

EXHIBIT A - PLANNED DEVELOPMENT & SUBDIVISION APPLICATION NARRATIVE

WILLIAM R. CARR SUBDIVISION

PRELIMINARY DESIGN AND PROGRAM

GENERAL INFORMATION

NATURE OF REQUEST: This application is for a Planned Development and residential Subdivision on a 44,200 +/- square foot property and a variance for one driveway location.

The application proposes a residential use on the strip of land located between the existing residences in the Adair Meadows neighborhood and the Highway 99 corridor. The subject property is on William R. Carr Avenue south of Laurel Drive. This proposal consists of residential zero-lot-line homes on individual Lots.

This development proposal is a favorable addition to the neighborhood providing open area in the form of greater rear building setbacks and yards adjacent to existing residential properties. This open area between the proposed houses and existing residences is paired with an efficient use of the buildable area directly adjacent to and along William R. Carr Avenue. This in turn provides an effective buffer for existing residences from traffic noise on Highway 99W. Landscaping will be provided as required by City Code; however, front yards will include additional landscape features such as exposed aggregate driveways, beautiful drought resistant yards which will complement the attractive building architecture. Together, these special features provide an attractive street view to the City's Highway 99W entrance within close proximity to the core downtown area.

The project will provide houses presently expected to be priced at approximately \$195,000.

APPLICANT: Brian Donne
6079 NW Mountain View Drive
Corvallis, Oregon 97330

OWNER: Brian Donne
6079 NW Mountain View Drive
Corvallis, Oregon 97330

PROPERTY LOCATION: East of US Highway 99, on the east side of William R. Carr Avenue south of Laurel Drive.

COMP. PLAN DESIGNATION: Residential (R-1)

ZONING DESIGNATION: Residential (R-1)

CURRENT LAND USE: Vacant

BACKGROUND

The subject property is residential zoned land bordering the west edge of the Urban Growth Boundary nearest the Highway 99 corridor. This vacant property is along the east side William R. Carr Avenue between Laurel Drive and the new Servpro Site. The Zoning designation for the property is R-1.

The subject property is a long somewhat narrow strip of land under the ownership of the applicant. The property size, shape, and location are well suited to be developed as a Planned Development of compatible uses under the requirements of the City of Adair Village Code. The land is bordered on the north, east, and south by lands with a Zoning designation of R-1. It is located just north of the Village Center Zone which includes land use provisions for several commercial and public uses.

The applicant is proposing to subdivide the subject property into zero-lot-line single-family Lots and building homes sequentially. The proposal complies with all code requirements except for lot size and density. Therefore, it is presented as a Planned Development per Section 7.200 of the City Code in accord with Sections 9.410 and 9.890 of the City Comprehensive Plan. The proposed lot areas vary from 2119 to 4464 square feet with a density of 16 homes per acre. The standard lot size for the R-1 Zone is 10,000 square feet which is a density of 4.3 homes per acre unless they are zero-lot duplexes which then are 5,000 square foot Parcels (8.6 homes per acre).

This application is for a Planned Development under the provisions of Sections 5.010 and 7.200, which allow the City to adjust standards to provide an efficient land division or a more efficient utilization of a property. Per Section 7.200, the City's PD standards are intended to be used to encourage the application of *new techniques that can achieve economies in land development* as we believe this proposal accomplishes. Zoning standards such as lot area, width, depth, and frontage width (Section 7.230(6)) and the community development standards of Section 4.100 may be modified through the Planned Development process. The proposed modifications from standards are only lot size (which is also density) and one driveway location.

This application is also for a Subdivision under the provisions of Section 2.320, which subdivides the property into Lots per ORS 92.

Lastly, an exception to Division 3 Section 3.2.8 of the City Public Infrastructure Design Standards Manual is request regarding one driveway which is located on Laurel Drive 22 feet from William R. Carr Avenue. This driveway is located per Code Sections 5.122(2)(e) and 5.122(3)(a). While this driveway location is not a deviation from Code, it varies from the approved location specified in the City Public Infrastructure Design Standards Manual. The City design standard requires driveways on a local street be located no closer than 10 feet "*from the nearest curb return radius*". Table 3.8.10 of the City design standards requires the curb return provide a 25-foot radius on local residential streets. The proposed driveway for Lot 2 is slightly over 5 feet from the curb return, approximately 4.95 feet closer to the curb return than design standards allow.

The public infrastructure required to provide City standard streets and utilities for the proposed development will be constructed by the applicant. The public infrastructure improvements include the following:

- ❖ An extension of public sidewalk along the north and west sides of the property fronting public streets.
- ❖ Required improvements to William R. Carr Avenue and Laurel Drive which may including street widening to provide completion of the adjacent streets with curb and gutter along the project frontage.
- ❖ Public storm drainage system improvements including onsite storm water detention to allow developed release rates to be limited to pre-developed conditions.
- ❖ Public water system that will be extended along William R. Carr Avenue from Laurel Drive to the south end of the project per Code Section 5.132(1)(a).
- ❖ Public sanitary sewer system that will be extended from Laurel Drive through the development along the east property line.
- ❖ Necessary franchised utility extensions (i.e. power, phone, TV cable and gas).

To facilitate home construction and prevent damage to new improvements, the private onsite infrastructure required for the project and adjacent sidewalk and driveways will be constructed by the home builder when each Lot is developed if approved by the City in accordance with Division 3 Section 3.9 of the City Public Infrastructure Design Standards Manual. The private onsite infrastructure improvements include driveways, storm water, sanitation, and utilities to support the buildings and associated parking and landscaping for each parcel.

REQUIRED REVIEW AND APPROVAL PROCESS

Pursuant to code Sections 2.500, and 7.200, the applicant is presenting sufficiently detailed information with the application to allow for review and a quasi-judicial public hearing before the Planning Commission per Sections 2.500, 3.510(3) and 7.220(4) which follows the Conditional Use process and may be a joint meeting with the City Council per Section 3.510(3). The purpose of the quasi-judicial public hearing is to consider the application and formal plan which was revised to address concerns identified during conceptual review. Per Code Section 2.500(4)(d), once approved by the Planning Commission the final decision shall become the Official Plan. However, Code Section 3.510(3) requires the Planning Commission make a recommendation to City Council.

REQUIRED APPLICATION MATERIALS

Pursuant to code Sections 2.110-2.140, 2.321-2.328, 2.331, 2.500, and 7.200, the applicant is presenting the following detailed information to facilitate review of the land use application. Please see the following code citations (*in italics*) followed by land use application responses.

SECTION 2.110 PRE-APPLICATION STAFF CONSULTATION

An Applicant may request an informal review of a proposal prior to application to determine the general feasibility of the proposal. There are no fees for an informal review. The Applicant should submit a brief description and a sketch drawing of the proposed development to the City for preliminary consultation. The City will inform the Applicant of the procedural requirements and any conditions and polices of public agencies that may be pertinent to the proposal. The Applicant may proceed with an application or the City may suggest a pre-application conference with City Staff and affected agencies to assist the Applicant in preparing the application.

A pre-application Staff consultation provided an informal review in October.

SECTION 2.120 PRE-APPLICATION AGENCIES CONFERENCE

Within 30 days after the pre-application consultation, the City Administrator may

schedule a pre-application conference with the Applicant and representatives of the City and other affected public and private agencies to further clarify the conditions and requirements necessary in the preparation of the application.

An additional Planned Development Conceptual Plan presented January 2nd provided additional refinement of the proposed development.

SECTION 2.130 APPLICATION PROCEDURE

Following preliminary consultation and the pre-application conference, when applicable, the Applicant shall prepare an application together with other supplementary data required to clearly describe the proposed development and the decision requested of the City. Applications shall be submitted to the City 30 days prior to the review or hearing meeting.

(1) Applications, Petitions and Appeals provided for in this Code shall be made on forms prescribed by the City. Forms are available at the Adair Village City Hall/Community Building, 6030 NE Wm. R. Carr Avenue, Adair Village, Oregon 97330, Telephone - (541) 745-5507, Fax - (541) 230-5219.

(2) Applications shall include the application form, narrative descriptions, plans and drawings, together with all documents, evidence and supporting information relied upon by the Applicant including the applicable City Code sections that may apply to the request.

Ten copies of the application materials shall be provided by the Applicant for Planning Commission or City Council decisions and twenty copies shall be provided by the Applicant for decisions requiring both a Planning Commission and City Council decision. A Review or Hearing will be scheduled to comply with the applicable legal time frame from the date the Application is deemed complete.

(3) A consolidated procedure shall be utilized by the City for applications that require more than one approval procedure for a development project. The City will identify and address all of the procedures concurrently and will utilize the most comprehensive procedure and decision process of those required in the application.

(4) The Applicant may be requested to provide the City with a list of property owners of record within 100 feet of the property that is the subject of the review or hearing.

(5) All Applications shall be submitted to the City 30 days prior to the decision meeting that usually occurs on the meeting dates of the Planning Commission or City Council. Applications will be available to the public at that time. Notifications will be mailed by the City twenty (20) days prior to the review or hearing meeting.

(6) An application and review fee shall accompany the application request in accordance with the provisions of Section 1.190 and the City's Fee Resolution.

(7) Staff reports used at the review or hearing shall be available at least seven (7)

days prior to the review or hearing.

(8) The City shall comply with ORS 227.178 and take final action on an application, including resolution of all local appeals, within 120 days after the application is deemed complete. If an application is incomplete, the City shall notify the Applicant within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete if the Applicant supplies the missing information, or if the Applicant fails to submit the missing information, it shall be deemed complete on the 31st day after the application is received by the City.

(9) If an application is complete when first submitted or if the Applicant submits the requested missing information within the 30 days, following notification from the City approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(10) The 120-day period specified in subsection (8) may be extended for a reasonable time at the request of the Applicant.

(11) The 120-day period specified in subsection (8) does not apply to an amendment to this Code or to other legislative actions.

(12) The Applicant bears the responsibility and burden of proof for the requested action. The greater the potential impact, the more justification must be shown.

(13) The Application and the decision of the City shall be maintained by the City in a Record File of the Application. Notice of Decision shall be given the Applicant and other participants in the proceedings as specified in Section 3.300.

(14) Expiration. Approved applications shall be void 2 years after the date of approval unless a building permit has been issued and substantial construction pursuant thereto has taken place, unless a specific time period was specified as a condition of approval. However, upon written request prior to the expiration date, the City may extend the time period. Such extensions shall occur only upon findings that the request does not violate any current code and upon acceptance of reasons for the delay. After the expiration of the time period the application may be denied.

(15) Limitation. No request for a land use application shall be considered by the City within one-year following denial of a request, except the City may consent to a new hearing; if in the opinion of the Deciding Body, new evidence or a change of circumstance warrant reconsideration.

(16) The specific requirements and decision process for each application procedure are contained in the following Sections of this Article.

The applicant acknowledges his responsibilities outlined in this code section. A completed City application form and fee is provided with required copies of plans, narrative, and supporting information. The approval procedure identified by the City is outlined above in the “Required Review and Approval Process” portion of this narrative. Specific requirements for this application procedure are contained in this narrative and plans.

SECTION 2.140 APPLICATION SITE PLAN

Applications requiring a site plan shall include a Site Plan Drawing on an 11 by 17 inch or 8 1/2 by 11 inch sheet size for copying and distribution. Larger drawings may be submitted for presentation and City review. The Plan shall be drawn to scale. The scale shall be selected to fit the sheet size, but in all cases the scale selected shall be in even multiples of one (1) inch equals ten (10) feet (For example - 1"=20', 1"=30', 1"=100', etc.). The Application and Site Plan shall indicate clearly and with full dimensioning the following applicable information for all existing and proposed development. It is understood that some of the following requested information may not apply to every application. (X) out the number of non-applicable information.

- (1) The names of the Owner(s) and Applicant if different.**
- (2) The property address or geographic location and the Assessor Map number and Tax Lot number.**
- (3) The date, scale and northpoint.**
- (4) A vicinity map showing properties within the notification area and roads. An Assessor Map, with all adjacent properties, is adequate.**
- (5) A Site Plan with property dimensions.**
- (6) The location, size, height and uses for all existing and proposed buildings.**
- (7) Walkways, surfaced areas, yards, open space and areas to be landscaped.**
- (8) Walls and fences: location, height and proposed materials.**
- (9) Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.**
- (10) Access: pedestrian, bicycle, vehicular and service locations and ingress and egress locations.**
- (11) Signs: location, size, height and means of illumination.**
- (12) Loading: location, dimension, number of spaces and internal circulation.**
- (13) Lighting: location, type (pole, building, ground, etc) and shielding devices.**
- (14) Existing and proposed streets including surface materials dedications and improvements.**
- (15) Topographic features including existing and proposed grades, significant trees over 6 inches in diameter, and other significant vegetation.**
- (16) Water systems, drainage systems, sewage disposal systems and utilities.**
- (17) Drainage ways, water courses, flood plains, wetlands and riparian areas.**
- (18) The estimated number of people that will occupy the site including family members, employees and customers.**
- (19) The estimated number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc. A Traffic Assessment and possibly a Traffic Impact Study may be required if warranted by the traffic impact.**
- (20) The proposed time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.**
- (21) Identification of the type and extent of anticipated emissions, potential hazards**

or nuisance characteristics generated by the proposed use. Misrepresentation or omission of required data may be grounds for denial or termination of an Approval or Certificate of Occupancy.

Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community including, but not limited to; noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference, may require additional safeguards or conditions of use applied by the City.

All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. Prior to approval of a land use decision, evidence shall be submitted to the City indicating that the proposed activity has been approved by all applicable regulatory agencies.

(22) A construction schedule and development phasing schedule.

(23) Such other data as may be necessary to permit the Deciding Authority to make the required findings.

The application site plan contains the information required in each of the applicable items in this code section. Items 11, 12, 17, 20, and 21 do not seem to apply to the proposed application.

SECTION 2.321 SUBMISSION REQUIREMENTS

A land divider shall prepare a Tentative Plan together with improvement plans and other supplementary material as may be required to indicate the general idea and objectives of the project. The Applicant shall submit 10 copies of the Tentative Plan and supplementary data to the City Administrator 30 days prior to the decision authority meeting at which consideration of the Tentative Plan is desired or following preliminary consultation if requested as specified in Sections 2.110 and 2.120.

SECTION 2.322 FORM AND SCALE

The Tentative Plan shall be clearly and legibly presented on an 11 by 17 inch or 8 1/2 by 11 inch sheet size for review by the City unless a larger size is needed to present the required information. The final Plat size shall be as required by the County Surveyor, usually 18 by 24 inches in size. The Plan shall be drawn to a scale of 1 inch equals some multiple of 10 feet. (10 feet, 20 feet, 30 feet, 100 feet, 200 feet, etc.) The scale may be increased or decreased as necessary to fit the sheet size, but in all cases the scale to be used shall be in multiples of 1 inch equals 10 feet.

The required number of copies of the tentative plan providing all information required per Section 2.321 is provided to scale on paper sized per Section 2.322 together with other supporting information.

SECTION 2.323 GENERAL INFORMATION

The following information shall be provided on all Tentative Plans:

(1) All information required by ORS 92 for a Tentative Plan including, but not limited to, the following.

(2) No Tentative Plan shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other land division in the same county, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land Platted is contiguous to and Platted by the same party that Platted the land division bearing that name or unless the party files and records the consent of the party that Platted the land division bearing that name. All Plats must continue the lot and block numbers of the Plat of the same name last filed.

Land divisions submitted for final approval shall not use block numbers or letters unless such land division is a continued phase of a previously recorded land division, bearing the same name, that has previously used block numbers or letters.

(3) Date, northpoint, scale of drawing.

(4) Appropriate identification clearly stating the map is a subdivision or partition Tentative Plan.

(5) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed land division.

(6) Names and addresses of the owner, applicant and surveyor.

(7) The approximate acreage of the tract being subdivided or partitioned, and the size of proposed lots or parcels.

The required tentative plan together with other supporting information provides all information required per Section 2.323.

SECTION 2.324 EXISTING CONDITIONS INFORMATION

(1) A vicinity map with the names and addresses of all owners of property within 100 feet of the proposed land division.

(2) The location, widths and names of both opened and unopened streets within or adjacent to the land division, together with easements, other rights-of-ways and other important locational information such as section lines, corners, city boundary lines and monuments.

(3) The location of all existing sewers, septic tanks and drainfields, water lines, storm drains, culverts, ditches and utilities, together with elevational data, on the site and on adjoining property or streets.

(4) The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum if bench marks are not adjacent. The following intervals are required:

Contour Intervals Ground Slope

One Foot Up to 5%

Two Feet Over 5% through 10%

Five Feet Over 10%

Exception: The Planning Commission may approve slope indications for partitions by means of arrows or other suitable symbols together with not less than four spot elevations per acre evenly distributed for slopes of less than five percent (5%).

(5) The location of at least one bench mark control point within the tract boundaries.

(6) The location and direction of all on-site and off-site drainage, drainage channels,

water courses and the location of all areas subject to flooding.

(7) Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees. Lands that are wholly or partially within areas identified as wetlands on the State-wide Wetlands Inventory shall be clearly delineated for review and permit by the Division of State Lands.

(8) Existing uses on and adjacent to the property, including the location of all existing structures to remain on the property after the land division.

(9) Zoning on and adjacent to the property to be divided.

The required existing conditions plan together with other supporting information provides all information required per Section 2.324.

SECTION 2.325 PROPOSED PLAN INFORMATION

(1) A vicinity map clearly showing the relationship and connections of the proposed land division to surrounding developments, streets, storm drainage, sewer, septic tank and drainfield, water and utility services.

(2) The location, width, name and approximate grade and curve radii of proposed streets. The relationship of proposed streets to existing streets and any projected future streets shown on the City's Comprehensive Plan or Official Street Map.

Streets proposed for public dedication and streets held for private use shall be clearly indicated and all reservations or restrictions relating to such private streets shall be included in the statements specified in Section 2.326.

(3) The location, width, and purpose of existing and proposed easements.

(4) The total acreage and the proposed land use for the land division including sites for special purposes or those allocated for public use.

(5) The location and approximate dimensions of lots or parcels and the proposed lot or parcel numbers. Where large property divisions are proposed that may be redivided in the future to smaller residential lots or parcels, the Applicant shall provide a sketch plan showing the redivision configuration.

(6) An outline of the areas proposed for partial recording of a final Plat and a time

schedule for additional Platting if staged recording is proposed.

(7) A general layout of all public utilities and facilities to be installed including provisions for connections and extensions beyond the proposed land division.

(8) The proposed method of connection to all drainage channels located outside of the proposed land division and the proposed method of flood control (detention ponds, swales, etc.) and contamination protection (settling basins, separators, etc.).

(9) Identification of all proposed public dedications including streets, pedestrian or bike ways, parks or open space areas.

(10) Identification and layout of all special improvements. Special improvements may include, but are not limited to, signs, lighting, benches, mail boxes, bus stops, greenways, bike or pedestrian paths.

The proposed plan required by this code section together with other supporting information provides all information required per Code Section 2.325.

SECTION 2.326 ACCOMPANYING STATEMENTS

The Tentative Plan shall be accompanied by written statements from the Applicant giving essential information regarding the following matters:

(1) Identify the adequacy and source of water supply including:

(a) Certification that water will be available to the lot line of each and every lot depicted on the Tentative Plan for a land division, or

(b) A bond, contract or other assurance by the Applicant that a public water supply system will be installed by or on behalf of the Applicant to each and every lot or parcel depicted on the Tentative Plan. The amount of such bond, contract or other assurance shall be determined by the City Administrator with the concurrence of the City Council.

(2) Identify the proposed method of sewage disposal including:

(a) Certification that a sewage disposal system will be available to the lot line of each and every lot or parcel depicted on the Tentative Plan for a land division, or

(b) A bond, contract or other assurance by the Applicant that a sewage disposal system will be installed by or on behalf of the Applicant to each and every lot depicted on the Tentative Plan. The amount of such bond, contract or other assurance shall be determined by the City Administrator with the concurrence of the City Council.

(3) Protective covenants, conditions and deed restrictions (CC&R'S) to be recorded, if any.

(4) Identify all proposed public dedications including streets, pedestrian or bike ways, parks or open space areas.

(5) Identify all public improvements proposed to be installed, the approximate time

installation is anticipated and the proposed method of financing. Identify required improvements that are proposed to not be provided and the reason why they are not considered necessary for the proposed land division.

(6) A statement that the declarations required by ORS 92.075 on the final Plat can be achieved by the fee owner, vendor and/or the mortgage or trust deed holder of the property.

(7) Proposed staged subdivisions or serial partitions shall be clearly identified on the application. A time schedule for future Platting shall also be submitted. The decision authority may require a specific time schedule for approval. All future Plats shall conform to the adopted ordinance requirements applicable at the time of Platting.

Water supply and sewer disposal systems will be made available to the lot line of each and every lot of the proposed subdivision, or an acceptable form of assurance will be provided that a public water supply system will be installed to every proposed lot. This proposed plan includes a public water line extension to provide adequate water supply. This proposed plan also includes a public sanitary sewer line extension to provide sewer service to each proposed lot. No CC&R's are expected at this time. A public utility easement will be provided on the subdivision plat over the proposed sanitary sewer and storm drain lines along the eastern edge of the site as necessary to serve all proposed lots. Additional access will be provided between homes on Lots 10 and 11. All proposed public improvements are shown in the proposed plan. The declarations required by ORS 92.075 will be included on the Final Plat and in full compliance with this statute. A staged subdivision or serial partitioning is not proposed. The proposed plan required by this code section together with other supporting information provides all information required per Code Section 2.326.

SECTION 2.327 SUPPLEMENTAL INFORMATION

Any of the following may be required by the City to supplement the Tentative Plan.

(1) Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed land division showing the finished grade of streets and the nature and extent of street construction.

(2) A detailed plan of the domestic water supply lines and related water service facilities.

(3) A detailed plan of the sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.

(4) If lot areas are to be graded, a plan showing the nature of cuts and fill and information on the character of the soil.

(5) Specifications and details of all proposed improvements.

(6) Wetland delineation if identified as an existing condition in Section 2.324, Subsection (7).

Engineered plans will be prepared to provide detailed extensions of water sewer, storm, and street improvements as necessary for the proposed development. No wetlands have been identified on this site. The final design plans for the development as required by this code section together with other supporting information will provide all information required per Section 2.326.

SECTION 2.328 DECISION CRITERIA

A Tentative Plan may be approved by the decision authority. Approval shall be based upon compliance with the submittal requirements specified above and the following findings:

- (1) Any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.***
- (2) The proposed development and all adjoining land can be developed in accordance with this Code and City Ordinances.***
- (3) The proposed street plan is in conformance with City standards and provides the most economic, safe and efficient circulation of traffic in relation to the existing City street system.***
- (4) The proposed utility connections are available, adequate and provide the most efficient and convenient connections to the existing utility systems and the proposed utilities can be extended in the future to accommodate future growth beyond the proposed land division.***
- (5) Special site features have been considered and utilized.***
- (6) Drainageways are protected and required drainage facilities are provided in conformance with State erosion control regulations.***
- (7) The extent of possible emission or nuisance characteristics are compatible with the land use zoning district, adjacent properties and the applicable standards of all regulatory agencies having jurisdiction.***
- (8) Potential adverse impacts have been mitigated to the maximum extent possible.***

- (1) All portions of the site are proposed to be developed.
- (2) The proposed development can be accomplished in accordance with City Ordinances. All adjoining land is developed.
- (3) No new streets are proposed. Proposed improvements provide enhanced vehicular and pedestrian safety and ADA accessibility. All street improvements will comply with City standards.
- (4) Existing public water, sewer, and storm utilities will be extended to fully serve the proposed development. The site is located at the west edge of the Urban Growth Boundary; no future development beyond this site is expected.
- (5) The site is somewhat irregular in shape and encumbered by a storm utility easement through the southeast corner of the property. The site slopes east away from William R. Carr Avenue which may require placing drainage utilities along the rear yards. The proposed development accommodates these challenges.

- (6) There are no natural drainage ways on site. The existing storm drainage utility through the southeastern corner of the site will be protected. A NPDES 1200-C permit will be acquired from Oregon DEQ and erosion protection measures will be provided.
- (7) No commercial or industrial land uses are proposed. The proposed residential use is an extension of the existing residential developed land east and north the subject property. No incompatible nuisance characteristics are proposed.
- (8) Storm water run-off will be managed through site improvements to not exceed present run-off rates that historically flow onto adjacent property east of the subject property. No adverse impacts are proposed.

SECTION 2.330 SUBDIVISION OR PARTITION PLAT

SECTION 2.331 SUBMISSION REQUIREMENTS

The land divider shall cause the land division or any part thereof to be surveyed, monumented and a Plat prepared in conformance with the approved Tentative Plan. Any changes in the Tentative Plan shall be approved prior to preparation of the Plat. The land divider shall submit the exact duplicate transparency and five prints of the completed Plat to the City for review and approval by the City Administrator. The City may withhold approval of the final Plat until the Conditions of Approval have been complied with and construction requirements have been approved by the City.

The final plat will be surveyed and monumented in compliance with this code section and State law. No changes to the tentative plan will be made unless approved prior. The plat and required copies will be provided to the City per this code section.

SECTION 2.400 SITE PLAN REVIEW

The purpose of the Site Plan Review procedures is to correlate the general code requirements with the specific site conditions and proposed uses through a comprehensive review process to assure that developments are in conformance with the City's applicable land use regulations.

The City Administrator shall be the Site Plan Review decision authority for structures less than 4,000 square feet and the Planning Commission shall be the Site Plan Review decision authority for structures greater than 4,000 square feet.

(1) Site Plan Review Application. An application for a use requiring a Site Plan Review shall be filed with the City together with a site plan and other supplementary data described in the Application, Section 2.130 and Section 2.140. The City Administrator may also request a Site Plan Review for any development proposal, in addition to those specifically required by this Code, if the site or proposed use possess any one of the following characteristics:

(a) Site is traversed by a natural drainage-way or has demonstrated drainage limitations.

(b) Site includes, or is adjacent to, Open Space and/or Greenway Areas

designated in the Comprehensive Plan.

(c) Site is located in a hazard area.

(d) Site contains unusual topographic features including hillside slopes exceeding 15% slopes.

(e) Site or proposed buildings have unusual or special features requiring a decision by the City.

(2) Decision Criteria. After an examination of the Site and prior to approval, the decision authority must make the following findings:

(a) That the proposed development complies with the intent of City's Comprehensive Plan.

(b) That there is compliance with City codes and ordinances.

(c) That traffic congestion is avoided, pedestrian and vehicular safety are protected, and future street right-of-ways are protected.

(d) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties.

(e) That adequate water, sewage disposal system and utilities for the proposed use are available.

(f) That drainage-ways are protected and drainage facilities provided.

(g) That the extent of emissions and potential nuisance characteristics are compatible with the land use zone, adjacent land uses, and the standards of all applicable regulatory agencies having jurisdiction.

(h) That the characteristics of the proposed development are compatible with the land use zone, the surrounding area and potential impacts have been mitigated to the maximum extent possible.

(3) Decision Process. The procedure for taking action on an application for a Site Plan Review shall be as follows:

(a) A Site Plan Review requires a "Limited Land Use Review" by the City Administrator or Planning Commission in conformance with Section 3.400.

A Limited Land Use Decision requires notification to owners of property within 100 Feet of the subject property with an opportunity to submit written comments prior to the review and decision by the decision authority.

(b) The decision authority may approve, disapprove, or modify and approve the Site Plan and attach any reasonable conditions to approval of a site development plan.

(c) The decision authority may also call for a public hearing to receive testimony if it determines that the proposed development may present possible adverse impacts on surrounding properties, the neighborhood or the City.

(d) Once approved, the site plan submitted shall become the Official Plan. Building permits shall be issued only for plans that conform to the Official Plan and all construction shall conform to the Official Plan or a Certificate of Occupancy may be withheld until compliance.

(e) All required elements of the approved site plan shall be installed and

maintained indefinitely by the owner, unless approval has been received for a revision or amendment.

(f) Revisions or amendments to an approved site plan shall follow the same procedure as for adoption of a site development plan.

(g) A written record of the findings and action of the decision authority shall be maintained by the City in a Record File of the Application as specified in Section 2.150. Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Site Plan as specified in Section 3.600.

- (1) An application is provided with this proposal together with a site plan and other supplementary data described in the Application, Section 2.130, Section 2.140 and Section 7.200(1)(a) of the City code. The site does not have any natural drainage ways, open space or greenway areas designated in the Comprehensive Plan, is not known as a hazard area, is not located on a steep hillside, or other unusual existing features.
- (2) The proposed development is presented in compliance with City code, Comprehensive Plan, and Ordinances we believe are applicable to the proposed Planned Development and Residential Subdivision. The traffic expected from the proposed development plan is expected to be normal for residential housing. All traffic control devices including required signage and pavement markings will be in compliance with the Manual on Uniform Traffic Control Devices and the Oregon supplement. Pedestrian safety and ADA accessibility will be improved via new sidewalks and ADA curb ramp proposed in the development plan. No dedications for future streets are anticipated through the subject property. No commercial signs are proposed, and site lighting will be normal porch lights associated with residential homes. Adequate water, sewer, and storm utilities will be constructed to serve the proposed development. No natural drainage ways exist on the subject property. No commercial or industrial land uses are proposed. The proposed residential use is an extension of the existing residential developed land east and north the subject property. No incompletable nuisance characteristics are proposed. Storm water run-off will be managed through site improvements to not exceed present run-off rates that historically flow onto adjacent property east of the subject property. No adverse impacts are proposed.
- (3) The proposal is for a Subdivision per Section 2.320 which can follow the application and approval process outlined in the Limited Land Use Review code Section 3.400. However, the proposal is also for a Planned Development which is to follow the application and approval process outlined in the Conditional Use Code Section 2.500 which requires a quasi-judicial Hearing in conformance with Code Section 3.510 and also requires notification be provided to property owners within 100 feet of the subject property.

SECTION 2.500 CONDITIONAL USES

A conditional use is a use of land or a structure that is normally appropriate in the district where it is permitted, but due to the specifics of that use could cause a potential nuisance, health or safety problem. It is the intent of this section to provide standards and procedures so that uses which are classified as conditional can fit into a particular zone in a manner that safeguards surrounding property, the neighborhood, and the City.

The City Administrator or the Planning Commission may also request a Conditional Use for any development proposal, in addition to those specifically required by this Code if the property, proposed development or use has unusual or special features that will not permit the development to fully comply with the standards of this Code or where the proposed development or use pose potential adverse impacts that may require mitigation or require a decision by the City.

(1) Conditional Use Application. An application for a use requiring a Conditional Use must be filed with the City together with a site plan and other supplementary data using forms prescribed in Section 2.130 and Section 2.140.

Uses existing prior to the effective date of this Code that are classified as a Conditional Use in this Code shall conform with the requirements for a conditional use if a change in use, lot area or an alteration is proposed.

(2) Decision Criteria. Conditional uses listed in this Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the following findings:

(a) That the applicable provisions of city codes and ordinances are complied with.

(b) That traffic congestion is avoided, pedestrian and vehicular safety are protected, and future street right-of-way are protected.

(c) That proposed signs or lighting will not, by size, location or color, interfere with traffic, limit visibility or impact on adjacent properties.

(d) That adequate water, sewage disposal system and utilities for the proposed use are available.

(e) That drainage-ways are protected and drainage facilities provided.

(g) That the extent of emissions and potential nuisance characteristics are compatible with the land use zone, adjacent land uses, and the standards of all applicable regulatory agencies having jurisdiction.

(h) That the characteristics of the proposed development is compatible with the land use zone, the surrounding area and potential impacts have been mitigated to the maximum extent possible.

(3) Decision Conditions. In approving a Conditional Use application, the Planning Commission may require additional standards and conditions that the Planning Commission considers necessary to comply with the intent and purpose of the Comprehensive Plan and implementing codes or ordinances. These conditions may include, but are not limited to, the following:

(a) Regulating the required lot size, lot width, or yard dimensions.

- (b) Regulating the height of buildings.*
- (c) Controlling the location and number of vehicle access points.*
- (d) Requiring dedication of additional street right-of-way or increasing the street width.*
- (e) Increasing the number of required off-street parking or off-street loading spaces.*
- (f) Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.*
- (g) Limiting the number, size, location and lighting of signs.*
- (h) Requiring ongoing maintenance of buildings and grounds.*
- (i) Regulating emissions, potential hazards or nuisance characteristics caused by the proposed use which could have a negative impact on the surrounding area or the City as a whole.*
- (j) Providing internal property improvements such as utilities, drainage facilities, streets, curbs, gutters, walkways, parking areas, landscaping, fencing, screening, or recreation areas in order to enhance the area and to protect adjacent or nearby property.*
- (k) Regulating time periods for the conduct of certain activities.*
- (l) Setting a time limit for Conditional Use standards or conditions.*
- (m) Providing a performance bond or other security for the cost of improvements to guarantee compliance with the standards and conditions of approval.*
- (n) Providing a contractual agreement with the City to assure that the Applicant will pay a fair share of the development costs for future public improvements.*
- (4) Decision Process. The procedure for taking action on an application for a Conditional Use shall be as follows:*
 - (a) A Conditional Use requires a "Quasi-judicial Public Hearing" by the Planning Commission in conformance with Section 3.510. A Quasi-judicial Decision requires notification to property owners within 100 Feet of the subject property with an opportunity to submit written or oral comments at a public hearing prior to the close of the record and decision by the Planning Commission.*
 - (b) The Planning Commission may approve, deny, or approve conditionally the Conditional Use and attach any reasonable standards of development to attain compliance with the zone and city codes and ordinances.*
 - (c) If an application is denied, the action must be based on reasons related to non-compliance with the City Comprehensive Plan, Development Code or Ordinance requirements.*
 - (d) Once approved, the Conditional Use shall become the Official Plan. Building permits shall be issued only for plans which conform to the Official Plan and all construction shall conform to the official plan or a Certificate of Occupancy may be withheld until compliance.*

(e) All required elements of the approved Conditional Use shall be installed and maintained indefinitely by the owner unless approval has been received for a revision or amendment.

(f) Revisions or amendments to an approved Conditional Use shall follow the same procedure as that utilized for approval.

(g) A written record of the findings and action of the Planning Commission shall be maintained by the City in a Record File of the Application as specified in Section 2.150. Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Conditional Use as specified in Section 3.600.

(1) A complete application for the proposed use together with a site plan and other supplementary information is provided.

(2)(a) We have prepared this application in full compliance with City code and ordinances as outlined herein and shown on plans and supporting documents.

(2)(b) The proposed site layout was prepared to follow City standards, comply with code, and will be designed to retrofit the existing street to be as safe as possible to pedestrians and traffic.

(2)(c) No commercial signs are proposed, and site lighting will be normal porch lights associated with residential homes.

(2)(d) City utilities are proposed to extended as necessary to serve the proposed development.

(2)(e) No natural drainageways exists on the subject property. The existing drainage system will be protected and extended as necessary to serve the proposed development.

(2)(f) No item (2)(f) is in code.

(2)(g) No commercial or industrial land uses are proposed. No incompletable nuisance characteristics are proposed.

(2)(h) The proposed residential use is an extension of the existing residential developed land east and north the subject property. Storm water run-off will be managed through site improvements to not exceed present run-off rates to prevent adverse impacts to any adjacent properties. No adverse impacts are proposed.

SECTION 7.200 PLANNED DEVELOPMENT AREA STANDARDS - PD

The purpose of the Planned Development is to provide opportunities to create more desirable working or living environments by the application of new development standards applied under an approved plan and program that is professionally prepared. The PD Standards are intended to be used to encourage the application of new techniques and new technology to community development that can achieve economies in land development while providing building groupings, open spaces and circulation systems that enhance the working or living environment of the inhabitants. A Planned Development may be residential, commercial or industrial or a mixed combination of land uses. Application procedures are as follows:

(1) Planned Development Application & Approval Process:

(a) The City or a property owner may request a Planned Development in combination with any Primary Zone or other Area Standards in accordance with the application requirements of Sections 2.110 through 2.140 and the Conditional Use procedures of Section 2.500 and the requirements of Sections 7.200 contained herein.

(b) Application for approval of a Planned Development requires a two-stage approach:

1. The Applicant shall first request a review for a PD Conceptual Plan and submit drawings and a written program that is presented in enough detail to clearly describe the proposed development. Fifteen (15) copies of the drawings and program shall be submitted to the City for review on 11 x 17 inch color or black & white reproducible paper for distribution and review by the City. Larger drawings may also be submitted for review and discussion.

An informal Pre-application review by City Staff and members of the Planning Commission and City Council will be scheduled in conformance with Sections 2.110 and 2.120 to determine if the requested PD conforms to the City's PD requirements and is conceptually compatible with the surrounding area and the City as a whole. The purpose of the Review is to determine if the requested PD can conform to City standards, including:

- a. The Planned Development regulations.***
- b. The Adair Village Comprehensive Plan.***
- c. The Development Standards of the City.***
- d. Compatibility with the surrounding area.***

This preliminary process is intended to save time and expense for the Applicant and to provide the City with an understanding of the intent.

2. After receiving approval to proceed the Applicant shall have a Planned Development plan prepared by a professional design team that contains drawings and a written program for a formal public hearing and decision by the City.

This application is for a Planned Development under the provisions code Section 7.200 and the General Development Standards of code Section 5.010, which allow the City to adjust standards to provide an efficient land division or a more efficient utilization of a property. Per Section 7.200, the PD standards are intended to be used to encourage the application of new techniques that can achieve economies in land development as we believe this proposal accomplishes.

Section 7.200

(1)(a) The proposed Planned Development is presented in combination with a proposed zero-lot-line residential Subdivision in conformance with code Sections 2.110-2.140, 2.500, and 7.200.

(1)(b) All required applications and supporting documents including plans, tentative plat, and land use application narrative are provided for review and approval. The

informal pre-application review was scheduled for January 9, 2018. We believe the proposed plan conforms to the City standards and is compatible with the surrounding area.

(2) The drawings and supporting narrative was prepared by the professional design team of Udell Engineering and Land Surveying LLC located at 63 E. Ash Street in Lebanon, Oregon.

SECTION 7.210 PD CONCEPTUAL PLAN REVIEW

(1) An informal review with the Applicant and City Officials will be scheduled to determine if the proposed Planned Development can conform to City standards and is conceptually acceptable to City.

(2) City Staff and members of the Planning Commission and City Council shall informally review the PD Conceptual Plan and may recommend preliminary approval to proceed in principle, with or without modifications, or denial. Such action shall be based upon compliance with the intent of City's Comprehensive Plan and development standards and the extent of deviation from City standards proposed in the Planned Development.

(3) Approval in principle of the PD Conceptual Plan shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse the precise location of uses nor engineering feasibility.

(4) The City may recommend expansion, additions, or modifications in the proposed Planned Development.

(5) The City shall determine the extent of any environmental assessment or traffic analysis to be included with the Planned Development application.

SECTION 7.220 PLANNED DEVELOPMENT APPLICATION

(1) After receiving approval in principle of the PD Conceptual Plan, the Applicant shall have a Planned Development Plan prepared by a professional design team in such design-related fields as Architecture, Landscape Architecture, Urban Planning, and Civil Engineering.

(2) An application for a Planned Development shall request a Conditional Use Hearing in conformance with Section 2.500. Submittal of 15 copies of the Approval drawings and program to the City for review on 11 x 17 inch color or black & white reproducible paper for distribution and review. Larger drawings may also be submitted for the public hearing and for detailed analysis by the City. The proposed Planned Development shall be submitted to the City at least 30 days prior to the date of the scheduled Public Hearing.

(3) Upon receipt of the Planned Development, the Planning Commission shall hold a Public Hearing in accordance with the provisions of Section 3.510 and the Applicant shall present the proposed Plan.

(4) A Public Hearing by the Adair Village Planning Commission shall be held in conformance with the Conditional Use procedures of Section 2.500. Following

the hearing and approval of the Plan together with any Conditions of Approval applied by the City shall be submitted to the City for inclusion in the Record File of the Application.

If the Conditions of Approval are not fully complied with and their inclusion cannot be resolved with the City Administrator, the Application shall be resubmitted to the Planning Commission as an Appeal Request.

The above processes are acknowledged, and the required supporting plans and documentation are provided.

SECTION 7.230 PLANNED DEVELOPMENT STANDARDS

(1) Minimum Site Size. A Planned Development shall not be established on less than 5 acres unless the City finds a smaller area is suitable by virtue of the proposed development characteristics or location.

(2) Comprehensive Plan Compliance & Adjacent Property Protection.

(a) The Planned Development plan and program shall present an organized arrangement of buildings, service facilities, open spaces and improvements in compliance with the intent of the Comprehensive Plan that also protects the property rights of adjacent property owners.

(b) Yards and setbacks located on the periphery of a Planned Development shall be at least as deep as those required by the yard regulations of the underlying Zoning District unless the City finds that equal protection will be accorded through the specific design features of the approved plan.

(3) Lot Coverage and Building Height. Lot coverage and building height shall be no greater than for the underlying Zoning District unless the City finds that an exception is warranted considering adjacent property protections and the amenities proposed in the total development.

(4) Open Space. Open space in a Planned Development means the land area to be used for scenic or open recreational purposes within the development.

(a) Open space does not include street right-of-way, driveways, parking areas, required setbacks, or public service easements unless these areas have some special recreational design or purpose.

(b) Open space shall be adequate for the recreational and leisure use of the population occupying the Planned Development and shall be designed to enhance the development.

(c) Landscaping shall be provided and the Planned Development shall utilize and maintain the natural features of the property to the maximum extent possible

(5) Density. The average density shall be no greater than for the underlying Zoning District unless the City finds that an exception is warranted considering adjacent property protections and the amenities proposed in an approved Planned Development.

(6) Subdivision Lot Sizes. Minimum area, width, depth and frontage requirements

for subdivision lots in a Planned Development may differ from the underlying Zone if approved in accordance with the approved Planned Development.

(7) Development Standards. The City may modify the development standards of the underlying zone to conform to the approved Planned Development if adjacent property rights and the health, safety and welfare of the general public are protected. Additional standards and controls may include, but are not limited to, the following:

(a) Establishing time limits for completion of all or any portion of the project, including, but not limited to utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, and recreation areas.

(b) Requiring CC&R legal guarantees for the shared maintenance of common facilities and open space. Documents dedicating development rights and provisions for maintenance shall be approved by the City.

(c) Requiring contractual agreements with the City to assure development of streets, sidewalks, drainage facilities, utilities, and other improvements in conformance with City Standards.

(8) Phased Development. The Applicant may request approval to develop the site in successive stages as proposed in the Planned Development.

(a) Each such stage shall be a substantially complete unit of development.

(b) The City may require that development be done in stages if public facilities are not adequate to service the entire development initially.

(9) Permitted Uses in Residential Planned Developments. The following uses and their accessory uses may be permitted in an approved Planned Development in a Residential District.

(a) Residential use of land.

(b) Supporting commercial uses when approved by the City.

(c) Supporting community service uses when approved by the City.

(d) Proposed standards or controls shall be specified in the Planned Development. Where applicable the requirements may be made part of deed CC&R's.

(1) The site size is approximately 44,200 square feet which is slightly over 1 Acre of land. The subject property is a long somewhat narrow strip of land. The property size, shape, and location are well suited to be developed as a Planned Development of compatible uses under the requirements of the City of Adair Village Code.

(2) The site is somewhat irregular in shape, and encumbered by a storm utility easement through the southeast corner of the property. The proposed residential use is an extension of the existing residential developed land east and north the subject property. The subject property is residential zoned land bordering the west edge of the Urban Growth Boundary nearest the Highway 99 corridor. This development proposal is a favorable addition to the neighborhood providing open area in the form of greater building setbacks and increased yards adjacent to existing residential properties. This

open area between the proposed houses and existing residences is paired with an efficient use of the buildable area directly adjacent to and along William R. Carr Avenue. This in turn provides an effective buffer from traffic noise on Highway 99 for existing residences. The Comprehensive Plan policies state it is to be broadly committed to provide conservation and development policies for the orderly and efficient development of community resources. The Housing chapter of the Comp Plan says Planned Developments are permitted that encourage the application of new techniques to achieve efficiencies in land development. All four New Housing Policies in the Comp Plan support efforts to provide a wide range of housing development types. Comp Plan New Growth Management Principle 9 is to ensure efficient urban development through compact development by reducing minimum lot sizes for a mix of housing types and lot sizes. The New Growth Management Section of the Comp Plan encourages compact site development such as zero-lot-line development. The Land Use Goals and Policies of the Comp Plan encourage higher density compact residential development to provide more efficient utilization of land and to reduce the cost of public facilities and services.

(3) All proposed homes will not exceed the maximum vertical height limitation of 30 feet for the R-1 zone per Code Section 4.111(4)(g) unless otherwise approved. The proposed Lot coverage by buildings ranges from 38.7% to 19.9%. Rear and side yard setback distances exceed City standards. Front set back distances meet the 20-foot standard required by code.

(4) Private open areas provided outside the normal rear yard setback areas of most southern 6 Lots is approximately 5530 square feet of land. A utility easement is expected to run through this area; however, no utility structures other than a ground level manhole lid will be visible. No utility improvements will impede the use as open space with ground cover or landscaping and other movable items such as picnic tables. This open area of each lot is proposed to be privately maintained and for leisure use by each Lot within each private rear yard. Additional rear yard setback areas along all other Lots will vary but exceed code requirements up to just over 11 additional feet to beyond normal 15-foot rear yards setbacks. Because the property is narrowest at the north end, some homes face north as they do not otherwise fit. The side yard of one north facing home is increased to just over 15 feet which is beyond the normal 5-foot setback required by code.

(5) The average lot size proposed is approximately 3157 square feet per home with rear and side yard setback distances exceeding City standards. Front yard setbacks comply with the 20-foot required by Code in the R-1 Zone. The proposed subdivision is a Planned Development with exceptions outside the requirements of the R-1 zone for single family residential. The proposal complies with all code requirements except for lot size and density. Therefore, it is presented as a Planned Development per Section 7.200 of the City Code in accord with Sections 9.410 and 9.890 of the City Comprehensive Plan. The proposed lot areas vary from 2119 to 4464 square feet with a density of 16 homes per acre. The standard lot size for the R-1 Zone is 10,000 square

feet which is a density of 4.3 homes per acre unless they are zero-lot duplexes which then are 5,000 square foot Parcels (8.6 homes per acre).

(6) The proposed Lot widths meet or exceed the 25-foot minimum required by Code Section 5.122(1). Yards/building setbacks comply with or exceed the minimums required by code for the R-1 Zone. Front exterior street yards comply with the 20-foot requirement of the Zone. Proposed street side yard exceeds the 10-foot required minimum by over 3 feet. Interior side yards comply with or exceed the 5-foot distance required within the R-1 Zone. Rear yards exceed the required 15-foot minimum on all Lots. All proposed Lots are smaller than the 10,000-square foot requirement for the R-1 Zone. The proposal complies with all code requirements except for lot size and density. The proposed lot areas vary from 2119 to 4464 square feet with a density of 16 homes per acre. The standard lot size for the R-1 Zone is 10,000 square feet which is a density of 4.3 homes per acre unless they are zero-lot duplexes which then are 5,000 square foot Parcels (8.6 homes per acre).

(7) All proposed Lots are single-family homes with private yards. Proposed driveways exceed the minimum 20-foot distance from the curb return along William R. Carr (collector street). However, an exception to to the City Public Infrastructure Design Standards Manual is request regarding one driveway which is located on Laurel Drive 22 feet from William R. Carr Avenue. This driveway is located per Code Sections 5.122(2)(e) and 5.122(3)(a). While this driveway location is not a deviation from Code, it varies from the approved location specified in the City Public Infrastructure Design Standards Manual. The City design standard requires driveways on a local street be located no closer than 10 feet “*from the nearest curb return radius*”. Table 3.8.10 of the City design standards requires the curb return provide a 25-foot radius on local residential streets. The proposed driveway for Lot 2 is slightly over 5 feet from the curb return, approximately 4.95 feet closer to the curb return than design standards allow. No CC&R’s or special maintenance agreements are proposed as no improvements are shared. To facilitate home construction and prevent damage to new improvements, the adjacent sidewalk and driveways will be constructed by the home builder when each Lot is developed if approved by the City in accordance with Division 3 Section 3.9 of the City Public Infrastructure Design Standards Manual. The required sidewalk and driveway for each pair of homes will be constructed with each pair of homes.

(8) All required public improvements will be provided prior to subdividing per ORS 92. No phasing is proposed at this time.

(9) No special uses are proposed. The proposed use is single family residential Lots.

SECTION 7.240 PLANNED DEVELOPMENT ELEMENTS

In addition to the Application requirements of Sections 2.130 & 2.140 and the approved PD Conceptual Plan the Applicant shall address the following elements in the submitted Planned Development:

(1) A complete site development plan in general conformance with the approved

Conceptual Plan including a vicinity map showing location of streets and lots in the area within 300 feet of the proposed development.

(2) Existing and proposed topographic contour map of the site to a scale commensurate with the size of the development.

(3) Existing contiguous Land Uses.

(4) Location, widths, and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks, or other public open spaces and land uses within 300 feet of the development.

(5) Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.

(6) Existing utility locations.

(7) Existing natural features such as trees, streams and topography.

(8) Existing trees over six (6) inches in diameter and groves of trees shall be shown. Trees to be removed by the proposed development shall be so identified.

(9) Proposed land use development plan including housing unit densities including number of units per acre, type of residences, neighborhood commercial facilities and community facilities such as schools or parks.

(10) Proposed grading patterns and amended topographic map.

(11) Proposed Preliminary architectural plans and elevations of buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.

(12) Proposed Areas to be dedicated or reserved for interior circulation, public parks,

playgrounds, school sites, public buildings, or other uses dedicated or reserved to the public, if any.

(13) Proposed location and dimensions of bikeways, pedestrian walkways, malls, trails, or easements.

(14) Proposed Vehicular and pedestrian access and circulation patterns within and adjacent to the proposed development.

(15) Proposed location, arrangement, number and dimensions of automobile garages

and parking spaces and truck loading and unloading spaces, if any.

(16) Proposed Open space that is to be maintained and controlled by the owners of the property or maintained and controlled by a Homeowners Association and the proposed uses thereof.

(17) Proposed preliminary tree planting and landscaping plan.

(18) Proposed landscaping plan showing, screening and fencing proposals and proposed preliminary tree planting.

(19) Proposed method of solid waste disposal.

(20) Proposed method for provisions of water supply and sewage disposal including location and capacity of proposed sanitary sewers or other disposal facilities, water mains and other underground utilities.

(21) Proposed utilities for the project.

(22) Proposed method of surface water drainage and proposed system for the management of storm drainage.

(23) Street and open space lighting proposals.

(24) Proposed stages, if any, of development construction. Such stages shall be clearly marked on the Submitted Plans.

(25) Proposed Subdivision.

(a) A Subdivision Tentative Plan in conformance with Section 2.300 may be presented for approval as part of the Planned Development request or may be submitted at a later date for approval.

- (1) The required site plan is provided with this application.
- (2) The existing conditions map provides contours indicating the property slopes east away from William R. Carr Avenue. The final grading will occur during home construction. Storm water run-off from impervious areas will be captured and carried to a flow control structure attached to a storm detention pond to store water from heavier storm events. Surface water run-off that has historically flowed onto adjacent properties from the site should be decreased with the proposed improvements.
- (3) Adjacent lands are shown in the plans provided.
- (4) All adjacent streets are indicated in the submitted plans including their widths.
- (5) All know utilities are indicated in the submitted plans. There are no know capacity limitations identified.
- (6) All know utilities are indicated in the submitted plans.
- (7) Existing features including trees are indicated in the submitted plans.
- (8) One dead tree and two Sweet Gum trees must be removed for home construction.
- (9) The plans and narrative indicate the proposed single-family residential development includes 16 homes per acre.
- (10) The existing conditions map provides contours indicating the property slopes east away from William R. Carr Avenue. The final grading will occur during home construction. Storm water run-off from impervious areas will be captured and carried to a flow control structure attached to a storm detention pond to store water from heavier storm events. Surface water run-off that has historically flowed onto adjacent properties from the site should be decreased with the proposed improvements.
- (11) Preliminary architectural renderings are included with this land use application.
- (12) The plans indicate proposed utility easements.
- (13) Sidewalk proposed is shown on the plans. Sidewalk adjacent to William R. Carr Avenue is 6 feet wide and sidewalk along Laurel Drive is 5 feet wide per the City standards. Proposed and existing utility easements are also shown in the plans submitted.
- (14) The proposed driveways area shown in the submitted plans.
- (15) Automobile garages will be large enough to house one vehicle for each home.
- (16) No share open space is proposed.

- (17) Required trees, landscaping, and fencing will be provided with each home during Lot development in compliance with City code.
- (18) Required trees, landscaping, and fencing will be provided with each home during Lot development in compliance with City code.
- (19) Individual solid waste containers will be provided by each resident.
- (20) The best information available at this time leads us to provide the proposed public utility extension shown in the submitted plans. An 8” public water line extension is planned to commence at NE Carment Place and continue southerly to a proposed fire hydrant at the south end of the subject property. The 8” public sanitary sewer line is planned to extend from Laurel Drive to the south end of the subject property through an easement. The public storm system is planned to extend along the downhill side of each Lot to capture run-off from impervious surfaces. Public storm extensions are also proposed to capture gutter drainage along the east side of William R. Carr Avenue.
- (21) Proposed utilities area shown on the submitted plans. Franchise utilities are all presently available from overhead lines. Natural gas is available along Laurel Drive only.
- (22) The existing conditions map provides contours indicating the property slopes east away from William R. Carr Avenue. The final grading will occur during home construction. Storm water run-off from impervious areas will be captured and carried to a flow control structure attached to a storm detention pond to store water from heavier storm events. Surface water run-off that has historically flowed onto adjacent properties from the site should be decreased with the proposed improvements. The public storm system is planned to extend along the downhill side of each Lot to capture run-off from impervious surfaces. Public storm extensions are also proposed to capture gutter drainage along the east side of William R. Carr Avenue.
- (23) A street light presently exists at the intersection of William R. Carr Avenue and Laurel Drive. All other proposed lights will be normal to home construction which usually include a small number of porch lights.
- (24) Public improvements will be provided for the subdivision plat per ORS 92. These public improvements include all public utility extensions, ADA curb ramp, City street and curbing, and associated traffic control devices. To facilitate home construction and prevent damage to new improvements, the adjacent sidewalk and driveways will be constructed by the home builder when each Lot is developed if approved by the City in accordance with Division 3 Section 3.9 of the City Public Infrastructure Design Standards Manual. The required sidewalk and driveway for each pair of homes will be constructed with each pair of homes.
- (25) The tentative plat is included in the submitted plans.

SECTION 7.250 PLANNED DEVELOPMENT PROGRAM

(1) Program Elements.

(a) Narrative statement of the intent, purpose and proposed amenities to be

provided in the proposed Planned Development.

(b) Proposed members of the Professional Design Team.

(c) Proposed ownership pattern.

(d) Operation and maintenance proposal, such as condominium, co-op, or Homeowners Association.

(e) A development schedule including expected starting and completion dates indicating when roads, utilities and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the intended schedule of events. Such stages shall be clearly marked on the proposed Planned Development.

(f) Method of public improvements financing, if any.

(g) Tables showing the total number of acres and the percentage of the total area that is proposed for each type of use including dwelling types, offstreet parking, streets, parks, playgrounds, schools, and open spaces as shown on the proposed development plan.

(h) Tables showing the density of the proposed residential developments showing density by dwelling types including a comparison with the specified Code densities and an overall density for the proposed Planned Development.

1. Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, or required dedications or reservations of public open spaces and of any dedications of development rights.

(1) All required information is provided in the submitted plans, application, and narrative. The required table is also included following this narrative for comparison with standards of the R-1 Zone and in compliance with this code section. No restrictive covenants or agreements for maintenance are proposed at this time.

SECTION 7.260 APPROVAL

(1) A Public Hearing by the Adair Village Planning Commission shall be held in conformance with the Conditional Use procedures of Section 2.500. Following the hearing and approval of the Planned Development, the Plan shall be resubmitted to the City containing any Conditions of Approval applied by the City.

(2) Approval of the Planned Development includes approval of all attached drawings, the program and other submitted elements and all Conditions of Approval.

The approved plan together with any Conditions of Approval shall be titled "Approved Planned Development for (Name of the Development)" and shall be submitted for verification and acceptance by the City Administrator. Approval shall be noted and dated on the cover of the "Approved Planned Development

for (Name of the Development)" and filed in the Record File of the Application. If the Conditions of Approval have not been fully complied with and their inclusion cannot be resolved with the City Administrator, the Application shall be resubmitted to the Planning commission for clarification.

(3) The Subdivision procedures set forth in Section 2.320 shall be followed and included in the Record File if the property is to be divided or streets are to be dedicated unless private street exceptions have been approved by the City.

(4) All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be certified and placed in the Record File prior to the issuance of any building permit.

(5) Final copies of all approved articles governing operation and maintenance shall be placed in the Record File prior to the issuance of any building permit.

(6) The Approved Planned Development shall be noted on the official zoning map. All building permits shall be issued only in conformance with the Approved Planned Development recorded in the Record File.

(1) We acknowledge and will comply with requirements of this code section.

SECTION 7.270 AGREEMENT & SECURITY

In accordance with Sections 8.510, 8.520 and 8.600 the owner of the Approved Planned Development shall file with the City an Agreement and Security between the Owner and the City to assure full and faithful performance of the Approved Planned Development. Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover all costs to complete the work and recover the City's full cost and expenses, together with court costs and attorney fees. The agreement shall also provide for reimbursement of the City's cost of inspection in accordance with Section 8.100 (5). If the Owner fails to carry out the provisions of the Agreement within the period specified and the City has costs or expenses resulting from such failure, the City shall call on the Security for reimbursement. If the Security exceeds the cost and expense incurred by the City, the City shall release the remainder. If the Security is less than the cost and expense incurred by the City, the Owner shall be liable to the City for the difference.

(1) We acknowledge and will comply with requirements of this code section.

SECTION 7.280 CHANGES IN APPROVED DEVELOP PLAN

(1) Major Changes: Major changes in the Approved Planned Development after it has been adopted shall be considered a new petition and shall comply with the procedures for adoption.

(2) Minor Changes: Minor changes in the Approved Planned Development may be approved by the City Administrator, provided that such changes:

(a) Do not change the character of the development or the density.

(b) Do not change the boundaries of the PD Area.

- (c) Do not change any use, such as residential to commercial.*
- (d) Do not change the development configuration or the total amount of land devoted to a specific land use.*
- (e) Do not relax dimensional standards or other specific requirements established by the City as a Condition of Approval.*
- (3) Expiration: If substantial construction or development has not taken place within the time requested in the Application or within two (2) years of the date of final acceptance of the Approved Development Plan, the City Administrator shall review the status with the owner and make a report on the findings to the Planning Commission with a recommendation on a time extension.*
- (a) Upon abandonment of a particular Planned Development, or if its development has not been substantially completed within the time specified in the Approved Planned Development, the City may schedule public hearings to remove the Approved Planned Development designation unless a request to extend the time limit is approved.*
- (b) The procedure for removal of an Approved Planned Development is essentially the same as for adoption. The decision shall be reviewed at a public hearing of the Planning Commission to determine whether or not continuation in whole or in part is in the public interest. The Planning Commission may maintain the Approved Planned Development, revoke the Approved Planned Development approval, or grant a time extension if it appears justifiable. If the Approved Planned Development is repealed, further use of the property and future structures thereon shall be in accordance with the existing Zoning.*

- (1) We acknowledge and will comply with requirements of this code section.