



STAFF REPORT

DATE:	December 9, 2019
APPLICANT:	Millpond Crossing LLC
NATURE OF APPLICATION:	An application for a minor modification to a land use (subdivision preliminary plat) decision
PROPERTY LOCATION:	Generally that land north and east of southerly terminus of S. 15 th Street and Chapel Drive (T12S-R6W-Sec. 12D, Tax Lot 600)
APPLICABLE CRITERIA:	Section 4.6.4 of the Philomath Development Code
ZONING DESIGNATION:	R-3 (High Density Residential)
STAFF CONTACT:	Patrick Depa, Associate Planner
FILE NUMBER:	P19-27

NATURE OF THE PROCEEDING:

The Philomath City Council approved the 169 lot subdivision known as Millpond Crossing in May 2018. The applicant(s) have applied for a minor modification to the approved preliminary plat to modify the demarcation lines associated with the proposed phasing plan due to infrastructure considerations. Various engineering measures and specific items in the Development Agreement will be modified to reflect the change in phasing. The connectivity of S 17th Street to the development and off-site improvements to S 17th Street required by the Development Agreement and Conditions of Approval will be postponed until Phase 4. Also, the original Phase 3 and Phase 5 will be combined into the new Phase 3, with the park still required to be installed prior to issuance of any building permits during Phase III.

This application is processed as a Type II limited land use action under the minor modification provisions of the Philomath Development Code. Area property owners within 250 feet were notified of this pending action.

FINDINGS OF FACT:

- 1) The Philomath City Council approved the 169 lot subdivision known as Millpond Crossing on May 21, 2018.
- 2) The number of lots, dwelling units and street layout with the proposed new phasing will remain the same.
- 3) All improvements to S 15th Street and Chapel Drive will remain the same.
- 4) The proposed phasing will result in fewer vehicle trips on S 17th Street but more trips on S 15th Street until phase IV of the development.

COMMENTS:

Mr. Steve Boggs and Mrs. Peggy Yoder provided comments on a few of their concerns:

- A) That maps showing both the approved and proposed phasing were not included with the notification letter.
- B) That an increased traffic burden for S 15th Street will occur if the connection to S. 17th Street is either never completed or completed with Phase V instead of Phase II.

- C) That the request to change the approved phasing is a Major Modification rather than a Minor Modification.

The Public Works Director and the City engineer made comments that will be reflected in an updated Development Agreement and applied to the "Final Plat" submitted to the County.

RECOMMENDED FINDINGS APPLYING ORDINANCE CRITERIA

1) Section 18.130.030(B), provides a Minor Modification may be approved, approved with conditions, or denied by the Planning Official based on written findings on the following criteria:

- (1) The proposed development is in compliance with all applicable requirements of the Development Code.**

The proposed modifications are specific to the phasing of the project, timing of the onsite and offsite approvals, and related conditions of approval. All changes relate to the phasing and the timeframe in which improvements will be completed shall be documented in an amended development agreement as a condition of approval. All new engineering and infrastructure proposals will have to meet the City of Philomath's Design Standards and be installed at the Public Works and City Engineers direction.

Notification was sent out per State Law requirements with a brief description of the proposed modification and a plat map displaying proposed modifications. An issue was brought up because the approved plat map was not included with the notification as indicated in the notice. The previous preliminary plat is not required to be included per state statute or local development code; however, the City had it available for review. At least one citizen did come to City Hall and review the approved phasing map after receiving the notice in the mail.

To alleviate the additional traffic on S. 15th Street brought on as each phase develops, as a condition of approval the developer shall complete the off-site improvements to S. 17th Street as detailed in the development agreement and connect the subdivision to S 17th Street before building permits are issued for Phase IV.

Condition of Approval of the Subdivision is modified to reflect that the off-site improvements to S. 17th Street shall come in with Phase IV, not Phase II.

All other conditions of approval will remain.

Staff concludes: The proposed development is in compliance with all applicable requirements of the Development Code.

- (2) The modification is not a major modification as defined in Section 18.130.030.**

Section 18.130.030(A) defines as:

1. A change in land use;
2. An increase in the number of dwelling units;
3. A change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
4. An increase in the floor area proposed for non-residential use by more than 10 percent where previously specified;
5. A reduction of more than 10 percent of the area reserved for common open space and/or usable open space;

- 6 A reduction to specified setback requirements by more than 10 percent, or to a degree that the minimum setback standards of the land use district cannot be met; or
7. Changes similar to those listed in (A)1 through (A)6 of this section, which are likely to have an adverse impact on adjoining properties.

The land use designation is for low-density residential use and there is no change in land use. There number of lots remains the same at 169, and there is no increase in the number of dwellings. The external street connections remain as approved and there is no change in the type and/or location of access ways, drives or parking areas that affect off-site traffic. There is no increase in non-residential floor area. There is no reduction in common open space. There is no reduction in setback requirements.

Staff concludes: The modification is not a major modification as defined in Section 18.130.030(A).

DECISION AND RECOMMENDED CONDITIONS:

Staff respectively recommends approval with the following conditions:

1. The development agreement will be updated to reflect when and during which phase the offsite improvements shall be required, subject to the direction of the city engineer and public works director as noted in condition number 2 listed below.
2. All of the project engineering and infrastructure shall be completed to the City of Philomath's Design Standards and during the phase specified at the Public Works Director and City Engineer's direction.
3. The developer shall complete the off-site improvements to S. 17th Street as detailed in the Development Agreement and connect the subdivision to S 17th Street before building permits are issued for Phase IV.