



# STAFF REPORT

Nature of Applications: Concurrent Applications and Consolidated Proceeding for:

- Annexation of approximately 0.92 acres
- Comprehensive Plan and Zone Map Amendment from Benton County Medium Density Residential (MDR) and Philomath Industrial Park (IP) to Philomath High Density Residential (R-3)
- Subdivision of 166 lots on 31.23 acres and a neighborhood park with a Master Plan Overlay and Development Agreement

Developer / Owner: Levi Miller / Andrew Martin

Property Location: Tax map 12-6-12D Tax Lots 600 and 5200

Applicable Criteria: Application Proceedings

- Philomath Municipal Code (PMC) 18.105.070

Annexation (Type IV)

- PMC Chapter 18.135

Comprehensive Plan and Zone Map Amendment (Type IV)

- PMC Chapter 18.105.050 - 8.105.060
- Sections IX-1 of the Comprehensive Plan

Subdivision and Master Plan Subdivision Designation (Type III)

- PMC Chapter 18.115
- PMC Chapter 18.125

Development Agreement

- ORS 94.504 – 94.528

Staff Contact: Chris Workman, City Manager / Planning Official

File Number: PC18-04 Annexation  
 PC18-05 Comprehensive Plan and Zone Map Amendment  
 PC18-06 Subdivision and Master Plan Subdivision Designation

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## **BACKGROUND**

The developer is requesting three land use approvals concurrently. The first is to annex a narrow strip of land consisting of approximately .92 acres located on the eastern edge of the development site. The second is to change the zoning of the entire site to High Density Residential (R-3). The third is the approval of a 31.23 acre subdivision comprised of 166 lots and a 3.4 acre public park and a Master Plan Subdivision Designation. The site is currently an abandoned mill site located on the north side of Chapel Drive between 15<sup>th</sup> Street and 19<sup>th</sup> Street.

## **APPROVAL PROCEDURE**

Per PMC Section 18.105.070(2), "When a developer applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision." In this case, the developer is seeking approval two Type III permits and two Type IV permits.

Per PMC Section 18.105.070(2)(a), "If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the council, the commission, or the planning official." Because a Type III application is decided on by the Planning Commission and a Type IV application is decided by the City Council, the City Council will be the deciding authority for all of the applications submitted.

The criteria found in the Philomath Municipal Code is used to determine whether each application is complete and if the answers and materials provided by the developer satisfy the applicable criteria. The purpose of this hearing is to determine if the applications conform to the applicable criteria as required in the Philomath Municipal Code and arrive at a final decision.

Staff has reviewed the applications and found them to be complete as of April 16, 2018. The City Council may either adopt the Findings of Fact as presented for each application or modify the Findings of Fact following the public hearing. The City Council will then vote to either approve the applications or deny them based on new or modified Findings of Fact. If denied, the developer may file an appeal to the State Land Use Board of Appeals.

## **COMMENTS RECEIVED**

The City received one letter from a property owner adjacent to the development site, Allen and Ann Buell (1511 Willow Lane), which has been entered into the record. The city engineer also provided comments that are incorporated into this Staff Report.

Each application will be reviewed separately within this Staff Report and a separate motion is provided for each, though each approval is conditional upon the approvals of each of the other applications.

## **PC18-04 ANNEXATION APPLICATION**

The developer is requesting the City of Philomath approve annexing 0.92 acres along the easternmost edge of the development site as shown on the included map. Upon annexation, the property will be zoned Philomath High Density Residential (R-3). The developer's proposal calls for future development of this site in conjunction with the 29.46 acre adjacent lot in the Millpond Crossing subdivision. Based on the preliminary plat submitted for the subdivision, the 0.92 acre strip will essentially become the backyards of 19 of the proposed single family residential lots.

**ANNEXATION DECISION CRITERIA**

**Philomath Municipal Code Chapter 18.135 details the criteria for evaluating annexations.**

**A) Statement of Process. The process of annexation of land to the City allows for orderly expansion of the City and for the adequate provision of public facilities and services. The City Charter requires that annexation, and/or extension of city services beyond city boundaries may only be approved by a majority vote of the electorate.**

The developer is seeking to annex this lot into the City so it can be developed as part of a subdivision with the lot immediately west. The lot is a narrow piece of land located within the City's UGB and abutting the City along its western and eastern boundaries. Municipal water, sewer and streets will be available to the property at the time of development of the larger lot to the west to serve future development. This annexation will allow for the orderly expansion of the city limits and provision of public facilities and services.

Current State law prohibits the City from sending this annexation to the electorate for approval.

**B) Annexation Filing Deadlines.**

- 1) Unless mandated by State law, all annexation requests approved by the City Council shall be referred to the voters in accordance with the requirements of this title and ORS Division 222.**
- 2) Annexation elections are scheduled for May and November. Applications for annexation shall be filed with the planning department before 5:00 p.m. on the second Thursday of November for a ballot election in May and before 5:00 p.m. on the second Thursday of May for a ballot election in November.**

Current State law prohibits the City from sending this annexation to the electorate for approval. This section is not applicable.

**C) Requirements for Applications. Applications to the city for initiation of annexation proceedings made by individuals shall be on forms provided by the planning official and shall include the following material:**

- 1) Written consent to the annexation signed by the requisite number of affected property owners, electors, or both, to dispense with an election within the territory to be annexed, as provided by state law.**

This section is not applicable to this application.

**2) A legal description of the property to be annexed.**

A legal description of the subject property is provided in the "Annex Area Description" on the Millpond Crossing Annexation Exhibit submitted with the application and findings.

**3) A map of the area to be annexed, including adjacent city territory.**

The developer has supplied a map depicting the subject property, surrounding area, city limits and UGB, which is incorporated into the record as part of the application and findings.

- 4) Sufficient information for city staff to allow for the completion of an impact analysis on existing water supply and facilities, and existing sewer, drainage, transportation, park and school facilities. In addition, city staff shall project what additional facilities**

**will be required to serve the development described in the conceptual plan and, if necessary, how such facilities will need to be phased in over time. The application shall provide evidence of the need of the proposal by citing data and statistics that support the annexation.**

Rather than evaluate the City's ability to provide municipal services to a "highest, greatest-impact conceptual development" as done in typical, stand-alone annexations, this Staff Report will address sewer, water, storm drain and transportation needs as they relate to the proposed subdivision and preliminary plat map submitted within the Subdivision Application review starting on page 11 of this Staff Report. The school resources review is provided below. Approval of the Subdivision Application should follow the approval of the Annexation Application and the Annexation Application is subject to the City Council's approval of both the Comprehensive Plan and Zone Map Amendment and the Subdivision Application.

#### Schools.

The Philomath School District will provide school facilities. With an expected student population of 0.5 students per household, the District will have to accommodate an additional 219 students. The District embarked on major expansions over the past ten years. The construction of the primary school and additions to the high school, combined with declining enrollment over the past several years has left the School District with capacity to take in new students without needing to add new facilities. The District will need to determine how to best meet the anticipated long-term demands for additional facilities as populations within the district continue to grow.

#### **5) A statement outlining the method and source of financing required to provide additional facilities.**

The owner will provide private financing for all on-site improvements such as utilities, street improvements and drainage facilities. Off-site improvements to the water and wastewater systems may also need to be completed. It is anticipated that the developer will finance the needed improvements, in conjunction with available System Development Fees, or a combination of private financing and SDC fees or credits.

#### **6) A conceptual development plan shall be provided by the developer and shall include the following:**

- i. A scale drawing of the site**
- ii. The conceptual development plan**

The developer has submitted a Subdivision Application concurrent with the Annexation Application and submitted a preliminary plot map in lieu of a conceptual development plan. The full development proposal is to develop 166 lots and a neighborhood park. The development plan calls for serving the entire site via new public utilities to and through the subject property.

#### **7. A statement indicating the type and nature of any comprehensive plan text or map amendments or zoning ordinance or zoning map amendments that may be required to complete the planned development.**

The property is planned for medium-density residential use, which is not consistent with the proposed development concept of high-density residential. The developer has submitted an application concurrently for a Comprehensive Plan and Zone Map Amendment. Approval of the Comprehensive Plan and Zone Map Amendment shall coincide with approval of the Annexation Application, resulting in this property being brought inside city limits and zoned High-Density

Residential (R-3).

**8. The application fee established by the city. In addition to the application fee, the planning official shall require a deposit that is adequate to cover any and all election costs.**

The developer, Mr. Levi Miller, has entered an agreement to purchase the property from the owner, Mr. Andrew Martin, and submitted an Owner Authorization Statement granting him authority to apply for this change of land use. The developer paid the applicable annexation fee in full at the time the application was submitted. No election deposit is required.

Staff concludes that the Application for Annexation meets the applicable criteria as set forth by Philomath Municipal Code.

**ANNEXATION APPLICATION FINDINGS OF FACT**

- 1) The subject property is approximately 0.92 acres of undeveloped land located within the City's UGB and abutting the City along its western and eastern boundaries.
- 2) The Comprehensive Plan designation of the property is County Medium Density Residential (MDR); upon annexation and approval of the Comprehensive Plan and Zone Map Amendment Application submitted concurrent with this application, the land will be zoned Philomath High Density Residential (R-3).
- 3) City facilities (streets, sewer, storm and water) are not located on the subject property and will need to be extended into and throughout the property upon development.
- 4) Approval of this annexation is subject to the City's approval of the Comprehensive Plan and Zone Map Amendment and the Subdivision Application. As such, the applicable criteria is based upon the preliminary plat map submitted with the Subdivision Application rather than hypothetical or conceptual information.
- 5) The City's ability to provide water, wastewater, storm drain, and street facilities and services is evaluated in the Subdivision Decision Criteria starting on page 14.

**PC18-05 COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT**

The developer is requesting the City of Philomath approve re-planning and rezoning lot 600 from Industrial Park (IP) zoning to High Density Residential (R-3) zoning and lot 5200 from Benton County Medium Density Residential (MDR) to the City's High-Density Residential (R-3) zoning so that the entire development site can be subdivided into single family residential lots.

**DECISION CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT**

Section IX-1, Plan Amendment and Update, of the Comprehensive Plan provides for the three ways to amend the Comprehensive Plan. Section 1 provides for owner initiated amendments and related review criteria. The criteria are:

- (a) Demonstration that the proposed plan designation is more appropriate than the current plan designation, taking into consideration public needs, alternative locations, or changes in land use since the current designation.**

The current plan and zone designation for the subject properties is for industrial uses. The land use inventory developed as part of the City's Comprehensive Plan Periodic Review in 2003 and shown below demonstrates that the City has an abundance of industrial and residential zoned lands.

**Table 5-10. Comparison of Buildable Land Supply and Demand (in acres), Baseline Projections, Benton County, 1998-2020**

Location	Residential	Comm /Office	Industrial	Public	Total
<b>Philomath</b>					
Land Need	<b>115.9</b>	5.4	<b>18.2</b>	5.7	145.2
Land Supply	<b>788.2</b>	15.8	<b>368.2</b>	6.5	1,178.7
Surplus (deficit)	<b>672.3</b>	10.4	<b>350.0</b>	0.8	1,033.5

The table reflects that the City has approximately seven times the supply of residential lands needed. It has roughly 20 times the amount of industrial lands needed. Since 2003, the City has converted approximately 23 acres of industrial land to non-industrial zones. During that same period, approximately 12 acres of residential land has been developed.

The property was originally zoned Industrial Park (IP) because it was an abandoned mill site. Since the mill's closing, residential neighborhoods have built up on three sides of the site. The elementary school is directly north of the site, within easy walking distance for young children along sidewalks within the new development.

In reviewing alternative locations, the City has roughly 32 acres of land zoned R-3, 14 acres of which is the site of the Boulevard Apartments that have already been approved and are in the permitting stage. The other 18 acres are located south of the highway just east of the beginning of the couplet; however, this property is heavily constrained within the floodplain. The limited amount of high density zoned land is in conflict with State land use planning goals and guidelines for housing, which aims for a mix of housing types, especially high density housing for lower-income individuals and families.

This amendment would allow for the development of multi-family residences; however, the concurrent Subdivision Application shows the developer's plan to create 166 single-family residential lots. As a condition of approval of the Master Plan Subdivision Designation, the developer is required to enter a Development Agreement which limits development to detached, single family houses.

In looking at the development patterns over the 30 years since State's original approval of the City's Comprehensive Plan, it is reasonable to assume that any industrial use on this property allowed by the current zoning would not be a good fit with the current residential nature of this area. The surplus of industrial property, most of which is located away from residential neighborhoods on the north side of the highway, supports the argument that High-Density Residential is more appropriate than the current plan designation of Industrial Park when taking into consideration public needs, alternative locations, or changes in land use since the current designation.

**(b) Adverse impacts on adjacent land will be minimal.**

The proposed zoning will allow for greater residential activities, but eliminates general industrial nuisance characteristics. Noise and traffic from residential uses will likely be less than the presently allowed industrial uses. This proposed high density residential designation would also be more in line with adjacent residential lands to the north, west and east. It is concluded that adverse impacts on adjacent land will be minimal.

**(c) The City can provide service that will be required as a result of the amendment.**

The Public Works Director has commented on the infrastructure concerns in this area, which while significant, can be extended to the subject property given the existing public facilities. No new

services, beyond those identified in the City Master Plans, are anticipated as being necessary by amending the plan designation from Industrial to Residential. Specific infrastructure plans are addressed in the concurrent Subdivision Application beginning on page 14 of this Staff Report. It is concluded that the City can provide the services that will be required as a result of the amendment.

**(d) Conformance with Plan policies.**

The Comprehensive Plan goal relating to residential land use is, “Maintain and improve existing residential areas; develop a variety of housing types in order to meet the City’s housing needs.” As high density property, the resultant housing should tend towards lower cost housing given potential lot sizes, density and location. While the City has a greater surplus of residential lands in relation to industrial lands per the land use inventory, it has very little unencumbered High-Density Residential lands on the map. The subject property will promote the goal of providing for lower cost housing and variety of housing types. Policies within the Comprehensive Plan that support this goal are evaluated below.

**I. Citizen Involvement**

**Policy 1. The City shall continue to hold public hearings on all comprehensive plan and zoning ordinance amendments.**

A public hearing is scheduled before the City Council on the Comprehensive Plan and Zone Map Amendment. The hearing has been publicized in the newspaper, on the City’s website, by direct mail to surrounding property owners, notice postings on the property and in public announcement boards and spaces and other means as available to the City.

**II. Economy**

**Policy 4. Compatibility between future land uses surrounding designated industrial areas and existing and future industrial uses shall be attained through the use of setbacks, vegetative screening requirements and tiered zoning techniques which would isolate low density residential uses from heavy industrial uses.**

Tiered zoning techniques used to isolate low density residential uses from heavy industrial uses were used in this area as the Industrial Park zoning is mostly adjacent to Medium-Density zoning and Public zoning; however, the availability of industrial property on the north side of the highway, away from residential neighborhoods, negates the need for any industrial property directly adjacent to low-, medium- or high-density residential property uses.

**Policy 6. Commercial and industrial projects shall be encouraged as a means of expanding the tax base.**

Converting the properties from industrial to residential would prove contrary to this goal to expand the City’s tax base, but it is balanced against the housing goals to “develop a variety of housing types in order to meet the City’s housing needs.”

**III. HOUSING**

**Policy 1. The City of Philomath shall include an adequate supply for buildable residential land within the Urban Growth Boundary in order to accommodate the anticipated housing needs of the planning period.**

There is an adequate supply of buildable land within the UGB; however, most of this land is either

outside city limits or encumbered by wetlands and floodplain.

**Policy 2. Residential land shall be designated for either low, medium or high density housing on the plan map.**

The Comprehensive Plan and Zone Change Amendment will change the zoning to High-Density Residential (R-3).

**Policy 3. Housing trends within the city and Urban Growth Boundary shall be monitored and evaluated in order to modify policy when necessary.**

Current housing trends within the City and the County show a substantial need for additional housing, specifically housing that is affordable for low income individuals and families.

**Policy 4. The City of Philomath shall encourage the development of low cost housing in order to meet the housing needs of elderly, low-income, and handicapped persons.**

High-density housing lends itself to being more affordable than low-density housing because allowing more lots spreads the cost of the supporting infrastructure over a greater number of lots. The resulting lots and houses themselves typically end up being smaller in size and typically more affordable.

**Policy 5. Either annexation or delayed annexation must occur in order for City zoning to apply to residential lands currently in the urban fringe.**

Approved annexation of lot 2500 is required in order to apply the City zoning designation of High-Density Residential (R-3) to the property.

**Policy 6. The City of Philomath will continue to participate and seek cost effective means to address its housing program on a regional basis.**

Providing a mix of high density residential property with other density types within the City will help support the region's current housing needs.

**Policy 7. The City of Philomath will continue to evaluate various mechanisms to stabilize or reduce the cost of housing, particularly in relation to income levels.**

One proven strategy to stabilize or reduce housing costs is to ensure developable land is available for all types of housing in sufficient amounts as to meet the housing demand. Too much buildable land does not result in unneeded houses being constructed; however, a shortage of buildable land does cause housing costs to increase, placing additional burden on the most vulnerable populations within the community.

**Policy 8. The City will encourage the utilization through incentives for mixed-use zoning to allow people to reside in closer proximity to employment opportunities.**

This zone change does not encourage mix-use zoning; however, it will allow for more people to live in Philomath, where they work, rather than in the County or other neighboring communities. Additional housing in Philomath, which this Comprehensive Plan and Zone Change Amendment will allow, will result in more people being able to live closer to where they work, though not within



the same neighborhood like we would see in true, mixed-use housing in a central, downtown area.

#### **IV. Urbanization**

**Policy 2. Land allocation for various uses designated on the Comprehensive Plan Map shall be based on anticipated need for development.**

The subject property is planned for industrial uses. While industrial development has occurred since adopting the comprehensive plan it has not equaled the acreage developed for residential uses. The City has a surplus of industrial lands and the subject property is not needed for industrial development.

#### **V. Public Facilities and Services**

The policies relating to Public Facilities and Services are addressed in detail in the Subdivision Application criteria section beginning on page 14 in this Staff Report.

#### **VI. Transportation**

The policies relating to Transportation are addressed in detail in the Subdivision Application criteria section beginning on page 15 in this Staff Report.

#### **VIII. Plan Implementation**

**Policy 1. Zones may be applied to Comprehensive Plan designations only as shown on the chart [in the comprehensive plan].**

The Comprehensive Plan Designation Chart provides that Residential planned property must be zoned only for Residential uses. The desired rezone requires a plan amendment from Industrial Park to High-Density Residential.

Staff concludes that a review of the applicable Plan Implementation policies failed to find any significant contradictory policies associated with this comprehensive plan map amendment and multiple policies that support the request. Given the greater surplus of industrial lands, it is concluded that this amendment conforms to the applicable Comprehensive Plan policies.

Staff concludes the Comprehensive Plan Map Amendment is in conformance with the applicable City Comprehensive Plan policies.

#### **(e) Conformance with the applicable statewide goals.**

There are now 19 Statewide Goals under Oregon's land use laws that the City's Comprehensive Plan was based on. Goals specific to this request are Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 9: Economic Development, Goal 10: Housing, Goal 11: Public Facilities, and Goal 12: Transportation.

Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. The local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the State's Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government's plan, the plan is said to be acknowledged. It then becomes the controlling document for land use in the area covered by that plan. The findings in compliance with the applicable City

policies above demonstrate compliance with the applicable statewide goals.

Staff concludes this amendment from Industrial Park to High Density Residential conforms to the applicable statewide goals.

### **DECISION CRITERIA FOR ZONE CHANGE**

**Applications for specific zoning map amendments are subject to the requirements of Section 18.105.060(G).**

**The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:**

- 1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197 (for comprehensive plan amendments only);**
- 2. Comments from any applicable federal or state agencies regarding applicable statutes or regulations;**
- 3. Any applicable intergovernmental agreements; and**
- 4. Any applicable comprehensive plan policies and provisions of this Code that implement the comprehensive plan. Compliance with Chapter 4.6 shall be required for Comprehensive Plan Amendments, and Land Use District Map and Text Amendments.**

The comprehensive plan amendment has been found to comply with the Statewide Planning Goals and Guidelines in (e) above. The City has noticed this proposed action but as of the date of this Staff Report has not received comments from federal or state agencies. There are no intergovernmental agreements required. Compliance with the applicable comprehensive plan policies and provisions have been addressed in (d) above and found to comply.

### **FINDINGS OF FACT FOR COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT**

- 1) Section IX-1 of the Comprehensive Plan provides criteria for changing the Comprehensive Plan map by a property owner.
- 2) Table 18.105.020 of the Development Code provides Comprehensive Plan Amendments shall be reviewed as a Type IV legislative decision making procedure.
- 3) Section 18.105.060 of the Development Code provides the criteria for a Type IV (Legislative) Procedure.
- 4) The owner is requesting the City change the Comprehensive Plan designation of the subject property from Philomath Industrial and County Medium Density Residential to Philomath High Density Residential and the zoning from Philomath Industrial Park and County Medium Density Residential to Philomath High Density Residential.
- 5) The subject property is comprised of approximately 31.23 acres.
- 6) The surrounding areas to the west and east are inside city limits; both are developed as residential uses. The public elementary school is located just north of the subject property.
- 7) City facilities (streets, sewer, storm and water) are not located on the subject property and will need to be extended into and throughout the property upon development.
- 8) Approval of this annexation is subject to the City's approval of the Subdivision Application. As such, the applicable criteria is based upon the preliminary plat map submitted with the Subdivision Application rather than hypothetical or conceptual information.
- 9) The City's ability to provide water, wastewater, storm drain, and street facilities and services is evaluated in the Subdivision Decision Criteria starting on page 14.
- 10) Notice was made as required under Section 18.105.060 (D) by mailings to affected property owners, posting at six public places, and advertising in the Corvallis Gazette Times.

Staff concludes that required findings for the plan amendment support those required by the rezone and are incorporated here in support of this application.

## **PC18-06 SUBDIVISION APPLICATION**

The developer is requesting the City of Philomath approve subdividing lots 5200 and 600 into a 166 lot subdivision and a 3.4 acre public park. The City will require a Development Agreement in conformance with ORS 94.504, specifically prohibiting the construction of duplexes, triplexes, multi-family housing and zero lot lines homes, requiring provisions to discourage on-street parking, and placing other specific neighborhood livability requirements within the identified subdivision as part of the Master Plan Subdivision Designation.

### **BACKGROUND**

Applications for subdivisions are processed through a two-step process: the preliminary plat and the final plat. The preliminary plat is first reviewed and approved, often with specific conditions of approval. The developer will then participate in a pre-design meeting with City staff and the city engineer to incorporate all the design standards and conditions of approval into the final plat. The final plat is then reviewed and approved by the Planning Official if all the design standards and conditions of approval are met.

Prior to submitting this application, the developer participated in a required pre-application meeting. The subdivision plan was reviewed by City staff, including Planning and Public Works, as well as Philomath Fire and Rescue and Benton County. Recommendations received at that meeting have been incorporated into the application or this Staff Report.

A Master Plan Subdivision Designation is required for this development per PMC18.115.040(A)(1) because the site is greater than 10 acres. The Master Plan can be approved concurrent with the preliminary plat application and the Master Plan will require the developer to enter into a Development Agreement outlining standards specific for this development.

### **DECISION CRITERIA FOR SUBDIVISION APPLICATION**

Philomath Municipal Code Chapter 18.115.050 provides the criteria for subdivisions.

**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 all of the applicable development code sections and other applicable ordinances and regulations. At a minimum, the provisions of this chapter, and the applicable sections of Chapter 18.30 PMC, Land Use District Administration, and Chapter 18.60 PMC, Design Standards Administration, shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Division 5;**

PMC18.30 addresses zoning: The developer has submitted a concurrent Comprehensive Plan and Zone Change Amendment Application to change the zoning of the entire development site to High-Density Residential (R-3). High-Density Residential (R-3) has a minimum lot size of 5000 square feet and a maximum lot size of 7,500 square feet. All lots meet these restrictions. Single family and multifamily dwellings would be permitted in this zone; however, as a condition of approval the developer will enter into a Development Agreement with the City which will preclude

construction of duplexes, triplexes, zero lot line homes, townhomes, and apartment complexes and limit development to detached single family units as proposed in the application. Every parcel has a minimum of 16-feet of frontage to a public street. PMC18.60 includes all the City's design standards and will be addressed below. No variance is requested.

The Local Wetland Inventory (LWI) indicates probable jurisdictional wetlands on the property; however, the Oregon Department of State Land's guide on the removal-fill permit process indicates the wetlands are not jurisdictional, meaning they are not regulated. The City has notified the Department of State Lands of this application as required by state law.

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

The subdivision name "Millpond Crossing" has been identified and satisfies the provisions of ORS Chapter 92. In the event the name is already recorded with Benton County, the developer will be required to amend the name as needed.

**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; and**

The preliminary plat shows access to the property from 15<sup>th</sup> Street and Chapel Drive, which are under Benton County control, as well as Willow Lane and S 17<sup>th</sup> Street, two local City streets. The preliminary plat show pedestrian only access from S 17<sup>th</sup> Street. This access will need to be opened up to vehicles to allow normal traffic flows to and through the development. Proposed public streets are not named. As a condition of approval, developer shall indicate names for each public street on the plat map so they can be approved by the City and emergency dispatch.

Benton County is currently coordinating with Philomath for the construction of a multi-use pathway along the north side of Chapel Drive east of 19th Street. The developer will need to verify the County to ensure that their design will accommodate plans for similar improvements from 19th Street to 13th Street. To the east of 19th Street, this multi-use path is planned to be installed in an easement outside of the existing right-of-way across currently undeveloped properties (in lieu of requiring dedication of additional ROW). The developer will need to coordinate with Benton County regarding the width of the required new multi-use path, whether it is installed within the right-of-way or within an easement along the right-of-way.

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

The application indicates that a Home Owners Association (HOA) or Covenants, Conditions and Restrictions (CCRs) are not proposed for the project; however, in follow up discussions the developer has told staff that CCRs will be put in place to address the storm drainage swale in Stormwater Tract A and the detention basin flow control structures & water quality features.

Tract C is not needed as future street access to the City-owned lot, Lot 2600, is not required. This is the Public Works yard and needs no access. Removing this tract will provide room for an additional two lots west of lot 116 and allow Willow Lane to turn 90 degrees southward without a stub out for future access as shown on the preliminary plat map. As a condition of approval, Tract

C shall be replaced with two lots fronting the same street as lot 116 as part of Phase II, bringing to total count up from 166 lots to 168 lots.

As a condition of approval, the developer shall determine the legal mechanism or entity under which ownership and maintenance of the common private improvements will be addressed and assured (i.e. including the storm drainage swale in Stormwater Tract A and the detention basin flow control structures & water quality features). The approach shall be acceptable to the City and conform to the requirements of PMC 18.115.70(B)(6), and the documents shall be configured to apply to lots in all phases of the development as each phase is completed and platted.

**B. Housing Density. The subdivision meets the City’s housing standards of Division 2.**

The proposed lot sizes comply with the minimum lot size of 5000 square feet and maximum lot size of 7,500 square feet.

**C. Block and Lot Standards. 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 lot area, setback, and dimensional requirements of the applicable land use district (Chapter 2), and the standards of Chapter 3.1, Section 2.J - Street Connectivity and Formation of Blocks.**
- 2. Setbacks shall be as required by the applicable land use district (Chapter 2).**
- 3. Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.**
- 4. Landscape or other screening may be required to maintain privacy for abutting uses. See also, Chapter 2 - Land Use Districts, and Chapter 3.2 - Landscaping.**
- 5. In conformance with the Uniform Fire Code, a 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 also, Chapter 3.1- Access and Circulation.**
- 6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.**

All lots are in compliance with minimum and maximum lot area. Setbacks will be addressed through the building permit process. All lots will have direct access to a fully improved public street before any building permit is issued. No additional landscaping will be required other than street trees which are address later in the Staff Report.

Fire apparatus access will be provided to each lot. A reciprocal easement that will ensure fire access and maintenance rights shall be recorded with the subdivision plat. There are no common drives in the preliminary map.

The preliminary layout drawing included information on proposed streets and utilities, but did not include a final grading plan. This information will be verified in conjunction with the predesign conference and the final subdivision construction drawings.

The assumption based on the preliminary plat map is that the existing buildings are to be relocated or removed. The final plat shall indicate if this is the case.

As a condition of approval, any fills within public rights-of-ways or fire lanes, or lot fills shall be compacted and tested to City standards and per the Oregon Structural Specialty Code requirements as applicable (95% optimum per ASTM D1557 within right-of-ways, and 90%

optimum within lot building envelopes).

Additionally, any existing unsuitable fills within proposed right-of-ways or building envelopes will need to be removed or remediated in conjunction with the development and infrastructure construction.

**D. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this title, 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.**

Conditions of approval are included at the end of this criteria review. As a condition of approval, non-access reserve strips (1 foot minimum width) shall be provided and dedicated to the City on non-access frontages of corner or double frontage lots (i.e. lots fronting on Chapel Drive, as well as the 15th Street frontage of the corner lot at the 15th & Willow intersection, and the Chapel Drive frontage of the lot at the 15th & Chapel intersection).

**PMC 18.60 DESIGN STANDARD ADMINISTRATION: All developments within the city must comply with the provisions of Chapters 18.60 through 18.90 PMC. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each chapter of the code. For smaller, less complex projects, fewer code provisions may apply.**

**PMC 18.65.020 Vehicular access and circulation.**

**C. Access Permit Required. Access to a public street requires an access permit in accordance with the following procedures:**

- 1. Permits for access to city streets shall be subject to review and approval by the public works director based on the standards contained in this chapter, and the provisions of PMC 18.80.020, Transportation improvements. 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.**
- 3. Permits for access to county roads shall be subject to review and approval by Benton County, except where the county has delegated this responsibility to the city, in which case the city shall determine whether access is granted based on adopted county standards.**

The development takes access from the existing city streets 15<sup>th</sup> Street, Willow Lane and 17<sup>th</sup> Street, none of which are fully improved streets or meet the City's Design standards. Two new access streets will come off of Chapel Drive, a Benton County turnpike street with no curb or sidewalks across the development frontage.

Per PMC 18.80.020(A)(1) "streets . . . adjacent to [the] development shall be improved . . . in accordance with the provisions of this chapter." A minimum  $\frac{3}{4}$  street improvement along this property frontage is required (i.e. as a minimum, street widening to provide curbs and sidewalks on the development side of the street, and an asphalt overlay of the existing paved section if applicable).

PWDS 2.13.c includes a summary of testing required to evaluate whether or not the existing street section is in adequate condition to be overlaid with asphalt, or if the street must be reconstructed. PWDS 2.13.d discusses repairs required to pavement failure areas prior to such overlay, if permitted.

Storm drainage improvements shall be provided in conjunction with all new or reconstructed streets (PWDS 3.2.c).

The street extensions and new streets shown on the preliminary map will be required to be built to City Design standards. Per Benton County, the frontage along Chapel Drive shall have storm drainage improvements, curb, gutter, a minimum 4' wide landscape strip and a separated minimum 10' wide bike/pedestrian path due to the anticipated vehicle speeds along this road. A separated bike/pedestrian path along Chapel Drive from Bellfountain Road to 13<sup>th</sup> Street is identified in the Park Master Plan and will add important east-west bike/pedestrian connectivity from one end of town to the other off of Highway 20. Final plat plan submittal shall show the location of the bike/pedestrian path along the development's Chapel Drive frontage and extending off site to 19<sup>th</sup> Street, one lot east of the development site.

**D. Traffic Study Requirements. The city or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements.**

Due to the anticipated traffic counts, a transportation impact analysis (TIA) was required and submitted by the developer. The analysis was performed by Christopher Clemow, a registered professional engineer in the state of Oregon and his conclusions are provided below:

1. The proposed 166-unit detached single-family residential subdivision will be constructed in 6 phases of 30-35 homes per phase. The subdivision is anticipated to be fully constructed within 10 years (2028).
2. A number of public roadways will be constructed internally to the subdivision with access to the existing public roadway system to the north at S 17th Street (via a pedestrian connection only), to the southwest at Chapel Drive, to the southeast at Chapel Drive and to the west at S 15th Street via Willow Lane.
3. The proposed land use action includes a Type III land use review for the residential subdivision. In addition to the subdivision, proposed land use actions include an Annexation, Comprehensive Plan Amendment and Zone Change from City of Philomath Industrial Park (IP) and Benton County Urban Residential – 5-acre minimum (UR-5) to City of Philomath Multi-Family Residential (R-3).
4. Reasonable worst-case development has potential to generate 219 new PM peak hour trips in the current IP and UR-5 zone designations and 165 PM peak hour trips in the proposed R-3 zone designation. As such, for Transportation Planning Rule evaluation purposes, the proposed Zone Change results in decreased transportation system impacts and will not significantly affect an existing or planned transportation facility as in Oregon Administrative Rule (OAR) 660 012-0060.
5. All study intersection crash rates are below the critical and 90th percentile crash rates and further consideration of safety improvements is not necessary.
6. The assumed average traffic background growth rate (0.85% per year) for the study intersections is consistent with draft 2018 Philomath TSP assumptions.
7. The 166-unit detached single-family residential subdivision is anticipated to generate 1.657 average daily trips and 165 PM peak hour trips.
8. Previous site development was a lumber mill and log storage area; however, it has not been in operation since the mid-1990s. As such, this analysis does not assume trip credits for previous development.
9. All study intersections operate at acceptable agency mobility standards/targets in the 2028 Pre- and Post-Development scenarios.
10. There is adequate queue storage at all study intersections in the 2028 Pre- and Post-

Development scenarios.

**E. Conditions of Approval. The city or other agency with access permit jurisdiction 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. Access to and from off-street parking areas shall not permit backing onto a public street, excepting for single-family or duplex residential uses.**

Benton County requires a  $\frac{3}{4}$  road improvement along the 15<sup>th</sup> Street frontage and Chapel Drive frontage. The City requires off-site road improvements at 17<sup>th</sup> Street and Willow Lane. Specific improvements are detailed in the following Access Options section.

**F. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider, unless one method is specifically required by Division 2 (i.e., under Special Standards for Certain Uses). The methods required in this instance are Options 1 and 3.**

The property will have vehicular access from 15th Street, Willow Lane, Chapel Drive and from 17th Street (in addition to the new internal streets). A total of 26 lots will front on the existing 15th Street, while 5 lots will front on Chapel Drive. All of the lots along Chapel Drive will take vehicular access from the interior streets.

15th Street and Chapel Drive are County right-of-ways. Willow Lane and 17th Street are City right-of-ways. All new internal streets will be City right-of-ways.

PWDS 2.13.c includes a summary of testing required to evaluate whether or not an existing street section is in adequate condition to be provided with an AC overlay, or if the street must be reconstructed. PWDS 2.13.d discusses repairs required to pavement failure areas prior to such overlay, if permitted.

#### Chapel Drive.

Chapel Drive is a County R/W, classified as a major Collector Street, with a standard width under City standards (without turn lanes) of 36 feet curb to curb. County standards may differ, particularly if turn lanes are required. The more stringent of the standards will apply.

The developer will need to coordinate with Benton County to determine the scope of any traffic studies that may be required, and any concerns regarding the spacing between proposed street intersections (typical City minimum is 250' for collector streets, per Table 7-4 of the 1999 TSP, which this layout appears to meet).

Chapel Drive improvements are required by City code in conjunction with the development (PMC 18.80.020).

Per PMC 18.80(A)(1), “streets within or adjacent to [the] development shall be improved . . . in accordance with the provisions of this chapter.” Three-quarter ( $\frac{3}{4}$ ) street minimum improvements are typically required along the frontage of existing streets (curb & sidewalks along development



side of street, travel lanes, turn lane if required by Benton County, gravel shoulder on uncurbed side, as well as storm drainage improvements on the uncurbed side if applicable). Any partial street improvements must be based on a full street design (i.e. design drawings showing all future improvements which will be constructed on the opposite side of the street in the future), with the plans designating the portion to be constructed with the development (PWDS 1.10.h.3.l).

It is possible that Chapel Drive improvements may need to extend offsite toward 19th Street, in order to accommodate tapers, traffic impacts and/or bike-pedestrian connectivity to the east. This will be verified by Benton County during the pre-design meeting.

#### 15th Street.

15th Street is a County R/W, classified as a local City street, with a standard width under City standards (without turn lanes) of 36 feet curb to curb. County standards or street classification may differ. The more stringent standards will apply. Similar requirements will apply as to Chapel Drive, except that the street section will be for a local street rather than a collector street (unless otherwise required by County standards).

#### Willow Lane & new internal streets.

The property fronts on Willow Lane. Willow Lane and the new internal streets are classified as local City streets, with a standard width under City standards of 36 feet curb to curb. Improvement to full City standards will be required since these streets are used for access to lots and to the project. Sidewalks along both sides of Willow Lane will be required, although the south side sidewalks may be deferred until house construction.

#### 17th Street.

As discussed at the pre-application meeting and confirmed by Public Works, connection to and extension of 17th Street is required under City standards (PMC 18.65.020(J) – Street Connectivity). The proposed barricade and pedestrian-only gate at the connection to 17th Street is not acceptable. While not a frontage street, 17th Street will be used for vehicular access to the site. 17th Street is classified as a local City street, with a standard width under City standards of 36 feet curb to curb. While 17th Street north of Cedar Street is fully improved to City standards (curbs & sidewalks both sides), the portion between Cedar Street and the development boundary consists of an existing oilmat turnpike street which is not adequate to accommodate the additional traffic.

As noted above, PMC 18.80(A)(1) includes provisions for requiring improvements to streets “adjacent to” the development. While “adjacent” is not specifically defined in the PMC, the common definition means to be in close proximity. While “contiguous” implies having contact on all or most of one side, to be “adjacent” does not require direct contact (i.e. such as a house with an adjacent detached garage). Since offsite improvements to 17th Street are required to mitigate the additional vehicular traffic to the development, street improvements will be required for the portion of 17th Street south of Cedar Street which must be upgraded to accommodate the increased traffic to the subdivision (i.e. from the project boundary to Cedar Street, to replace the existing oilmat turnpike street).

Also, since 17th Street will be the primary pedestrian access route to the new subdivision from the High School, new off-site sidewalk improvements are required to connect to the existing sidewalks at 17th & Cedar Street.

### **G. Access Spacing. Driveway accesses shall be separated from street intersections in accordance with the following standards and procedures:**

- 1. Local Streets. A minimum of 35 feet separation as measured from the sides of the driveway to a parallel street shall be required.**
- H. Number of Access Points. For single-family dwellings, one street access point is permitted per lot, when alley access cannot otherwise be provided.**

The driveways for future homes will need to comply with these design specifications and will be addressed as part of the building permit review. Due to the high density and low frontage of the proposed lots, as a condition of approval of the Master Plan Subdivision Designation the developer shall execute and record a Development Agreement which requires each lot to have at least a two-car wide driveway (18 feet wide) and a 40' setback from the front lot line to the garage. These requirements will provide sufficient off-street parking to limit the congestion and safety concerns associated with high density developments that don't provide adequate off-street parking.

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

Shared driveways in the proposed development would force more vehicles onto the street, reducing public safety and impeding the flow of traffic. The Development Agreement shall specify that no shared driveways are permitted within the development.

- J. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, bicycle or pedestrian pathways, in accordance with the following standards:**
  - 1. Block Length and Perimeter. The maximum block length and perimeter shall not exceed: 600 feet length and 1,600 feet perimeter in the Residential Districts;**
  - 2. Street Standards. Public and private streets shall also conform to PMC 18.80.020, Transportation improvements, PMC 18.65.030, Pedestrian access and circulation, and applicable Americans with Disabilities Act (ADA) design standards.**

The preliminary plat map shows all new roads within the development meet the block length and parameter requirements. Street Standards shall be upheld as provided by PMC and described previously in this Staff Report.

- L. Fire Access and Parking Area Turnarounds. A fire equipment access drive that conforms to the local requirements shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turnaround areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to PMC 18.80.020(J).**
- M. Vertical Clearances. Driveways, private streets, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 13 feet, six inches for their entire length and width.**
- N. Vision Clearance. No signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas." The minimum vision clearance area may be increased by the city manager upon finding that more sight distance is required**

(i.e., due to traffic speeds, roadway alignment, etc.).

These issues will be addressed at the time the building permit is issued.

**18.65.030 Pedestrian access and circulation.**

**A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system.**

Sidewalks shall be installed along the frontage of all new local streets as in conjunction with all  $\frac{3}{4}$  road improvements and full street improvements required by Benton County and the City. Sidewalks ensure safe routes to schools and continued pedestrian access to and throughout the property. As previously stated in this Staff Report, the final plat shall show a minimum 10' wide bike/pedestrian path separated from the roadway by a landscape strip along Chapel Drive from 15<sup>th</sup> Street to 19<sup>th</sup> Street as part of this development in lieu of a sidewalk along this frontage.

**Chapter 18.70 LANDSCAPING AND STREET TREES**

**18.70.020 Landscape conservation.**

**C. Mapping and Protection Required. Significant vegetation shall be mapped as required by Chapter 18.110 PMC, Development Review and Site Design Review, and Chapter 18.55 PMC,**

**D. Protection Standards. All of the following protection standards shall apply to significant vegetation areas:**

- 1. Protection of Significant Trees. Significant trees identified as meeting the criteria in Section B.1 shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.**

**E. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction.**

The final plot plan shall identify significant trees to be protected and those to be removed. Developer must receive permission from Public Works to remove significant trees, as defined by PMC 18.70.020(B) as having a trunk diameter of six inches or greater measured four feet above the ground, if preservation is not practicable.

**18.70.040 Street trees. Street trees should be planted for all developments that are subject to land division or site design review. Requirements for street tree planting strips are provided in PMC 18.80.020, Transportation improvements. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks.**

The current design standards require a planting strip between the road and the sidewalk where street trees are to be planted. The City recognizes that these planting strips are difficult for homeowners to maintain and irrigate, leading to dead trees and grass or hardscape materials being used. The new Transportation System Plan, currently under consideration for adoption by the City Council, recommends changing the Design Standard to place the sidewalk immediately adjacent to curb and providing a planting strip for street trees behind the sidewalk and within the public right-of-way on local streets. The result will be a street bordered on both sides with street trees that are part of the adjacent properties' front yards, making them easier to maintain while providing the same aesthetic, traffic calming and environmental benefits of planting strips.

The final plat plan shall identify street trees throughout the development in accordance with this section and the standard cited above. Street trees shall be identified in the planter strip between the curb and the bike/pedestrian path along Chapel Drive. The developer shall be responsible for maintaining, relocating or replacing each tree as needed for one year from the date it is planted. As a condition of approval of the Master Plan Subdivision Designation, the developer shall enter into a Development Agreement that requires a planting strip containing street trees be included behind the sidewalks on local streets throughout the development, in accordance to the soon-to-be adopted modifications to the Design Standards.

**Chapter 18.80 PUBLIC FACILITIES STANDARDS**

**18.80.020 Transportation improvements.**

- A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 18.65 PMC, Access and Circulation and the following standards are met:**
  - 3. New streets and drives shall be paved.**

Based on the preliminary storm plan provided, drainage from virtually all of the site will be routed through the pond located in Phase 5, which will provide stormwater detention for the site. In addition to the pond, there are also significant portions of the utility improvements for previous phases which would be outside of the respective phase boundaries under this approach.

The development ordinances require all improvements to conform to the PWDS requirements, and the PWDS contain specific requirements relating to design of accesses, streets, drainage & utilities to ensure that service to each phase and adjacent property is adequately addressed.

PWDS 1.8.a requires that the utility design “for each phase shall be capable of standing alone”. This requirement and the specific need for utilities sized large enough to accommodate existing and future surrounding development is reiterated in the PWDS sections relating to design for storm drainage, sanitary sewer, and water.

Concurrent with this Subdivision Application, the development is subject to a Master Planned Development Designation. The Master Plan will require that the developer enter into a Development Agreement which will lay out the development phasing plan and boundary map which better balances & addresses concerns relating to access and utilities for each phase (vehicular & pedestrian), minimizing the extent of water/sewer/storm improvements located outside of the phase being constructed, and providing the public park improvements earlier in the development process while making the size of each phase as close to equal as feasible.

The Development Agreement lays out the specific phasing plan and boundary map, memorializing the plan which will run with the property.

Park Facility

Neighborhood parks have a general size of between 1 and 5 acres, though may go as large as 10 acres and serve a ¼ to ½ mile radius. The following are anticipated on a per acre basis, for such things as benches or picnic tables, or per park such as court facilities where noted.

Amenity	Description	Quantity	Price Range	Planning Cost
Benches	Recycled plastic with metal supports	3	\$600	\$ 2000
Picnic Tables	Recycled plastic with metal supports	2	\$825	\$2000
Garbage Can & Holders	Pole-mounted plastic cans	1	\$450	\$ 500

Paved access paths	Prices vary widely, accurate estimates require site visit	0.018 mi.	\$77,500	\$ 1400
Site and Walkway Lighting	Ornamental poles; 10-15 ft. high	4	\$4500	\$18,000
Toddler Playground	Ages less than 6 years	1	\$35,000	\$35,000
Shrubs and Landscaping	Level land, irrigation, landscape, and grass	per acre	\$5700	\$ 5700
Shade trees	Min. 1.5 inch caliber w/ average canopy of 20 feet	40 per acre	\$200 each	\$ 8000
Children's Playground	Ages 6 to less than 13 years	1	\$35,000	\$35,000
Sports Courts	1 full sport court, including nets, posts, fencing and painting	1	\$30,000	\$30,000

GRAND TOTAL \$137,600

The Park Master Plan identifies the need for a neighborhood park in this location upon its development. Specifically, it is identified as P5 on the “Existing and Future Parks and Trails” map:

“P5 - Chapel Drive West Area. Projected to be built with new development in this area. This is expected to be a one acre neighborhood park and efforts should be made to incorporate the existing mill pond for fishing into the park plans.”

The preliminary plat map shows space for a 3.4 acre neighborhood park with a one acre pond and a covered picnic shelter. Using the Park Master Plan as a guide and subtracting the pond area, the park will require additional amenities in order to serve this neighborhood. As a condition of approval, the improvements to park shall at a minimum include the following:

- Level ground, irrigation, landscape and grass
- Toddler playground equipment
- Children’s playground equipment
- 80 shade trees
- Sports court
- Bike rack
- Pond enhancements including bank stabilization, surrounding vegetation and a dock.

The park shall be installed with Phase III of the development, prior to the first building permit for the phase, in accordance with the recommended zoning provided by the city engineer. Final approval of all park amenities and layout shall be reviewed and approved prior to construction as part of the site design review process by the planning official in accordance with PMC 18.125.030(A)(3).

**S. Mailboxes.**

**Plans for mailboxes to be used shall be approved by the United States Postal Service. Where mailboxes are installed in the sidewalk, a radius shall be provided around the structure to maintain the minimum sidewalk width.**

The developer will be required to install mailbox clusters as determined by the U.S. Postal Service.

**18.80.040 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 construction specifications and the applicable comprehensive plan policies.**

Sewer is available to the property and the City has adequate treatment capacity at the sewer lagoons (expanded in 2011) to provide sewer service to future development of this site.

It is presumed this development will generate the demand to collect and treat approximately 43,800 gallons of wastewater at 100 gallons per person per day. The added wastewater from approximately 438 new residents can be handled with the existing treatment facility, in addition to the apartment complex developments already underway.

The City will continue to implement its Master Plans for collection, pumping, and treatment. In addition, the financing of these necessary capital improvements has been addressed through the adoption of sanitary sewer SDCs. The City is updating the wastewater SDC and user fees to ensure they are adequate.

The preliminary drawings include information on proposed sanitary sewer improvements. It appears that the entire subdivision can be served by gravity to the trunk sewers flowing to existing Pump Station A (located north of the Public Works office). Any existing septic systems shall be abandoned in accordance with state and county standards.

As a condition of approval, the developer shall submit sanitary sewer drawings conforming to the requirements of the PWDS, including new mainlines at depths conforming to City standards, including reconstruction of existing sewers along the 15th Street frontage as required to provide the required cover depth. Gravity sanitary sewer mainlines and/or service laterals shall be provided to serve all existing, proposed and potential lots in the development, and shall provide for sewer extension to upstream properties as applicable. Sewers crossing private property shall be located within easements conforming to PWDS 4.15.d as approved by the City Engineer. Easements meeting PWDS requirements shall be provided for any sewers located outside of street right-of-ways, or for private sewer lines that cross property other than that which they serve.

Water

Water is available to the subject property and the City has adequate water rights to provide water to future development of this site. Between the Marys River (3.68 million gallons per day (mgd)), city wells (.74 mgd), and the Rock Creek Intertie (.85 mgd), the City has access to 5.27 million gallons of water per day.

The average water use per person is 150 gallons of water per day (g/d). The City's current population according to the PSU Population Research Center is 4710. That equates to a total current demand of 706,500 g/d. The added demand for this property upon full build out of 438 persons will be 65,700 g/d. When taking into consideration the other developments previously approved with a combined population estimate of 1017 people or 152,550 g/d, the total estimated demand for the City with this annexation reaches 924,750 g/d.

<b>Available Water (gallons)</b>		<b>5,270,000</b>
<u>Water Demand (gallons)</u>		
Current Population	706,500	
Approved Developments	152,550	
<i>Proposed Annexation</i>	<u>65,700</u>	
<b>Total</b>		<b>924,750</b>

The current water treatment plant is rated at 1.2 million gallons per day (MGD), though it typically produces roughly 950,000 gallon per day due to its age, incoming water quality, and other factors.

The City also has water rights at the 11th Street well and 9th Street well which can be utilized more fully as demand increases.

The City is planning to construct a new plant that will be operational by 2021 with a rated capacity of 2.5 MGD. The plant will be paid for by current utility fees, as it will replace the existing plant, and new development through the collection of System Development Charges (SDCs) and new users as they begin paying utility fees.

According to the 2005 Water Master Plan, the City has a storage capacity deficit for emergency fire protection. Although the storage deficit is offset by the availability of the 11th Street well and the Rock Creek Intertie, development of the subject property will exacerbate the existing storage deficit. A second water tank ultimately needs to be constructed as a long-term water storage solution. The City plans to construct the new tank at the same time as the treatment plant and have it operational by the year 2021. The tank will be paid for in part by current utility fees and in part by development, either directly or through the payment of SDCs collected at the time of development.

The Philomath Rural Fire Protection District has indicated minimum fire flows of 1000 gallons per minute at 20 psi will be required throughout any future development.

The preliminary drawings include information on proposed water system improvements, reflecting the new waterlines within the development. However, the plan does not include the 10-inch waterlines required along 15<sup>th</sup> Street & Chapel Drive (*connecting to the existing 10-inch main on 19<sup>th</sup> Street*) as discussed at the pre-application meeting, which are required to provide looping and fire flows to the site, nor does it show the new waterline extension required along 17<sup>th</sup> Street to Cedar Street.

In order to provide required looping and fire flows to the site, offsite waterline improvements will be required. Per the Water Master Plan, offsite waterlines are anticipated to consist of a 10" waterline along Chapel Drive and 19<sup>th</sup> Street as required to connect to existing waterline south of Starker Place. Unless otherwise approved by the Public Works Director, the new 10" waterline will need to be located along the south side of Chapel Drive (to avoid conflict with the existing sewer force main on the north side of Chapel), and will be 3 feet in front of the curb line along 19<sup>th</sup> Street. Since this offsite waterline is required to provide fire flows and looping per City standards, SDC credits and/or reimbursement may be available.

As a condition of approval, the Developer shall submit water system construction drawings conforming to the requirements of the PWDS, and shall demonstrate that the required fire flows are available to all hydrants at the site. All water system improvements required to provide the minimum fire flows (*with or without fire sprinklers*) shall be the sole responsibility of the developer. The developer shall construct new waterlines as required to supply all water services and fire hydrants, including a new waterline looped through the site and connected to existing waterlines on 15<sup>th</sup> Street & 19<sup>th</sup> Street, as well a new 8-inch line extended to 17<sup>th</sup> & Cedar. Fire hydrants per PWDS standards will be required at intersections and other locations approved by the City Engineer and the Fire Chief. Existing hydrants serving the property shall be provided with Storz adapters per City & Fire District standards, as applicable. The location of any well(s) on the property shall be shown, and backflow prevention provided for any lot on which a well is located (unless abandoned per State standards).

#### **18.80.050 Storm drainage.**

##### **A. General Provisions. The city shall issue a development permit only where**

**adequate provisions for stormwater and floodwater runoff have been made in conformance with Chapter 18.85 PMC, Hillside and Erosion Control Overlay.**

The preliminary drawings included information on the general manner in which proposed storm drainage improvements will be provided. However, there is not enough information at this stage to determine whether these preliminary layouts fully meet City standards, particularly in relation to detention requirements. The property generally slopes and drains toward Chapel Drive. From the information provided, it appears that storm drainage & detention system can be provided in accordance with PWDS standards. The drainage design will need to provide for drainage from existing and new lots (with the detention provided per PWDS requirements), as well as addressing all drainage flowing onto the site from upstream/uphill properties.

As a condition of approval, the Developer shall submit storm drainage construction drawings conforming to the requirements of the PWDS. The storm drainage plan shall demonstrate that there are no impacts to the downstream properties, and shall provide for drainage from upstream properties that currently flow onto the property (including providing easements as applicable). Drainage maps and a summary of flow calculations for existing and developed conditions shall be included on the construction drawings. The storm drainage plan shall be designed to accommodate roof and foundation drains, as well as drainage from new and reconstructed streets, and shall convey storm water runoff to an approved point of disposal. The stormwater detention system (PWDS 3.18) shall conform to PWDS requirements, which requires the detention basin to be located on private property (unless otherwise approved by the Public Works Director) and provided with a recorded detention easement & maintenance agreement per City standards. Detention systems shall include provisions for all-weather inspection and maintenance access. Easements meeting PWDS requirements shall be provided for any storm drains located outside of street right-of-ways, or for private storm lines that cross property other than that which they serve. Storm drain laterals shall be provided for all lots which cannot drain to the fronting curb lines.

Stormwater quality (i.e. treatment) issues relating to the MS4 stormwater permit covering the Corvallis & Philomath area was previously discussed with the developer. Benton County Public Works currently administers these water quality treatment standards through an IGA with the City (developer should coordinate with Gordon Kurtz with Benton County Public Works).

As a condition of approval, any stormwater quality requirements under the MS4 IGA with Benton County are in addition to and in conjunction with the City's detention standards; the more stringent shall apply. Offsite storm drain improvements will be paid for with SDCs and storm drain fees.

**18.80.060 Underground Utilities.**

**All 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.**

Services will be designed and installed underground according to the City specifications and approved prior to final plat approval.

**18.80.070 Easements.**

**Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also Chapter 18.110 PMC, Development Review and Site Design**



**Review, and Chapter 18.115 PMC, Land Divisions and Lot Line Adjustments. The developer or developer 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 15 feet unless otherwise specified by the utility company, applicable district, or city engineer.**

The preliminary layout drawing included information on proposed streets and utilities but does not call out easements required to extend access and/or utilities to serve the subdivision lots. This information will need to be verified in conjunction with the predesign conference and the final subdivision construction drawings.

An eight foot wide Public Utility Easement (PUE) to City standards shall be granted along all fronting street right-of-ways where such easements do not already exist (PWDS 1.10.j), and franchise utilities shall be installed within PUEs except at crossings.

### **FINDINGS OF FACT FOR THE SUBDIVISION APPLICATION**

- 1) In concurrence with this Subdivision Application the developer has submitted a Comprehensive Plan and Zone Change Amendment Application to change the zoning of the entire development site to High-Density Residential (R-3); both applications are conditional upon the other's approval.
- 2) The subject property is approximately 31.23 acres of undeveloped land.
- 3) Under the census data used by the City, each dwelling would house an average of 2.64 persons, resulting in an increased population of 438 persons with the estimated 166 homes.
- 4) City facilities (streets, sewer, storm and water) are not located on the subject property and will need to be extended into and throughout the property upon development.
- 5) The city is capable of providing services to the subject property commensurate with the needs of existing approved and proposed developments.
- 6) The Parks Master Plan reflects the need for a park within this development and the continuation of the Bike/pedestrian path along the Chapel Drive frontage.
- 7) City water rights are sufficient to provide water to future development on the subject property; however, treatment and storage facilities need to be upgraded to accommodate the additional average daily demand this and other developments within the City would demand upon full build-out.
- 8) The wastewater treatment facility is capable of servicing future development on the subject property.
- 9) Traffic during the peak evening hour is anticipated to be approximately 165 vehicular trips according to the Traffic Impact Analysis (TIA). No new traffic signals or other off-site improvements are required or recommended.

The proposed preliminary plat complies with all of the applicable development code sections and other applicable ordinances and regulations or can come into compliance given the conditions of approval.

### **RECOMMENDED CONDITIONS OF APPROVAL**

- 1) All Phase 1 improvements shall be completed and the final plat for Phase 1 shall be recorded within 2 years of the date that the land use approval is final, (PMC 18.115.030.C). All improvements for each subsequent phase shall be completed and the final plat for the subsequent phase recorded within 2 years of the date that the previous phase plat was recorded, or the land

use approval will expire (PMC 18.115.030(E)(1). Extensions of not more than 12 months for each phase may be granted by the Planning Official upon demonstration that there were issues outside of the developer's control which delayed the completion of the required improvements for the phase in question, and that all other provisions of PMC 18.115.030(D) are satisfied.

- 2) The final plat shall comply with the plat standards and other provisions. Monuments shall be established on property corners.
- 3) Any required off-site easements shall be approved by the City and recorded by the Developer prior to approval of the Phase 1 construction drawings by the City.
- 4) All legally recorded public and private easements shall be shown on the plat until legally removed.
- 5) A preliminary title report shall be submitted as supplementary information, along with a copy of the deed restrictions, dedication documents, proof that all taxes and assessments have been paid, and an affidavit from the City Manager that the developer has complied with any improvement guarantee requirements. The final covenant and restrictions for the private common area(s) will need to be reviewed and approved by the City final to recording the final plat.
- 6) Except for items specifically exempted by the planning approval, the development shall fully comply with the public facility requirements of the Philomath Municipal Code (PMC) and the Public Works Design Standards (PWDS). The developer is responsible for the construction costs of required public or private infrastructure improvements associated with the development (both onsite and offsite).
- 7) After issuance/finalization of the land use approval, the developer and his engineer shall schedule and participate in a pre-design conference with the City Public Works for the purpose of coordinating any required site / street / sidewalk / utility work (PWDS 1.9.b). This conference shall occur prior to submitting final site / street / sidewalk / utility construction drawings for review by Public Works. Participants shall include City Public Works and the City Engineer, as well as public/franchise utility providers as applicable. The developer shall provide all information required under PWDS 1.9.b prior to the predesign conference (including a title report), as well as providing information on how each land use approval condition will be addressed.
- 8) After the pre-design conference, the developer shall prepare and submit final street, grading, parking, storm drainage, sewer and water plans conforming to the requirements of the Public Works Design Standards (PWDS) for review by the City Engineer and Public Works.
- 9) Public Works construction permits for site / street / sidewalk / utility work shall not be issued until after the developer has received final approval of any required engineered site, street, sidewalk or utility construction drawings per PWDS requirements, a Developer-City construction agreement has been executed, and a performance security satisfactory to the City has been submitted guaranteeing that all improvements will be completed in accordance with the approved drawings and City Standards within the specified time period (PWDS G.10).
- 10) The engineered site / street / sidewalk / utility construction drawings shall be based on a topographic survey showing the location of all property lines, right-of-way lines and existing easements (including recording references), and existing utilities. The construction drawings

shall show any new easements required (including recording references), and all required site and utility improvements, addressing site grading, street improvements/repairs, sidewalk & pedestrian plans, street lights, waterlines, fire hydrants, sanitary sewer, storm drainage, and access driveways/fire lanes.

- 11) Improvements shall be constructed under the inspection and to the satisfaction of the City Public Works Director. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the changes.
- 12) All public improvements shall be installed and dedicated prior to final plat approval or the developer may provide financial guarantees acceptable to the City. Repair of existing streets and other public facilities damaged in the development of the subdivision shall be part of any improvement agreements. The assurance of full and faithful performance shall be for a sum determined by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- 13) Building permits for new residential structures shall not be issued prior to completion of all required improvements and conditions of approval, and written acceptance by the City, including submission of maintenance bonds and reproducible as-built drawings.
- 14) As an exception to condition #13 above, building permits for two model homes within Phase I may be issued prior to completion of all required improvements and conditions of approval associated with the phase.
- 15) Any fills within public rights-of-ways or fire lanes, or lot fills shall be compacted and tested to City standards and per the Oregon Structural Specialty Code requirements as applicable (95% optimum per ASTM D1557 within right-of-ways, and 90% optimum within lot building envelopes).
- 16) Franchise utilities shall be installed within PUEs except at crossings.
- 17) Final plans showing public improvements as built shall be filed with the City upon completion of the improvements.
- 18) Developer shall coordinate with Benton County and the City and provide a minimum 8' wide bike/pedestrian path separated from the roadway by a landscape strip along Chapel Drive from 15th Street to 19th Street as part of this development in lieu of a sidewalk.
- 19) Tract C shall be replaced with two lots fronting on the same street as lot 116 as part of Phase II.
- 20) The developer shall determine the legal mechanism or entity under which ownership and maintenance the common private improvements will be addressed and assured (i.e. including the storm drainage swale in Stormwater Tract A and the detention basin flow control structures & water quality features). The approach shall be acceptable to the City and conform to the requirements of PMC 18.115.70(B)(6), and the documents shall be configured to apply to lots in all phases of the development as each phase is completed and platted.
- 21) The final subdivision drawings need to clarify if the existing buildings are to be relocated or removed.
- 22) Any fills within public rights-of-ways or fire lanes, or lot fills shall be compacted and tested to City standards and per the Oregon Structural Specialty Code requirements as applicable (95%

optimum per ASTM D1557 within right-of-ways, and 90% optimum within lot building envelopes).

- 23) Any existing unsuitable fills within proposed right-of-ways or building envelopes will need to be removed or remediated in conjunction with the development and infrastructure construction.
- 24) The design of all streets shall conform to the requirements of the Public Works Design Standards.
  - Full street improvements shall be constructed for local streets within the development and along Willow Lane, based on a local street classification (36 foot street width, 50 foot minimum right-of-way width, 5 foot curb line sidewalks on both sides per PWDS 2.21). The 15th & Willow intersection shall be reconstructed to City standards, including pedestrian ramps & crossings to current ADA standards, and sidewalks along the north side of Willow Lane shall be constructed in conjunction with the street improvements.
  - Minimum  $\frac{3}{4}$  street improvements shall be installed along the 15th Street and Chapel Drive frontage of the development, consisting of street widening to provide curbs and sidewalks on the development side of the street, and reconstruction or overlay of the existing paved section (depending on existing pavement condition, see PWDS 2.13.c for testing required to determine whether or not the existing street section is in adequate condition to be provided with an AC overlay, or if it must be reconstructed). Turn lanes shall be provided if required by Benton County.
  - Minimum  $\frac{3}{4}$  street improvements shall be installed along 17th Street off-site to Cedar Street. A new off-site sidewalk shall be constructed along 17th Street to connect to the existing sidewalks at 17th & Cedar, including upgrading pedestrian ramps at the 17th & Cedar intersection to ADA standards.
- 25) The configuration of temporary turnarounds at the end of stub streets at phase boundaries shall be acceptable to Public Works and the Fire Department. Properties affected by temporary turnarounds at the end of stub streets shall be provided with easements, as well as agreements defining how the temporary turnaround will be addressed when the street is extended in the future. Unless otherwise required or approved by Public Works, the new street paving shall extend to the boundary of each phase.
- 26) Storm drainage improvements shall be provided in conjunction with all new or reconstructed streets (PWDS 3.2.c).
- 27) Street and traffic control signs shall be installed at locations conforming to City standards.
- 28) New public street lights shall be installed along all new and existing frontage public streets, with spacing and locations to be approved by the City Engineer and Public Works based on City standards.
- 29) Non-access reserve strips (1 foot minimum width) shall be provided and dedicated to the City on non-access frontages of corner or double frontage lots (i.e. lots fronting on Chapel Drive, as well as the 15th Street frontage of the corner lot at the 15th & Willow intersection, and the Chapel Drive frontage of the lot at the 15th & Chapel intersection).
- 30) 8 foot wide PUE easements to City standards shall be granted along all fronting street right-of-ways where such easements do not already exist (PWDS 1.10.j), and franchise utilities shall be installed within PUEs except at crossings.

- 31) Right-of-way radii shall be dedicated at intersections as required to maintain a constant distance between the right-of-way line and the curb line and sidewalk (PWDS 2.21.e).
- 32) The final plot plan shall identify significant trees to be protected and those to be removed.
- 33) The phasing in the project shall be modified to the recommendations made by the city engineer, reducing the total number of phases from six to five and constructing the public park with at the beginning of Phase III.
- 34) Park improvements shall include, but not be limited to, the following:
- Level ground, irrigation, landscape and grass
  - Toddler playground equipment
  - Children's playground equipment
  - 80 shade trees
  - Sports court
  - Bike rack
  - Pond enhancements including bank stabilization, surrounding vegetation and a dock.
- 35) The developer may be required to install a mailbox clusters as determined by the U.S. Postal Service.
- 36) The developer shall submit sanitary sewer drawings conforming to the requirements of the PWDS, including new mainlines at depths conforming to City standards, including reconstruction of existing sewers along the 15<sup>th</sup> Street frontage as required to provide the required cover depth. Gravity sanitary sewer mainlines and/or service laterals shall be provided to serve all existing, proposed and potential lots in the development, and shall provide for sewer extension to upstream properties as applicable. Sewers crossing private property shall be located within easements conforming to PWDS 4.15.d as approved by the City Engineer. Easements meeting PWDS requirements shall be provided for any sewers located outside of street right-of-ways, or for private sewer lines that cross property other than that which they serve.
- 37) The Developer shall submit water system construction drawings conforming to the requirements of the PWDS, and shall demonstrate that the required fire flows are available to all hydrants at the site. All water system improvements required to provide the minimum fire flows (*with or without fire sprinklers*) shall be the sole responsibility of the developer. The developer shall construct new waterlines as required to supply all water services and fire hydrants, including a new waterline looped through the site and connected to existing waterlines on 15<sup>th</sup> Street & 19<sup>th</sup> Street, as well a new 8-inch line extended to 17<sup>th</sup> & Cedar. Fire hydrants per PWDS standards will be required at intersections and other locations approved by the City Engineer and the Fire Chief. Existing hydrants serving the property shall be provided with Storz adapters per City and Fire District standards, as applicable. The location of any well(s) on the property shall be shown, and backflow prevention provided for any lot on which a well is located (unless the well(s) is/are abandoned per State standards).
- 38) The Developer shall submit storm drainage construction drawings conforming to the requirements of the PWDS. The storm drainage plan shall demonstrate that there are no impacts to the downstream properties, and shall provide for drainage from upstream properties that currently flow onto the property (*including providing easements as applicable*). Drainage maps and a summary of flow calculations for existing and developed conditions shall be

included on the construction drawings. The storm drainage plan shall be designed to accommodate roof and foundation drains, as well as drainage from new and reconstructed streets, and shall convey storm water runoff to an approved point of disposal. The stormwater detention system (*PWDS 3.18*) shall conform to PWDS requirements, which requires the detention basin to be located on private property (*unless otherwise approved by the Public Works Director*) and provided with a recorded detention easement and maintenance agreement per City standards. Detention systems shall include provisions for all-weather inspection and maintenance access. Easements meeting PWDS requirements shall be provided for any storm drains located outside of street right-of-ways, or for private storm lines that cross property other than that which they serve. Storm drain laterals shall be provided for all lots which cannot drain to the fronting curb lines.

39) Any stormwater quality requirements under the MS4 IGA with Benton County are in addition to and in conjunction with the City's detention standards (i.e. the more stringent shall apply).

40) The developer shall follow provisions of the Master Plan Development Designation, submitting each phase of the final plat for site design review to the Planning Official following substantial completion of one phase and commencement of the following phase.

## **MASTER PLANNED DEVELOPMENT DESIGNATION**

The developer is required to apply for a Master Planned Development overlay due to the size of the proposed development. No new information was needed from the applicant for this review so the Subdivision Application was used to apply the applicable criteria within the Development Code. The overlay will allow for phased development of the subdivision over a planned and agreed upon timeframe.

### **DECISION CRITERIA FOR MASTER PLANNED DEVELOPMENT DESIGNATION**

#### **18.125.030 Review and approvals process.**

- 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. 4. The steps in subsections (B)(1) through (B)(3) of this section may be combined in any manner, so long as the decision-making sequence follows that in subsection (A) of this section. Notification and hearings may be combined.**

The developer has provided a preliminary subdivision plat map in lieu of a concept plan and detailed development plan. The preliminary subdivision plat map is more detailed and provides more information than what the concept plan or detailed development plan would have normally included. As such, this review will use the preliminary subdivision plat to address the criteria for both the concept plan and detailed development plans.

#### **18.125.080 Overlay zone and concept plan approval 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 all of the criteria are not satisfied when denying an application:**

- A. Comprehensive Plan. All relevant provisions of the comprehensive plan are met;**

As analyzed in the Subdivision Application, this criteria is met.

**B. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be met (Chapter 18.115 PMC);**

As analyzed in the Subdivision Application, this criteria is met.

**C. Division 2 Land Use and Design Standards. All of the land use and design standards contained in Division 2 are met, except as modified in PMC 18.125.050 and the following provisions for density bonuses:**

No density bonus is proposed for this development. All Design Standards will be memorialized in the conditions of approval of the Subdivision Application and the Development Agreement that will run with the land.

**D. Requirements for Common Open Space. Where common open space is designated, the following standards apply:**

- 1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and**
- 2. The open space shall be conveyed in accordance with one of the following methods:**
  - a. 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 council with regard to the size, shape, location, improvement, environmental condition (i.e., the developer may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;**

Upon completion and acceptance, the public park identified in the preliminary subdivision plat map will be dedicated to the City. The site is an abandoned mill and mill pond. The city will may require a phase I and phase II environmental assessment of the property prior to acceptance.

**18.125.110 Detailed development plan approval criteria. The city shall approve the detailed development plan upon 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, consistent with the following criteria:**

With this development, the detailed development plan is the same as the concept plan. As a condition of approval, the developer shall execute and record a Development Agreement that will run with the property.

**FINDINGS OF FACT FOR MASTER PLANNED DEVELOPMENT DESIGNATION**

1. All relevant provisions of the comprehensive plan are met
2. All of the requirements for land divisions, as applicable, are met
3. All of the land use and design standards contained in Division 2 are met
4. The detailed development plan conforms with the concept plan and required conditions of approval

## **RECOMMENDED MOTIONS**

### **Annexation**

*I move to adopt the Findings of Fact for the Annexation Application as presented in the Staff Report dated May 16, 2018 and approve the Annexation Application, File Number PC18-04, subject to approval of the Subdivision Application, File Number PC-18-06, and direct staff to present an ordinance annexing the property as identified in the application and Staff Report.*

OR

*I move the City Council adopt the Findings of Fact as modified in opposition to the applicable criteria and that the application for annexation of the subject property as presented in File Number PC18-04 be denied.*

### **Comprehensive Plan and Zone Map Amendment**

*I move to adopt the Findings of Fact for the Comprehensive Plan and Zone Map Amendment as presented in the Staff Report dated May 16, 2018 and approve the Comprehensive Plan and Zone Map Amendment, File Number PC18-05, subject to approval of the Subdivision Application, File Number PC-18-06, and direct staff to present an ordinance annexing the property as identified in the application and Staff Report.*

OR

*I move the City Council adopt the Findings of Fact as modified in opposition to the applicable criteria and that the application for Comprehensive Plan and Zone Map Amendment for the property as presented in File Number PC18-05 be denied.*

### **Subdivision**

*I move to adopt the Findings of Fact for the Subdivision Application as presented in the Staff Report dated May 16, 2018 and approve the Millpond Crossing preliminary plat map, File Number PC18-06, subject to the Conditions of Approval as contained in the Staff Report.*

OR

*I move the City Council adopt the Findings of Fact as modified in opposition to the applicable criteria and that the application for the Millpond Crossing subdivision as presented in File Number PC18-06 be denied.*

### **Master Plan Subdivision Designation**

*I move to adopt the Findings of Fact for the Master Plan Development Designation as presented in the Staff Report dated May 16, 2018 and approve the Millpond Crossing Master Plan as required by the Subdivision Application, File Number 18-06.*

OR

*I move the City Council adopt the Findings of Fact as modified in opposition to the applicable criteria and that the application for the Millpond Crossing Master Plan Subdivision Designation as presented in File Number PC18-06 be denied.*



**Development Agreement**

*I move to approve the draft Development Agreement as presented between the City of Philomath and Levi Miller, Owner of Millpond Crossing Subdivision, and direct staff to prepare a resolution to approve the final agreement.*

OR

*I move to deny the draft Development Agreement between the City of Philomath and Levi Miller, Owner of Millpond Crossing Subdivision.*