width	20-50 ft.	Varies	See Notes Below
Min. Lot Depth	2x min. width	Varies	See Notes Below
Max. Building Height	35 ft.	N/A	N/A
Max. Lot Coverage	40-60%	N/A	N/A
Min. Landscape Area	10%	N/A	N/A
Min. Front Setback	15 ft.	N/A	N/A
Garage/Carport Entry Setback	20 ft.	N/A	N/A
Open Structure Setback	5 ft.	N/A	N/A
Rear Setback	15 ft.	N/A	N/A
Side Setbacks	3+ ft.	N/A	N/A

**Note:** Lot dimensions vary depending on the type of structure developed on the site. Lots 1 and 2 are approximately 5 feet shy of the minimum lot depth for multi-family homes. Staff recommends that the Planning Commission require the subdivider to dedicate those lots to single-family (attached or detached) residential development due to their unconventional lot depth. Standard setbacks are shown on the preliminary plat for reference.

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

**5-2.6 Geological Hazard Overlay**

**5-2.6.010 Scope and Purpose of regulations**

*In any zone which is a GH Geological Hazard Overlay, the requirements and standards of this Chapter shall apply in addition to those of the underlying zone; provided, that if a conflict in regulations or standards occurs, the provisions of this Chapter shall govern. The purpose of the GH overlay zone is to promote the public safety and welfare by preventing certain types of development in those areas which natural hazards or other factors pose threats to human occupancy safety.*

**5-2.6.020 Application of Provisions**

*The provisions of this Chapter shall apply to all areas of special geological hazards within the jurisdiction of the City. The areas of special geological hazard identified by the Oregon Department of Geology and Mineral Industries in a report entitled “Engineering Geology of the John Day Area, Grant County, Oregon – Dated 1975” are hereby adopted by reference and declared to be a part of this Title, and thereof, the provisions of this Chapter shall apply to all geological hazard areas identified by said report.*

**Finding:** As shown in the graphic included on page 19, a large portion of the initial phase of the Ridge is within the special geological hazard area identified by the Department of Geology and

Mineral Industries. Because the subject site is largely within the geological hazard overlay, this Chapter applies to both the horizontal improvements included in this master planned development as well as future individual residential developments.

#### ***5-2.6.030 Uses Permitted Outright***

*In a zone with which the GH Zone is an overlay, the following uses are the only uses permitted outright, and these uses are permitted only if such uses are permitted in the zone regulations for the primary zone:*

- A. Agricultural use conducted without locating a structure in the zone, except for a boundary fence, and shall be restricted to prevent destruction of vegetation sufficient to cause erosion.*
- B. Industrial or commercial use that does not require a structure other than surfacing at ground level such as for a loading area, parking area, or that requires only temporary structures that will not necessitate ground excavation for placement.*
- C. Recreational use that requires no structures, alteration of the natural geology or vegetation removal without immediate replacement.*
- D. Portions of a residential use that do not contain buildings such as a lawn, garden, parking area or play area, or a related use thereof that does not require alteration of the natural geology or excavation thereof.*

**Finding:** The proposed development is not limited to the above uses.

#### ***5-2.6.040 Conditional Use Permitted in The GH Zone***

*In a zone with the GH overlay, those uses permitted by the primary zone shall be permitted, subject to this Chapter and the provisions of the primary zone.*

**Finding:** The standards and criteria of the GH Zone shall be applied to both the initial development of the proposed master plan and the future proposals for individual residences and developments. The proposed uses are permitted by the primary (RG) zone.

#### ***5-2.6.050 Permit for Use or Development***

*No person shall construct, reconstruct or install a development, install a mobile home, or divide land in a GH Zone unless a permit has been received for the work, except for those uses permitted by 5-2.6.040 of this Chapter. Except for improvement of an existing structure which is less than substantial as determined by a certified building official or the City upon appeal, no permit shall be issued unless the work will be reasonably safe from geological hazard and otherwise comply with this Chapter and this Title, and other applicable regulations. Said permits shall be processed in the same manner as a conditional use permit under this Title as set forth in Chapter 5-4.4 of this Title.*

**Finding:** This review includes the approval process for a Conditional Use Permit to develop the site in accordance with the GH Zone. The planning commission may not approve the development unless the work is determined to be reasonably safe from geological hazard and otherwise in compliance with Code requirements.

#### ***5-2.6.060 Application Requirements for Use***

*An application for a use or development in a GH overlay zone shall be accompanied by the following:*

- A. Site Investigation Report: An application for a use or development in a GH overlay zone requires a site investigation report for the subject area. The site investigation report shall provide*

*information on the site of the development and adjacent land that is likely to be affected by a proposed development. Unless the City determines specific terms are not required, the report shall include the information described in this Section together with appropriate identification of information sources and the date of the information. Before a development permit can be issued, the site investigation report must be approved as part of the development permit approval process. The approved site investigation report shall be referred to in the deed and other documents of sale and shall be recorded with the record of deeds.*

**Finding:** A Geotechnical Site Investigation Report was conducted by Carlson Geotechnical (dated July 7, 2020) the report is included as Exhibit D to this proposal. The report shall be recorded with the deed prior to approval of the final plat.

- B. Background Data in Report: The site investigation report shall contain the following background information:*
- 1. A general analysis of the local and regional topography and geology including the faults, folds, geologic and engineering geologic units and any soil, rock and structural details important to engineering or geologic interpretations and their relative activity.*
  - 2. A history of problems on land adjacent to the site, which may be derived from discussions with local residents and officials and the study of old photographs, reports and newspaper files.*
  - 3. The extent of the surface soil formation and its relationship to the vegetation of the site, the activity of the land form, and the location of the site.*
  - 4. The following ground photographs of the site with information showing the scale and date of the photographs and their relationship to the topographic map and profiles:*
    - a. A view of the general area.*
    - b. The site of the proposed development.*
    - c. Any features which are important to the interpretation of the hazard potential of the site, including all sites of erosion and accretion.*

**Finding:** The required background data is included in Exhibit D.

- C. Topography Map: A topography base map of one hundred feet to one inch (100' = 1") scale and with a contour interval of two feet (2') shall be prepared identifying the following features and shall be accompanied by references to the source and date of information used:*
- 1. The position of the lot line.*
  - 2. The boundaries of the property.*
  - 3. Each geological feature classification type.*
  - 4. Areas of open ground and the boundaries and species identification of major plant communities.*
  - 5. Any springs, streams, marshy areas, standing bodies of water or intermittent waterways.*
  - 6. Cut terraces, erosion scarps and areas exhibiting significant surface erosion due to improper drainage and runoff concentration.*
  - 7. Geological information, including lithologic and structural details important to engineering and geologic interpretation.*

**Finding:** The topography map submitted by the applicant contains contour intervals of ten feet rather than two, the application does not identify major plant communities, and bodies of water

are not identified on the site map. Other than these three omissions, the topography map substantially meets the requirements of (C).

- D. Subsurface Analysis: If upon initial investigation it appears there are critical areas where the establishment of geologic conditions at depth is required, a subsurface analysis obtained by drill holes, well logs and other geophysical techniques shall be conducted by the person responsible for the site investigation report to include the following data, as appropriate:*
- 1. The lithology and compaction of all subsurface horizons to bedrock.*
  - 2. The depth, width, slope and bearing of all horizons containing significant amounts of silt and clay and any other subsurface layers which could reduce surface water infiltration.*

**Finding:** A subsurface analysis of the site was conducted in June 2006. Exhibit D utilizes the data from the eight test pits excavated at that time to extrapolate findings relevant to the Ridge proposal. A number of recommendations were included in the report in order to reduce the potential for instability of the slopes.

- E. Development Proposals: The site investigation report shall include the following information on the proposed development as applicable:*
- 1. Plans and profiles showing the position and height of each structure, paved area and area where cut and fill is required for the construction.*
  - 2. The percent and location of the surface of the site which will be covered by impermeable surfaces.*
  - 3. A stabilization program for the development describing:*
    - a. How much of the site will be exposed during construction and what measures will be taken to reduce wind erosion and soil movement during construction.*
    - b. A revegetation program designed to return open soil areas, both preexisting and newly created, to a stable condition as soon as possible following construction and the period of time during which revegetated areas will receive revegetation maintenance.*

**Finding:** The site investigation report does not contain specific information regarding the plans and profiles of structures because no structures are proposed at this time. The Commission will need to discuss the measures needed for this proposal since the applicant is not requesting to build structures at this time.

- F. Conclusions in The Site Investigation:*
- 1. The site investigation report shall contain conclusions stating the following:*
    - a. How the intended use of the land is compatible with the conditions.*
    - b. Any existing or potential hazards noted during the investigation.*
  - 2. Mitigating recommendations for specific areas of concern shall be included.*
  - 3. Conclusions shall be based on data included in the report, and the sources of information and facts shall be specifically referenced.*

**Finding:** The conclusions and Primary Recommendations for the development of the subject site are included on pages 15-28 of the 2006 Site Investigation Report. A number of concerns and recommendations are outlined in the report.

#### **5-2.6.070 Standards For Building Construction In GH Zone**

- A. *Building construction shall only be approved under conditions that do not adversely affect geologically stability or vegetation. The grading of land and the orientation and design of a building shall avoid creating conditions that will cause erosion or accretion of soil. Where there is some risk of these conditions occurring, a “qualified geological expert” shall certify that the design and control measures will comply with this standard.*
- B. *Construction work shall be scheduled and constructed to avoid erosion and temporary stabilization measures may be needed until permanent installations are accomplished.*

#### **5-2.6.080 Standards for an Access Route**

*An access route within a GH overlay zone shall comply with the following:*

- A. *A road or street shall be stabilized by planking, gravel or pavement as deemed necessary.*
- B. *A roadway shall be built without installation of excessive fill, diversion of water or excessive cuts unless the site investigation determined that such conditions will not be detrimental to the area or create unwarranted maintenance problems or additional hazards.*

### **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:** Phase 1 of the Ridge will be accessed via Highway 26. The owner will apply for an access permit from the Oregon Department of Transportation. A copy of the access permit will be provided to the City and construction plans will be developed based on any conditions, improvements, etc. required by ODOT and the planning commission.

- 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 G).

- 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 only has two access points; US Hwy 26 and Hillcrest Rd, both are required to access different parts of the project. Staff does not recommend the closing or consolidation of access points. Recording of reciprocal access easements is not necessary.

- 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:** The proposed access is located in a current 35 MPH zone, and is 175 ft. from the nearest existing driveway. This driveway serves a church, so traffic is minimal during the week days. The access spacing requirements of the Development Code exceed the proposed driveway, therefore, a variance is requested. The John Day 20019 Local Street Network Plan contemplates a future "Strawberry View Lane" that would run east-to-west along the path of the old highway. This route is not feasible at this point because a private dwelling occupies the proposed right-of-way. However, it is included in the City's Transportation System Plan as an optional through street in the future.

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.

**Finding:** No Collector Streets are proposed as part of the Master Plan Development. The large lots sizes will tend to create larger spacings, and actual driveway locations will be determined as each lot is developed by the homeowner or developer.

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:** Staff does not recommend special street provisions for the proposed master plan.

Individual developments must meet code 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:** Proposed developments must meet code 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 Plan Development but, 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, 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;*
- 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:** The need for Joint- and Cross-access is not anticipated. Any necessary easements will be recorded separate from the final plat, or individually as needed a prior to the start of construction on the applicable 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 submitted, all proposed driveways are to meet 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 submitted, all proposed driveways are to meet 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 1, each proposed street will end in a hammerhead type turn-around, designed per the 2019 Oregon Fire Code Standards. Future phases will also end in either a hammer head or cul-de-sac type turn around feature for each street.

*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 to this proposal.

*N. **Vision Clearance.** 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 as shown in Figure 5-3.1.020N. 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. See also, Chapter 5-6.2 Methods of Measurement.*

**Finding:** The Master Plan will comply with this standard. All infrastructure development will follow Vision Clearance Standards and each lot that is developed will be required to follow the standards as well.

*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:** Staff does not recommend imposing conditions on the vehicular access and circulation proposal for this development. The planning commission may require conditions and approve exceptions as appropriate.

- 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 Concept Plan includes a proposed street layout for the site. A 25-foot-wide road is provided connecting the lots to allow traffic circulation as well as other modes of transportation. This width will allow for two 10-foot travel lanes for the circulation of vehicle traffic and a 5-foot width for pedestrians to walk along the shoulder. Bicyclists will share the roadways with motor vehicles along the internal local streets. The John Day Transportation Study (Exhibit G) concludes that the proposed roads connecting the lots will provide adequate facilities to serve the development. A trail system will be developed throughout the open spaces 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. This is consistent with the 2009 Local Street Network Plan, which recommends subdivision trails in the eastern part of the City (Project #24) and notes that, “due to topographic constraints the system will consist of standard and non-standard facilities. This system should connect to recommended improvements on Hillcrest Avenue (Project #20) and on US 26 (Project #21) to ensure connectivity.”

- 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 City 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 Master Plan Development proposes 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 existing streets.

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:** In addition, complying with surface water management requirements, The Master Plan Development proposes 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. The lot owner/developer will be required to show that the runoff collection system in the public right-of-way is capable of handling the design flows that will be contributed by the property or portion of the property.

4. **Driveway Aprons.** *When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City’s engineering design criteria and standard specifications. (See general illustrations in Section 5-3.1.020K, above.)*
  - a) *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.*
  - b) *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:** A paved or concrete apron will be required on all driveways with the following proposed standard:

- A minimum of 15 feet behind the streets edge of pavement
- A 50-ft ROW and
- 25’ of pavement

As proposed, this will put the apron past the ROW and onto the private property.

### **5-3.1.030 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 in Exhibit H. Each street will include pavement width for two (2) 10 ft. vehicle travel lanes and an additional 5 ft. for pedestrians. The streets will not provide roadside parking to improve the visibility between drivers and pedestrians. Gravel pathways consistent with other trails throughout the City will be constructed to connect both streets within the Master Plan development, existing streets, and Open Space. The Concept Plan and Preliminary Plat provide examples of these but exact locations and configurations may vary to limit the disturbance of the site, protect native vegetation, and avoid obstacles in the terrain. As noted in the 2009 Local Street Network Plan, these trails will have to consist of both standard and non-standard facilities due to topographic constraints.

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 Ridge will be single-family homes and duplexes, the most common connection between them will be the proposed public streets. The 5 ft. paved shoulder along each side of the streets will provide pedestrian connections. In future phases of the Master Plan, a common area for gathering and recreation will be provided and will have an interconnection of pathways, streets, and parking lots leading to the structures and/or gathering areas. This area will be submitted for design review when future phases of the master plan are developed.

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.*

**Finding:** This standard doesn't apply to the proposed type of development. If large multi-family structures are constructed on any of the lots, this standard will be addressed for the individual development specifically.

**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 proposal does not conform to this standard. Raised sidewalks or protective barriers may be required by the planning commission for pedestrian safety.

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 Ridge proposal does not include the identification of crosswalks. If the Planning Commission and/or Public Works director requires marked crosswalks, they will need to conform to the permanent marking requirements of this section because the proposed street width is 25-feet.

3. **Walkway Width and surface.** *Walkway and access way 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:** The pedestrian walking areas in the street system will be asphalt pavement. Proposed trail connections will be graveled at a minimum with a width of at least 4-feet.

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:** ADA compliant walkways are not proposed for this development

### **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:** The site may contain Significant Vegetation, but a landscape conservation plan has not been submitted. The applicant has a stated goal to minimize the removal of vegetation and/or disturbance of the project to protect the site. Some Juniper removal is proposed in the initial development of the site.

- 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:** A natural resource agency has not been consulted regarding the protection of significant vegetation on the site and the designation of applicable species as native and/or invasive. The Geotechnical Report conducted by Carlson Geotechnical recommended the removal of some surface vegetation. Additional geotechnical recommendations may be necessary depending on the results of vegetation mapping and natural resource surveys.

- 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:** Code Chapter 5-4.2 requires the applicant to provide an inventory map showing the location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade. A canopy-level inventory of trees may be accepted for this proposal if it is sufficient for determining the relation of vegetation to proposed developments and whether mitigation steps will be necessary for landscape conservation.

*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:** Staff recommends that the planning commission require a vegetation removal plan showing the location, size, and species of significant vegetation proposed to be removed for the purpose of preliminary site preparation and infrastructure development.

*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:** Because the construction of the proposed infrastructure will disturb more than one acre of ground, the developer will be required to prepare an Erosion Control Plan for DEQ approval. DEQ requires a 1200C Permit. The Erosion Control Plan has not been provided to the city for approval. Staff recommends the limitation of grading activities to what is recommended in the Geotechnical report (Exhibit G).

*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.*



**Finding:** A vegetation plan has 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.

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:** No hazardous vegetation removal is anticipated.

### 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).

**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.*

- G. 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

**Finding:** No fences are proposed for this Master Plan. Small retaining walls may be needed for construction of proposed infrastructure due to the grades of the site. All walls will be included in the final construction plans submitted for approval prior to construction. The standards of section 5-3.2.050 will be met unless individual modifications to Code standards are requested.

### 5-3.3 Parking and Loading

5-3.3.030 (A). **Vehicle Parking—Minimum Standards by Use.** The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 5-3.3.030A, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a

*Type II Land Use Review (or Type III review if the request is part of an application that is already subject to Type III review). Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, City-approved shared parking, and designated on-street parking when approved by the City. There is no minimum number of off-street parking required in the CBD district; however, new development and changes in use in the CBD shall be subject to a Downtown Parking District fee upon City adoption of a Downtown Parking District (or similar) ordinance. Where such Parking District applies, parking fees shall be calculated using the minimum parking ratios in Table 5-3.3.030A, below, or as established by City Ordinance.*

<b>Use Categories</b> (Examples of uses are in <a href="#">Chapter 1.3</a> ; definitions are in <a href="#">Chapter 6.1</a> .)	<b>Minimum Parking per Land Use</b> (fractions rounded down to the closest whole number)
<b>Residential Categories</b>	
<b>Household Living</b>	
Accessory Dwelling	None
Single Family Dwelling, including attached and detached dwellings and manufactured homes	2 spaces, except attached dwellings shall conform to the parking requirements for multifamily uses
Duplex	4 spaces per duplex building (2 spaces per dwelling)
Multifamily	1 space per studio or 1-bedroom unit 1.5 spaces/unit per 2-bedroom unit 2 spaces/unit per 3-bedroom or larger unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per 4 bedrooms, except the decision making body may require additional parking adjacent street(s) have limited or no on-street parking, where most residents are expected to drive, or where owner does not provide shuttle service for residents.

*Bicycle parking standards and loading areas do not apply to this proposal.*

**Finding:** No on-street parking will be provided in this development. The minimum parking requirements for this development are proposed to exceed the minimum standards of the Code.

Single family dwellings will be required to provide a minimum of three spaces (either garage or exterior) and multi-family developments will be required to include an additional space per unit in excess of the Code minimum.

### 5-3.3 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 Master Plan Development proposes creating the lots in phases. As each phase is developed the developer will provide a preliminary plat for approval, construction plans for approval, and final 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. Phases 1 and 2 will be accessed via Oregon Highway 26. The TSP (2009 Plan Update) requires the City to ensure street stubs are provided with any future residential development to accommodate future expansion/development to the east. This plan includes the necessary stub outs. The construction plans will be designed following guidance from ODOT and any improvements constructed connect to HWY 26 will be submitted and approved by ODOT prior any construction. The Traffic Study provided does not identify any issues with the proposal.

2. *Amendments Significantly Affecting Transportation Facilities.*

**Finding:** Does not apply to this proposal.

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:** New streets will be dedicated to the City of John Day. The Planning Commission may require additional conditions to ensure compliance with this Code.

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:** The second page of the Preliminary Plat shows the proposed typical street cross section, 3" of Hot Mix Asphalt Pavement will be used for Public Streets. Driveway aprons will be the responsibility of the owner/developer of each individual lot as they are developed.

- 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 applicable.

- 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 rights-of-way for streets and turn-arounds will be created 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 applicable.

- E. **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 1 streets are shown on the Preliminary Plat. For Phase 1 the proposed typical section and approximate grades of the finished street are shown on the cross-section included in the Preliminary Plat. Each future phase will provide the same information on the Preliminary Plat. Street layouts for Phase 1 shown providing connectivity for future phases of this Master Plan Development and to neighboring properties. Due to the terrain of the property connectivity though the site is limited by a large drainage way.

**F. *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 as part of this Master Plan development 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.

**G. *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 provides connectivity between the eastern phases of the project, a large drainage way prevents connecting to the west. The proposed Pine View Rd. connects to the property to the East that is in the City's UGB. No connectivity is provided to the South or West due to the sites topography. The property to the South is outside of the City limits and UGB.

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:** The site abuts US Hwy 26. A new local street access is proposed to the Highway; no individual lots will connect to the Highway. The other connection is to Hillcrest Rd. and a future phase will create a single local side street to serve 5-10 lots.

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 topography prevents complete connectivity throughout the site. Phase 1 and future phases on the east side will connect to a single street that connects to Highway 26. The future phase on the West side will connect to Hillcrest Rd. Trails to be constructed in the Open Spaces will provide alternate means for evacuation if needed. The geometry and grades of the streets will help to create traffic calming throughout the project.

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.

#### **H. 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.

**I. 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 Master Plan development shows Pine View Rd. connecting to the neighboring property to the East. This property is not current in the City Limits but is within the UGB. A time frame when it may be developed is unknown. As part of the development of Phase 1 of this Master Plan, the street will be graded to turn around at the East boundary of the property so that any extension of this street would not affect the adjoining lots. This street will function as a cul-de-sac until neighboring property is annexed into the City and developed. At this point the extent of the development is unknown but the property has the potential to connect back to Highway 26 creating a second access to the area.

**J. 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% 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:** One of the proposed streets is to extend to the east to create a connection for the future development of the site. Steep slopes (50%+) and up to 60' of grade change, in an existing drainage way prevent the feasible connection of streets to the west.

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:** This Master Plan development provides full development of the City Limits in this area. The area north of the site and south of Highway 26 is already fully developed and no future streets seem likely.

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.

- K. ***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 area and none are proposed for the Master Planned development, unless required by the planning commission.

- L. ***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 development, 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 match the topography these may need to be adjusted but no angles will be less than 80 degrees.

- M. ***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.

- N. ***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 and Hammerhead turn-arounds are being used as temporary and permanent dead 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 a variance to extend the allowed cul-de-sac length for phase 1 and future phases due to the topography constraints and low development densities.

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 and hammer-head turn arounds 120'x20' minimum, 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.

- O. **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 adjustment 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 intersection 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.

- P. **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.

- Q. **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.

- R. **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

- S. **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

- T. **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.

*U. 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.

*V. 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.

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

**Finding:** Mail box cluster proposed locations are shown on plans for phase 1, once final construction plans are developed, they will be submitted to the local US Postal Service for approval of the locations.

*X. 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 Master Plan development 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.

*Y. 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% 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 to be dedicated to the City. No other park or playground public use areas are proposed.

#### **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. The parcel to the North of Phase one will not be stubbed out at this time, but easements will be provided to make the connection in the future.

- B. 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.

- C. 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.

*D. **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:** Previous attempts to develop this site at higher densities did not show any deficiency in the existing sewer system. The water system did show that due to the elevations of the site that water pressure would be an issue based on the current storage tank elevations.

*E. **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 (except lots 12 and 13) will be at an elevation that can be serviced by the current storage tank elevations without additional booster pumps. Lots 12 and 13, when developed will be responsible for boosting water from their street right-of-way access point to the building site as needed. Future phases at higher elevations will also need the water pressure boosted in order to meet the minimum service requirements. During the design of these phases, with approval of the Public Works Dept., a system will be designed to improve the system and boost the pressures and flow as needed.

#### **5-3.4.40 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:** Minor storm drain systems such as ditch inlets, roadside ditches, catch basins, driveway culverts, etc. will be designed as part of the construction plans to handle a 25-yr storm event from the contributing area. Major storm drain systems for collecting or convey runoff large drainage areas, existing drainage ways that the streets and utilities will be crossing will be designed to handle a 50-yr storm event from the contributing area. Systems will be designed based on the anticipated fully developed site and contributing area in accordance with the attached geotechnical recommendations.

- 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:** Contributing area in a drainage basin, both on site and off site, flowing to 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 will 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.

- 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 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 any of the contributing area beyond this Master Plan Development is not in the City Limits or UGB. If deemed necessary, the applicant will work with the Public Works Department as needed to address any conditions.

- 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, 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:*
  1. *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 designed, plans will be provided to each private utility company (power, phone, cable, fiber optics, etc.) for them to add their design. Their designs will need to meet the City's requirements and will be part of the final construction plans submitted for City approval.

2. *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.

3. *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.

4. *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:** Existing Power lines on the property will remain on poles and overhead, 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 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 (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.*

#### **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, sizes, 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) **Landscape Concept.** Waive requirement or address through separate documentation to be provided to City Planning Official prior to development.
- (2) **Walkway Design and Construction.** Applicant is proposing a modification to waive their requirements for multi-use paths, buike lanes, park strips, curbs, and other protective and design features for pedestrian circulation.
- (3) **Architectural Concept and CCRs.** The applicant has not proposed CCR's and has not included an architectural concept for the site. If the Planning Commission waives the requirement for an architectural concept, any design standards allowed in the Code will be allowed for development within the Master Plan. The City cannot enforce CCR's, so the developer would be responsible for ensuring compliance.
- (4) **Landscaping, Street Trees, Fences, and Walls.** No landscaping is planned for the development. Applicant is requesting a waiver for this requirement including the requirement to landscape Open Spaces and provide street trees within the development.
- (5) **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.
- (6) **Cul-de-sacs.** The applicant is requesting a modification to allow a cul-de-sac exceeding 600 feet in length.
- (7) **Street Light Standards.** Applicant is requesting to have individual home owners put in street lights instead of the developer.
- (8) **Redevelopment Plan.** The applicant has requested the planning commission waive the future redevelopment plan requirements. Staff recommends waiving the requirement for a future redevelopment plan within the proposed lots since the future terrain has limited development capacity. A future redevelopment plan for the future phases should be required.
- (9) **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 most 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 them to sell. Recommended requiring paving within 24 months.
- (10) **Natural Resource Regulatory Agnecies.** A riverine wetland is shown on the state maps bordering the western edge of phase 1- this was not addressed in the application materials. The planning commission should require further analysis of this as a condition of development approval.

## 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 the following conditions [as applicable.]”

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

***Attachments:***

- *Exhibit A- Development Narrative*
- *Exhibit B- Existing Conditions*
- *Exhibit C- Concept Plan*
- *Exhibit D- Geotechnical Report*
- *Exhibit E- Slope Analysis*
- *Exhibit F- Preliminary Plat*
- *Exhibit G- John Day Transportation Study*
- *Exhibit H- Type Section and Street Profile*
- *Exhibit I – Department of State Lands Wetlands Inventory Map*