

**JUNCTION CITY PLANNING COMMISSION PROPOSED FINAL ORDER
PRELIMINARY SUBDIVISION
THE RESERVE PHASES 3-6 (FILE # SUB-22-16)**

A. The Junction City Planning Commission finds the following:

1. On April 12, 2022, Metro Planning, Inc. representing the property owner West Linn Corporate Park, LLC submitted application for preliminary subdivision approval as authorized by Junction City Municipal Code 16.05.040.
2. On November 22, 2022, staff deemed the application complete.
3. Public hearing notice of a request for preliminary subdivision approval was advertised in the Register Guard Newspaper, February 23, 2023, and mailed to surrounding property owners, February 17, 2023, consistent with Chapter 17.150.080.
4. The Junction City Planning Commission held a public hearing on March 21, 2023, in accordance with Junction City Municipal Code 17.150.070(2)(c), and 17.150.090 and considered all material relevant to the preliminary subdivision that have been submitted by staff, the applicant, and the general public regarding this matter.
5. The Junction City Planning Commission followed the required procedure for preliminary subdivision approval as required by Chapter 16.05.040(D)(1) of the Junction City Municipal Code, and made a decision to deny the preliminary subdivision application by way of this signed Final Order.

B. CONDITIONS OF APPROVAL

1. The applicant must secure applicable wetland-related permits from the DSL and the U.S. Army Corps of Engineers prior to development of Phases 3–6 of the subdivision.
2. Preliminary plat approval is effective for a period of two (2) years, unless extended the applicant. Upon an application, the approval of the preliminary plan may be extended for up to two (2) years by the planning commission if the applicant is making progress on the subdivision plat application.
3. Prior to final plat approval all streets and roads associated with Phases 3 through 6, shown on the preliminary subdivision plan, will be dedicated to the City
4. Prior to final plat approval, the applicant shall provide a pedestrian walkway in the form of a nature path per JCMC 16.05.050(C)(3), connecting the future open space nature path to the northwest and the existing city park to the northeast, all along the north boundary of the subject site.

5. Prior to final plat approval, the applicant shall show all easements for utilities on the final plat and provide proof of dedication for all easements.
6. Prior to earth-moving activities on lots requiring fill, the applicant shall submit engineering plans for the placement of fill to the City Engineer, or his or her designee, for review and approval.
7. Prior to final plat approval, the applicant shall submit the final plat, for review by the Planning Commission, as part of a TYPE I final plat review process, plans that establish finished floor elevations for all buildings, associated with Phase 1, in accordance with the elevations established by the City of Junction City.
8. Prior to final plat approval, the applicant shall present evidence sufficient to Planning Commission, that all accesses to utilities are brought to finished grade so that lids and risers are at finished grade

C. IT IS HEREBY ORDERED THAT the Junction City Planning Commission denies the Preliminary Subdivision Plat for tax lot 10900 Assessor's Map 15-04-31-22 based on the following findings of fact:

Applicable criteria from the Junction City Municipal Code are listed in **bold font**.

JUNCTION CITY MUNICIPAL CODE COMPLIANCE

17.10 Single-Family Residential District Zone (R1)

Finding #1: The base zone of the subject property is Single-Family Residential (R1). Section 17.10.010.A of the JCMC allows single-family residential dwellings as an outright permitted use in this zoning district.

Finding #2: The applicant proposes to place single family residential dwellings on all lots within Phases 3 through 6 of The Reserve At Junction City, except for those designated as stormwater detention ponds. Section 17.10.030.A of the JCMC states that the minimum lot area within the R1 Zone is 6,000 square feet and Section 17.10.030.B of the JCMC states the minimum lot width is 60 feet. All of the proposed lots meet these standards. (The minimum lot width for cul-de-sacs is 35 feet. Lot 464 is on a cul-de-sac and has 25' of frontage but has an average width of 60'.)

17.60 Wetland Resources Overlay District (WRD)

Section 17.60.130: Proposals for development within the WRD shall be reviewed for compliance with this chapter. The approving authority shall base its decision on the following criteria in addition to the required criteria for any other permit or approval that is being sought. Approvals shall be based on compliance with the following mitigation sequencing guidelines

that appear in order of preference, during the design, construction and operation of the proposal:

A. The proposed activity is allowed under the requirements of the base code.

Finding #3: The base code is R1 Single-Family Residential and the applicant is proposing single-family residential dwellings.

B. The proposed project complies with the provisions of JCMC [17.60.050](#) through [17.60.140](#).

Section 17.60.050: The provisions of this chapter shall be applied to development proposed within a wetland protection area, as defined above. The provisions also apply to Department of State Lands (DSL) approved wetland mitigation sites.

Finding #4: The subject property does not lie within the Wetland but has an approved wetland delineation report (November 7, 2018) from the Department of State Lands (DSL). This jurisdictional determination is valid for five years. The report delineates 20.3 acres of wetland, 0.66 acres of seven ditches, and two swales. The wetland and ditches are subject to permit requirements of the state Removal-Fill law (50 cubic yards or more of fill or excavation in a wetland). The City Engineer notes that the Wetland Consulting Report should be made available to the City.

JCMC 17.60.060: This section provides that the wetland regulations are an overlay in addition to zoning, that compliance with Chapter 17.60 of the JCMC does not constitute compliance with other federal, state and local regulations, and that the administrative procedures of Section 17.60.150 of the JCMC shall be followed during the wetland review process.

Finding #5: The procedures of Section 17.60.150 are addressed below.

JCMC 17.60.070: The application for a WRD shall be filed in City Hall and shall include the appropriate fee, a jurisdictional delineation approved by DSL and a scale drawing that clearly depicts the wetland boundary.

Finding #6: The applicant has paid the appropriate WRD fee, has received a jurisdictional delineation approved by the DSL that is valid until November 7, 2023, and has provided scale drawings of the wetland boundaries in the wetland report, in the applicant's April 11, 2022 application, and in maps of the tentative subdivision plan for Phases 3 through 6 of The Reserve At Junction City.

JCMC 17.60.080: This provision requires a site-specific topographical survey prepared by a licensed surveyor. The survey shall show two-foot contour lines and jurisdictional delineations and approved or proposed DSL wetland mitigation sites.

Finding #7: The applicant has provided utility plans that show two-foot contour lines and the wetland delineations.

JCMC 17.60.090: *This provision identifies exempt uses and activities within a wetland protection area.*

The applicant has argued that the proposed development is exempt under JCMC 17.60.090.L.2, which exempts fill or removal for a change in the point of diversion to withdraw surface water for beneficial use, provided the diversion is authorized by the Water Resources Department.

Finding #8: JCMC 17.60.090.L.2. applies to fill or removal necessary for the diversion of surface water for beneficial use in the proposed ponds. If that was what the applicant was doing then it is likely that the use would be exempt, subject to approval by the Water Resources Department. However, the City Engineer points out that the only reason the ponds are necessary is to develop the proposed lots with dwellings, which is not an exempt use. The applicant has not shown that the development activity proposed is exempt. If the development activity is exempt then approval from the Water Resources Department is required.

JCMC 17.60.100: *This provision lists uses that are permitted outright within a wetland protection area if they meet the requirements of Chapter 17.60 and applicable permits from the DSL and the U.S. Army Corps of Engineers. Permitted uses include:*

- A. If permitted within the base zone, one single-family dwelling and related appurtenances such as driveway on a lot legally created prior to the date of adoption of these provisions.*
- F. Construction of public facilities and infrastructure ...*
- G. Divisions of property authorized in accordance with the requirements of JCMC Title [16](#); provided, that the lots are designed to accommodate the construction of a permitted use outside of the wetland area or on wetland mitigation sites. The city may accept dedication of such areas to the city or land trust as part of the land division approval process. Access roads and utilities serving the proposed division may be permitted within the wetland only if the city of Junction City determines that no other feasible alternative exists and when consistent with this chapter.*

Finding #9: The applicant has argued that the wetlands within the subject property are so extensive as to make the project infeasible if the wetlands were to be preserved. To the extent that the wetlands directly affect almost one-third of the subject property and, if preserved, would make it impossible to construct an efficient or practical internal transportation system. However, the applicant must have a mitigation plan approved by

the DSL and the U.S. Army Corps of Engineers. The applicant has pointed out that it will not be building on 100 acres of Tax Lot 10900 but there is no proposed mitigation plan presented to either DSL or the Army Corps. of Engineers.

JCMC CHAPTER 16.05 SUBDIVISIONS

16.05.040 Subdivisions and major partitions.

A. Submitting Preliminary Plan. A preliminary plan shall be submitted to the secretary of the planning commission attached to an application for approval in the form prescribed by the city together with 19 additional copies of the preliminary plan.

Finding #10: The applicant has submitted a preliminary subdivision proposal for Phases 3–6 of The Reserve at Junction City with the necessary information in order to deem the application complete and make findings. The 19–copy requirement has been waived based upon the applicant’s digital submittal.

B. Preliminary Plan Requirements.

1. Drafting.

- a. The preliminary plan shall show all pertinent information to scale. The drawing shall be on standard size sheets 18 inches by 27 inches and at a scale of one inch equals 100 feet. The scale may be increased or decreased, if necessary to fit the drawing to the required plan size of 18 inches by 27 inches; but in all cases the scale shall be standard, being 10, 20, 30, 40, 50, or 60 feet to the inch, or multiples of 10 of any one of these scales.

Finding #11: The applicant has submitted the components of the preliminary plan in .pdf format so that they can be printed at any size. The scale on the maps is one inch to 60 feet.

- b. Preliminary plans shall be prepared by an Oregon-licensed land surveyor. An affidavit of the preparer shall be furnished as a part of the preliminary plan submitted.

Finding #12: The preliminary plans were prepared by Ryan Erickson, P.L.S., an Oregon licensed land surveyor with EGR & Associates, Inc.

2. **Information Required.** The preliminary plan shall, in clear and legible form, include the following information with respect to the proposed subdivision or major partition area, on the plan where practicable, and otherwise on separate sheets of paper in written statement:

- a. **The proposed name of the proposed subdivision or major partition area, which shall conform to the standards set forth in ORS [92.090](#).**

Finding #13: ORS 92.090(1) provides that no tentative subdivision plan or plat can be approved that bears a name similar to or pronounced the same as the name of any other subdivision in the same county unless it is contiguous to and platted by the same party that platted the subdivision bearing that name. In the present case, the proposed subdivision is a continuation of an existing subdivision, The Reserve at Junction City, and is proposed by the same party.

Among other provisions, ORS 92.090 [(1)(c)] provides that the subdivision plat complies with any applicable zoning ordinances or regulations and ordinances that adopted under ORS 92.044 currently in effect. ORS 92.044 provides that the standards and procedures governing the approval of plats and plans include the placement of utilities, the width and location of streets, minimum lot sizes, securing safety from fire, flood, preventing overcrowding of land, facilitating the adequate provision of transportation, water supply, sewerage, and drainage. These standards include public works standards adopted by the city.

- b. **The date, north point, and scale of the drawing, and a sufficient description to define the location and boundaries of the proposed subdivision area, and the names of all recorded plats of land contiguous to such area.**

Finding #14: Each of the diagrams that compose the preliminary plan have a north point, located above the scale of the drawing, and a date of when it was prepared (November 18, 2022).

- c. **The names and addresses of the subdivider or partitioner, owner and engineer or surveyor.**

Finding #15: The application contains the name and address of the property owner/subdivider, West Linn Corporate Park, LLC; the name of the engineer, Scott Morris, PE, of A & O Engineering, LLC; and the surveyor, Ryan Erickson, PLS, of EGR & Associates, Inc.

- d. **The location of existing and proposed right-of-way lines for existing or projected streets, pedestrian and bicycle facilities, including accessways, as shown on the master road plan.**

Finding #16: The preliminary plan diagrams show adjacent streets and how they connect with the proposed subdivision.

- e. **The locations, names, widths, and typical improvement cross-sections of all streets, existing or proposed to be created, and the grades of**

existing streets, and the estimated finished grades of streets proposed to be created.

Finding #17: The applicant has submitted sufficient information to meet the completeness requirements. However, the City Engineer has the following comments regarding the streets in the proposed phases of the subdivision:

- The proposed 5/9 centerline radii do not meet the 100-foot standard of PWDS 2.14.b
- Section 2.11.A of the PWDS states that residential streets must have a minimum right-of-way of 60' though Table 16.05.050 says that local streets should be between 40 and 60 feet in width.

f. The elevations of all points used to determine contours correctly shown, and the base data thereof used by the surveyor, having the following intervals:

- i. One-foot contour intervals for ground slopes up to five percent.**
- ii. Two-foot contour intervals for ground slopes between five percent and 10 percent.**
- iii. Five-foot contour intervals for ground slopes exceeding 10 percent.**

Finding #18: The subject property is relatively flat, and the utility plans show contours at one-foot intervals.

g. The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be imposed by the planning commission under JCMC [16.05.050](#).

Finding #19: The utility plans show the location of public utility easements.

h. The approximate radii of all curves.

Finding #20: The utility plans show the radii of all curves within the proposed phases.

i. The approximate dimension and area of all proposed lots or parcels.

Finding #21: The preliminary plan shows the dimensions of all proposed lots.

j. The approximate location of areas subject to inundation of stormwater overflow, and all areas covered by water, and the location, width, and direction of flow of all water courses.

Finding #22: The applicant has provided maps delineating the existing wetlands and flood hazard areas.

- k. **The existing and proposed uses of the property, including the location of all existing structures which the subdivider or partitioner intends will remain in the proposed subdivision or partition area.**

Finding #23: The subject property is vacant.

- l. **All proposals for sewer lines, flood control, and easements or deeds for drainage land, including profiles of proposed drainage ways and direction of flow.**

Finding #24: The applicant has provided sufficient information addressing the above-listed components to have the application deemed complete. However, the City Engineer notes that the applicant must provide information regarding the peak instantaneous sewer flow during a 5-year storm event for the entire proposed development. The City will need to determine if the existing Oaklea wastewater pump station will have the capacity to accommodate wastewater flows from Phases 3–6. It was also noted that lateral alignments on the sewer main must be revised to be constructable as located on the submitted plans.

The City Engineer also noted that the proposed preliminary plan shows wastewater mainline cleanouts within the development that do not meet the standards of Public Works Design Standard 4.16–B.1. This standard states that cleanouts shall only be allowed at the upper end of a lateral or main sewer less than 150 feet long which will be extended on the same grade and alignment during the next construction phase of a multiphase development, and which does not have any laterals.

- m. **All public area proposed to be dedicated by the subdivider or partitioner and the proposed uses thereof.**

Finding #25: No public areas are proposed to be dedicated by the subdivider for these four phases of The Reserve at Junction City subdivision.

- n. **All improvements proposed to be made or installed, and the time within which said improvements are proposed to be completed.**

Finding #26: The standards of Title 16 of the JCMC do not explicitly address the provision of water. In this regard, the City Engineer has the following comments:

- The lateral alignments of the water main must be revised to be constructable as located on the submitted plans.
- The submitted utility plans do not meet the criterion of PWDS 5.17–A.1, which states that coverage shall result in a maximum hydrant spacing of 500 feet within residential areas. The location of hydrants must be adjusted so there is no gap in coverage.

- The legal lots of record on which the stormwater ponds are located do not have proposed water services as required by PWDS 5.19–A.2.

The City Engineer also notes that Section 1.10.E of the PWDS requires streetlights, and these facilities are not shown on the preliminary plans.

- o. A legal description of the boundaries of the entire tract and acreage owned by the subdivider or partitioner of which the proposed subdivision or partition area is a part; provided, that where the proposed subdivision or partition area comprises all of such tract, an affidavit of such fact shall accompany the preliminary plan.**

Finding #27: The legal description of the subject property is contained in the April 8, 2022 title report from First American Title Insurance Company.

- p. The information, conditions and standards set forth in ORS [92.090\(1\)](#) and (2).**

Finding #28: ORS 92.090(1) states that subdivision plat names shall be subject to the approval of the county surveyor. The plat name, The Reserve At Junction City, has already been approved by the County Surveyor.

ORS 92.090(2) requires that the streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern, that streets and roads held for private use are clearly indicated on the tentative plan, and that streets and roads held for private use are clearly indicated on the tentative plan, that all reservations or restrictions relating to such private roads and streets are set forth thereon, and that the tentative plan complies with the applicable zoning ordinances and regulations. The proposed phases extend existing streets in all cases except for W. 15th Avenue and continues the standard street width of Phases 1 and 2. No private streets are proposed and approval will not be granted unless findings are made that the proposal is consistent with current applicable ordinances and regulations, including the Public Works Design Standards.

- q. The maximum area of each which may be occupied by buildings.**

Finding #29: The dimensions of each lot are shown on the preliminary plan and Section 17.10.030.A of the JCMC states that the minimum lot area within the R1 Zone is 6,000 square feet.

- r. The approximate boundaries of and the proposed sequencing of phases in the subdivision, if phasing is proposed.**

Finding #30: The revised Preliminary Plan submitted by the applicant includes all pertinent information to scale sufficient for the application to be deemed complete. The

submitted Preliminary Plan was prepared by Ryan Erickson, P.L.S., an Oregon licensed land surveyor with EGR & Associates, Inc. The submitted Preliminary Plan includes all relevant information listed under JCMC 16.05.040(B)(2). Therefore, the above criteria are met.

C. Review of Preliminary Plan.

1. Within two days after a preliminary plan is duly submitted, under subsection (A) of this section, the secretary of the planning commission shall distribute copies thereof to the city recorder and the superintendent of public works, for their review.
2. Coordination of Review.
 - a. The review of the preliminary plan of any subdivision or major partition shall be coordinated with all of the following entities which are affected by the plan: Lane County, state of Oregon, federal agencies, Junction City school district and Junction City water control district.
 - b. The coordination shall include submitting a copy of the preliminary plan to all the agencies described in subsection (C)(2)(a) of this section which will be affected by the plan, together with a request that the entity submit to the planning commission the entity's comments and recommendations about the preliminary plan. The entity shall be presumed to have agreed with the plan if it fails to respond to the request within 20 days after the plans were mailed to the entity.

Finding #31: Staff distributed all relevant materials to the Public Works Director in accordance with this standard. Requests for referral comments were sent to partner agencies on February 17, 2022, in accordance with the standard under subsection 2 of this section. Comments received are referenced under Agency Comments and are included in the application file. Therefore, the above criteria are met.

D. Approval Preliminary Plan.

1. Consideration of Preliminary Plan. The planning commission shall consider the preliminary plan and the responses of agencies with which review of the plan is required and coordinated. The preliminary plan shall be approved by a majority of a quorum of the planning commission after the responses have been considered to the extent required by any agreement with any of the coordinating agencies if the planning commission determines that the preliminary plan conforms in all respects to the requirements of this chapter and Oregon law.

2. **Effect of Approval.** After such approval of the preliminary plan, the subdivider or partitioner may proceed with final surveying, subdivision or partition construction, and preparation of the final plat or map. Approval shall be effective for a period of two years, and if the final plat or map is not submitted to the secretary of the planning commission, under subsection (E) of this section, within such time, the preliminary plan shall be submitted again under subsection (A) of this section and the entire procedure provided thereafter shall be repeated for consideration of any changed conditions which may exist. Upon application, the approval of the preliminary plan may be extended for up to two years by the planning commission if the applicant is making progress on the subdivision plat application.

Finding #32: Consistent with JCMC, approval of the preliminary subdivision plat was given to the Planning Commission after review of the applicable criteria, proposed findings, public hearing/meeting and public comments. If approved, the subdivider may proceed with final surveying, preparation of the final plat. Approval of preliminary subdivision shall be effective for two years. An extension of up to two years may be granted, consistent with JCMC and as conditioned.

A hearing was scheduled before the Planning Commission at the standing March 21, 2023 meeting where approvals may be granted in accordance with this standard. Based on the number of unresolved issues at the time the staff report, staff could not recommend approval of the proposed Preliminary Subdivision as stated in the Draft Final Order. Nevertheless, the staff report does contain recommended conditions of approval should the Planning Commission approve the application in the future. Changes in the conditions of approval may be necessary with the resolution of the remaining issues of contention.

16.05.050 Platting and mapping standards.

A. Streets.

1. Dedication.

- a. **Generally.** The planning commission may require adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the partitioner or subdivider, of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the partition or subdivision area, in accordance with the purpose of this chapter.

b. Master Street Plan.

- i. **Submitting Plan.** The planning commission shall prepare and submit to the council a master street plan or plans and amendments thereto, for the city or such portions thereof as necessary, indicating streets and street systems needed to provide for the transportation needs of the community in its normal growth.
- ii. **Adoption of Plan.** Upon adoption and approval by the council of any such plan or amendment thereto, as from time to time may be submitted by the planning commission, a copy shall be kept in the planning office for the use and information of the general public.
- iii. **Effect of Adoption.** Any such plan or plans and amendments thereto adopted by the council shall be considered by the planning commission to be a correct designation of the transportation, access, and safety needs of the area or areas included with respect to the streets designated thereon, for the purpose of determining design and location of streets to be required under JCMC 16.05.040, unless convincing evidence to the contrary is presented to the planning commission.

Finding #14: The Reserve At Junction City, Phases 3 through 6, will take access from six main access points. Phase 3 will take access from W 10th Avenue, W. 12th Avenue, W 14th Avenue, W 15th Avenue, W. 14th Place, W 12th Avenue, and Farmington Drive; Phase 4 will take access from West 11th Avenue, Jasmine Drive, and Impatients Drive; Phase 5 will take access from Kangaroo Paw Drive, W 13th Avenue, and Impatients Drive; Phase 6 will take access from Jasmine Drive and Lupine Loop.

All streets and roads, associated with Phases 3 through 6, shown on the preliminary subdivision plan, will be dedicated to the City at the time of final plat approval. Therefore, these criteria have been adequately addressed.

2. Width.

- a. **Generally.** Widths of street right-of-way and paving design for streets shall be not less than those set forth in the table below; except that for a street abutting land not in the partition or subdivision area a lesser width may be allowed, in the discretion of the planning commission, where the partitioner or subdivider presents a satisfactory plan whereby such street will be expanded to the width otherwise required.
- b. **Existing Adjacent Street.** The widths of street right-of-way provided in the table below shall be the minimum widths of right-of-way for streets existing along and adjacent to any boundary of the partition or subdivision area; and the partitioner or subdivider shall dedicate additional right-of-way, as determined by the planning commission in

accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in such table.

- c. **Slope Easements.** Slope easements shall be dedicated in accordance with specifications adopted by the council under this section:

Finding #15: All of the proposed streets will have 50-foot right-of-way widths and 36-foot paved widths, which is consistent with Phases 1 and 2 of the subdivision. The City Engineer points out, however, that Section 2.11.A of the PWDS requires a minimum 60' right-of-way in a residential district. This would require a written variance under Section 1.11 of the PWDS. The City Engineer also notes that sidewalks should be provided along the frontage of open spaces.

3. **Reserve Strips.** The planning commission may require the partitioner or subdivider to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the council, when the planning commission determines that a strip is necessary:

- a. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly partitioning or subdivision of land lying beyond the street; or
- b. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the table of subsection (A)(2)(c) of this subsection; or
- c. To prevent access to land abutting a street of the partition or subdivision, but not within the tract or parcel of land being partitioned or subdivided; or
- d. To prevent access to land unsuitable for building development.

Finding #16: Not applicable, a reserve strip is not necessary for this development.

4. **Intersections of Streets.**

- a. **Angles.** Streets shall intersect one another at an angle as near to a right angle as is practicable, considering topography of the area and previous adjacent layout; where not so practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30-foot centerline radius where such angle is not less than 60 degrees. In the case of streets intersecting at an angle of less than 60 degrees, then of such minimum as the planning commission may determine in accordance with the purpose of this chapter.

- b. Jogs. Intersections shall be so designed that no jog dangerous to the traveling public is created as a result of staggering of intersections; and in no case shall there be a jog of less than 100 feet between nearest or adjacent right-of-way lines.**

Finding #17: The proposed streets intersect at right angles: see Engineering Sheet C-2. Intersections shall be designed so that no jog is dangerous to the traveling public. The applicant states there are no intersection jogs and mid-block intersections are greater than 100 feet from each other as measured from their respective rights-of-way. However, the City Engineer notes that the connection for W 14th Place and West 14th Avenue to Reserve Phase 2 requires a 200' radius minimum horizontal curve per Section 1.14.b of the PWDS.

- 5. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions, in accordance with the purpose of this chapter.**

Finding #18: The topography of the land is relatively flat. The proposed streets meet the standards of recognition to the surrounding as indicated in the application, see Engineering Sheet C-2. As such, the proposed street layout complies with this criterion.

- 6. Future Extension of Streets. Where the partition or subdivision area is adjacent to land likely to be partitioned or subdivided in the future, streets shall continue through to the boundary lines of the tract under the same ownership of which the subdivision area is a part, where the planning commission determines that such continuation is necessary to provide for the orderly partitioning or subdivision of such adjacent land, or the transportation and access needs of the community.**

Finding #19: The preliminary plan proposes four (4) dead-end streets that end in a manner to allow their future extension. The terminuses of W 13th Avenue, W 14th Place and W 15th Avenue all connect to the remainder of Tax Lot 10900, which is owned by the applicant. The terminus of Jasmine Drive provides an entry point from the north end of the subject property, which is currently outside of the city limits. The City Engineer notes that a projection of the profile of streets that may be extended or reconstructed in the future are required by Section 1.10.H.2.d of the PWDS.

- 7. Cul-de-Sacs. There shall be no cul-de-sacs more than 400 feet long or serving more than 18 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in the table of subsection (A)(2)(c) of this subsection.**

Finding #20: The preliminary plan proposes two cul-de-sacs; one in Phase 3 off of

12th Avenue and one in Phase 6, at the east end of W 15th Avenue. The latter cul-de-sac serves nine lots and the Tract E stormwater pond. Each of the cul-de-sacs have a circular end and a minimum diameter of right-of-way width (40–50 feet) and paving width (28–36 feet).

The City Engineer notes that the cul-de-sac at the end of W 15th Avenue does not meet Oregon Fire Code access standards per OFC Appendix D103.4.

- 8. Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the planning commission and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. All streets running in a generally north and south direction shall be named in alphabetical order to conform to the established pattern in the city.**

Finding #21: With the exception of W 15th Avenue, all streets which bear the names of existing streets are in alignment with the existing named streets. The Planning Commission must determine whether W 15th Avenue in Phase 6 is the best name for that street. All proposed streets that run north-south are in alphabetical order, running from east to west.

- 9. Grades and Curves. Unless otherwise approved by the planning commission because topographical conditions will not reasonably permit, grades shall not exceed six percent on arterials, 10 percent on collector streets, or 12 percent on all other streets. Centerline radii on curves shall not be less than 300 feet on arterials, 200 feet on collector streets, or 100 feet on all other streets.**

Finding #22: The subject property is relatively flat and none of the proposed streets have a grade anywhere near 12 percent. The City Engineer has noted that five of the nine proposed centerline radii do not meet PWDS standards.

10. Access Management.

- a. Shared Access. Subdivisions with frontage on the state highway system shall be designed to have a shared access point to and from the highway. All such subdivision accesses shall be reviewed by the Oregon Department of Transportation.**

Finding #23: No portion of the subdivision fronts on a state highway or a street under the jurisdiction of ODOT. Therefore, this criterion is not applicable.

- b. Connectivity.**

- i. **The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this section.**
- ii. **Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a turn-around. Removal of the turn-around shall be at the option and cost of the owner of the lot where the turnaround is located.**
- iii. **Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets.**

Finding #24: The preliminary plan shows that the proposed subdivision phases connect with the following existing streets from the east: W 15th Avenue, W 14th Place, Gladiola Drive, W 12th Avenue, and Farmington Drive. W 11th Avenue is a continuation of an existing street but, because of the intersection of Maple Springs Subdivision, is not directly connected with its parent street. W 11th Place and W 10th Place are new streets. The only exceptions are W 15th Avenue, which jogs southward in Phase 6 and is not connected to the existing terminus of W 15th Avenue, and W 11th Avenue, which jogs south and is interrupted by a drainage way and Maple Springs Subdivision.

As noted above, the terminuses of W 13th Avenue, W 14th Place and W 15th Avenue all connect to the remainder of Tax Lot 10900, which is owned by the applicant. The terminus of Jasmine Drive provides an entry point from the north end of the subject property, which is currently outside of the city limits.

B. Alleys.

1. **Dedication. The planning commission may require adequate and proper alleys to be dedicated to the public by the partitioner or subdivider of such design and in such location as necessary to provide for the access needs of the partition or subdivision area in accordance with the purpose of this chapter.**
2. **Width. Width of right-of-way and paving design for alleys shall be not less than 20 feet, except that for an alley abutting land not in the partition or subdivision area a lesser width may be allowed, in the discretion of the planning commission, where the partitioner or subdivider presents a satisfactory plan whereby such alley will be expanded to the width**

otherwise required. Slope easements shall be dedicated in accordance with specifications adopted by the planning commission.

3. **Corner Cut-Offs.** Where two alleys intersect, 10-foot corner cut-offs shall be provided.
4. **Grades and Curves.** Unless otherwise approved by the planning commission where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall not be less than 100 feet.
5. **Other Requirements.** All provisions and requirements with respect to streets shall apply to alleys the same in all respects as if the word “street” or “streets” therein appeared as the word “alley” or “alleys,” respectively.

Finding #25: No alleys are proposed as part of this preliminary subdivision application. Therefore, these criteria do not apply.

C. Blocks.

1. **Block Length.** Block length shall not exceed 600 feet. In residential and commercial zones, maximum block perimeter shall be 1,600 feet. The planning commission may allow exceptions where pedestrian pathways are utilized as mid-block connections between streets.

Finding #26: While new subdivision blocks are not recognized by statute [ORS 92.050(4)(b)], the streets and lots in the preliminary plan are arranged in block-like configurations; none of which exceed 600 feet in length or have a perimeter in excess of 1,600 feet.

2. **Street Connectivity.** In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and developments greater than two acres in size shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
 - a. The proposed development shall include street connections in the direction of all existing or planned streets within one-quarter mile of the development site. The proposed development shall also include street connections to any streets that abut, are adjacent to, or terminate at the development site.
 - b. The proposed development shall include streets that extend to undeveloped or partially developed land that is adjacent to the development site.

- c. **The requirements of subsections (C)(2)(a) and (b) of this section do not apply if it is demonstrated that the connections cannot be made due to impact of natural resource areas such as wetlands, streams, or upland wildlife habitat area or where existing development on adjacent lands, including previously subdivided vacant parcels, precludes a connection now or in the future.**

Finding #27: The proposed four phases of The Reserve at Junction City comprise over 81 acres and therefore the street connectivity standards are applicable. The preliminary plan lays out its lots in a block-like configuration that are bounded by a connecting network of public streets. The subdivision is served by the direct extension of W 15th Avenue, W 14th Place, and W 12th Avenue. Farmington Drive, which connects to W 10th Avenue, is being constructed to serve Phase 4 of the subdivision. As noted above, there are four streets that have a terminus to property outside the subdivision and can be extended to serve future development in those areas.

3. **Pedestrian Ways. When necessary for public convenience and safety, the planning commission may require the partitioner or subdivider to dedicate to the public pedestrian ways 10 feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks, or other public areas, of such design and location as reasonably required to facilitate pedestrian travel.**

Finding #28: No pedestrian ways are proposed. There are no adjacent schools that would require a dedicated pedestrian way. However, to the northwest of the subject site there are open spaces with a future pedestrian nature path planned and to the northeast is a neighborhood city park (north of The Reserve Phase I). Public Works would require a pedestrian way between the two areas along the north line of the subject site to connect the open space to the northwest and the park to the northeast. This criterion is conditionally approved and can feasibly be met by the applicant.

4. **Easements for Utilities. Dedication of easements for stormwater sewers and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers and for access thereto for maintenance, and dedication of easements for other public or private utilities, may be required of the partitioner or subdivider by the planning commission along lot rear lines, lot side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this chapter. Easements for utility lines shall be not less than 14 feet in width; except that, for an easement abutting land not in the partition or subdivision area, a lesser width may be allowed, in the discretion of the planning commission, where the**

petitioner or subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required.

Finding #29: Public utility easements are proposed for both sides of the public streets. Two swales are located although only one, which serves Lots 78–82, will require an easement.

D. Perimeter Fences. Perimeter fences shall be required where rear yards abut an existing or planned street. The perimeter fence shall be sight-obscuring and at least five feet in height, and shall be set back at least three feet from the sidewalk or right-of-way. At least one deciduous shade tree (a minimum of two inches in caliper at planting) shall be provided for each 50 lineal feet of frontage. At the time of application review, the planning commission may also require additional subdivision perimeter fencing, retaining walls, or other perimeter treatment in order to address privacy, stormwater runoff, or other issues relating to compatibility with adjacent properties.

Finding #30: None of the proposed lots have a rear yard that abuts an existing or planned street. Therefore, this criterion is not applicable.

E. Lots. Lot sizes in mobile home subdivisions shall conform to the provisions of Chapter 17.100 JCMC, Mobile Homes, rather than this subsection (E).

1. Size and Frontage.

a. General Requirements.

- i. Width.** Each lot shall have an average width between the lot side lines of not less than 60 feet. Each corner lot and each authorized key lot and butt lot shall have an average width between the lot side lines of not less than 65 feet.

Finding #31: All of the lots widths are 60 feet or more. Therefore, this criterion is met.

- ii. Depth.** Each lot shall have an average depth between the lot front line and the lot rear line of not less than 80 feet and not more than two and one-half times the average width between the lot side lines. Each double frontage lot shall have an average depth between the lot front line and lot rear line of not less than 120 feet, unless a lesser depth is approved by the planning commission where necessitated by unusual topographic conditions.

Finding #32: As shown on the preliminary subdivision plat, all lots have at depths range from 100–126 feet. There are no double frontage lots associated with this development. Criterion met.

- iii. **Area. Minimum lot area shall be in accord with requirements for the zoning district within which the lot is located.**

Finding #33: The property is zoned R1 Single-Family Residential. The minimum lot area for a single-family dwellings is 6,000 square feet per JCMC 17.10.030(A). All proposed lots are larger than 6,000 square feet. Therefore, this criterion is met.

- iv. **Frontage. Each lot shall have frontage of not less than 60 feet upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc.**

Finding #34: Each lot has a minimum of 60 feet or more of frontage along a street. All lots fronting the two cul-de-sacs have frontage in excess of 35 feet. Therefore, this criterion is met.

- v. **Reverse Frontage.**

- (A) **Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with lower functional classification.**

- (B) **When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the city and recorded with the deed (reserve strip). A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.**

Finding #35: There are no reverse frontage lots involved in this subdivision. Therefore, this criterion is not applicable.

- b. **Exceptions.**

- i. **Partition or Subdivision Area Developed as a Unit. The planning commission may, in its discretion, authorize relaxation of the parcel or lot size and frontage requirements specified herein where the partitioner or subdivider presents a plan satisfactory to the planning commission whereby the entire partition or subdivision area will be designed and developed with provision for proper maintenance of recreation and park area which will be commonly available for recreation and park purposes to the residents of the partition or subdivision area, and which the planning commission determines will be of such benefit to said residents as is equal to that which**

would be derived from observance of the parcel or lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this chapter.

Finding #36: The applicant is not requesting that any subdivision area be designated as a park or recreation area with this development. Therefore, this criterion is adequately addressed.

- ii. **Land Zoned for Commercial or Industrial Use.** The planning commission may, in its discretion, authorize relaxation of the parcel or lot size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this chapter.

Finding #37: The proposal does not involve any lands zoned for commercial or industrial use. This criterion does not apply.

- iii. **Parcel or Lot Retained for Future Partition or Subdivision.** The planning commission may, in its discretion, waive parcel or lot frontage requirements where, in its judgment, a parcel or lot should and will be retained by the partitioner or subdivider, and future partition or subdivision of such parcel or lot will be the highest and best use thereof, and such use will be best protected by the creation of a reserve strip separating such parcel or lot from any street.

Finding #38: The applicant is not requesting any lot be retained for future division. All lots proposed are intended for future single-family residential use in the R1 zone. Therefore, this criterion is adequately addressed.

2. **Key Parcels or Lots and Butt Parcels or Lots.** There shall be no key parcels or lots nor butt parcels or lots, except where authorized by the planning commission where such parcels or lots are necessitated by unusual topographic conditions or previous adjacent layout.

Finding #39: Section 16.05.020 of the JCMC defines a “butt lot” as a lot the sideline of which abuts the lot rear line of two or more adjoining lots. There are four (4) butt lots in the cul-de-sac located in Phase 3 (Lots 271–274), off of W 12th Avenue. Therefore, the Planning Commission will have to approve this configuration.

3. **Parcel and Lot Side Lines.** As far as is practicable, parcel and lot side lines shall run at right angles to the street upon which the parcels or lots face, except that on curved streets they shall be radial to the curve.

Finding #40: The applicant’s engineer and surveyor submitted plans that, to the greatest extent possible, have lot lines that are either radial or perpendicular to the

street right of way. This criterion is met.

- 4. Suitability for Intended Use.** All parcels and lots shall be suitable for the purpose for which they are intended to be used. No parcel or lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the partition or subdivision area or of such parcel or lot, as determined by the planning commission in accordance with the purpose of this chapter.

Finding #41: All proposed lots are designed to meet the Junction City zoning regulations, and provide for the health, safety, and sanitary needs of the future residents. This criterion is met.

- 5. Future Partitioning or Subdivision of Parcels or Lots.** Where the partition or subdivision will result in a parcel or lot one-half acre or larger in size which, in the judgment of the planning commission, is likely to be partitioned or subdivided in the future, the planning commission may require that the location of parcel or lot lines and other details of layout be such that future partition or subdivision may readily be made without violating the requirements of this chapter and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record, if the planning commission deems it necessary for the purpose of future subdivision.

Finding #42: No lot exceeds one-half acre in the proposed plan. Therefore, the applicant's preliminary plat meets this criterion.

- 6. Panhandle Lots.** Panhandle lot configurations shall not be utilized in new subdivisions. The planning commission may authorize exceptions from frontage requirements for panhandle lots in the R1 and R2 zones only in established neighborhoods;

Finding #43: No panhandle lots are proposed for this Subdivision application; therefore, this criterion is not applicable.

- F. Drainage.** Where land in the partition or subdivision area is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the planning commission may require the partitioner or subdivider to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefor approved by the planning commission as adequate for the drainage needs of the area; or, where necessary, in the judgment of the planning commission, for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the city.

Finding #44: The City Engineer has commented that the current stormwater design does not meet City standards in that preliminary stormwater sizing calculations do not accurately represent existing conditions enough to show that the detention facilities can fit within the proposed locations. The stormwater report must be updated to reflect existing conditions and the pond volumes must be revised.

The City Engineer also had the following comments regarding compliance with the following Junction City's Public Works Design Standards:

- PWDS 4.15.c.2: If streets have curved alignments, the minimum distance between manholes or sewer lines and the curb face shall be as listed: 1) Center of manhole to curb face: 6-foot minimum 2) Sewer centerline to curb face: 6-foot minimum.
- PWDS 4.16.b.1: Cleanouts shall only be allowed at the upper end of lateral or main sewers less than 150 feet long which will be extended on same grade and alignment during the next construction phase of a multiphase development, and which does not have any laterals. This applies to both sanitary and storm.
- PWDS 3.18.C: Unless otherwise approved by the Director of Public Works, all detention facilities shall be located on private property and shall be maintained by the property owners. The City Engineer notes that the facilities appear to be in tracts dedicated to the City.
- PWDS 3.18.D.5: The proposed design of the open basin detention facilities do not seem to meet the minimum side slope and bottom slope requirements.
- PWDS: 3.10.a.3: The stormwater report must show that the public piping has the capacity to convey a 50-year storm event. In regard to Table 5 of the stormwater report, the City Engineer questions how the overflow structures overflow if the top of the bank flood elevation is above the overflow? Finally, the detention basins are not delineated enough to correlate with the HydroCAD Data or the report. The routing diagram from HydroCAD must be provided.
- PWDS: 1.10.j.2: Private utility easements shall be a minimum of 10-foot wide centered on the utility for all private water, sewer, and storm drains, outside public way or outside the boundaries of the property being served.
- PWDS 3.15.e: Engineers are cautioned not to specify sewers of sizes which are obviously larger than necessary for satisfactory carrying capacity, but which are specified in order to meet grade requirements. It was also pointed out that manholes are required at all changes in horizontal and vertical alignment.

G. Railroads.

Finding #45: No railroads are within or adjacent to the proposed development. Therefore, the criteria listed under JCMC 16.05.050(G) are not applicable.

H. Partial Development. Where the partition or subdivision area includes only a part of the tract owned by the partitioner or subdivider, the planning commission may require a sketch of a tentative layout of streets in the remainder of said tract.

Finding #46: The applicant has submitted the application covering the subject property (Tax Lot 5000), outlining a preliminary layout of the proposed streets and properties. This criterion is met.

I. Recreational Area. The planning commission, after council approval first having been obtained, may require, as a condition of approval of the subdivision, either:

1. The dedication of land for park and recreational purpose of an amount equal to a ratio of not less than one acre of recreational area to every 100 people of the ultimate population in the subdivision; or
2. The payment to the city of a sum as established by the resolution adopting park systems development charges for each living unit permitted to be constructed within the subdivision. Payment of the charge shall be made at the time the building permit for construction of each living unit is issued by the city. The amount of the charge shall be that prescribed in the parks systems development resolution in effect at the time the individual permit is issued.

In exercising the discretion of requiring the dedication of land or the payment of money, the commission shall consider recreational needs of the ultimate population of the subdivision and the extent to which a dedication of land under the above rate would fulfill those needs.

All moneys received from the above provision shall be deposited in the recreational reserve area fund and shall be expended from that fund for the purpose of purchasing recreational land and making improvements thereof.

Finding #47: The applicant is not proposing any recreational area with this development request.

J. Building Lots Filled. All building lots shall be filled in accordance with accepted engineering practice. All fill shall be placed in accordance with Chapter 70 of the Oregon Structural, Specialty and Fire and Life Safety Code.

Finding #48: The applicant states that all lots requiring fill will be done so in accordance with accepted engineering practices including property compaction and

structural fill requirements. Prior to earth-moving activities, the applicant shall submit building fill plans that are in accordance with accepted engineering practice and Chapter 70 of the Oregon Structural Speciality and Fire and Life Safety Code, to the City Engineer, or his or her designee, for review and approval. This criterion is conditionally approved and can feasibly be met by the applicant.

K. Finish Floor Elevations. Finish floor elevations shall be established for all buildings on the final plat in accordance with elevations established by and for the city of Junction City.

Finding #48: Prior to final plat approval, the applicant shall submit, to Planning Commission, the final plat for the subdivision establishing finished floor elevations for all buildings in accordance with the elevations established by and for the City of Junction City. Plans shall be reviewed by the Planning Commission, as part of a TYPE I final plat approval process. This criterion is conditionally met.

L. Utility Access. All accesses to utilities are to be brought to finish grade.

Finding #49: All utilities shall be designed and installed so that lids and risers are at finished grade, prior to the issuance of certificates of occupancy. This criterion is conditionally met.

16.05.070 Modification of provisions.

The applicant has requested a modification to the butt lot standards under JCMC 16.05.050.E.2. In order to prevail under this section, the Planning Commission must find that (1) that the provision would cause unique and unnecessary hardship to the subdivider, (2) that unusual topographic conditions or the previous layout of the subdivision area or neighboring area reasonably require such modification, and (3) that the modification will not be substantially injurious to the best use and value of property in the neighboring area.

SUMMARY AND CONCLUSION

For all the reasons set forth above, the preliminary subdivision does not comply with relevant Junction City Municipal Code as presented above.

D. This denial shall become final on the date this decision and supporting findings of fact are signed by the Chairperson of the Junction City Planning Commission. An appeal of the Planning Commission's decision must be submitted to the City Council within 12 days of this Final Order being mailed to all opponents. Appeals may be made by filing written notice with the city and paying the fee equal to the average cost as prescribed by the City Council and cost of the written transcripts

up to \$500, plus one-half the cost over \$500. If no appeal is taken within the 12-day period, the decision of the Planning Commission shall be final. An appeal of the City Council's decision must be submitted to the Land Use Board of Appeals within 21 days of the Council's decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Signature:

Junction City Planning Commission Chair, Jeff Haag

Approval Date:

Denial

**JUNCTION CITY PLANNING COMMISSION PROPOSED FINAL ORDER
PRELIMINARY SUBDIVISION
THE RESERVE PHASES 3-6 (FILE # SUB-22-16)**

A. The Junction City Planning Commission finds the following:

1. On April 12, 2022, Metro Planning, Inc. representing the property owner West Linn Corporate Park, LLC submitted application for preliminary subdivision approval as authorized by Junction City Municipal Code 16.05.040.
2. On November 22, 2022, staff deemed the application complete.
3. Public hearing notice of a request for preliminary subdivision approval was advertised in the Register Guard Newspaper, February 23, 2023, and mailed to surrounding property owners, February 17, 2023, consistent with Chapter 17.150.080.
4. The Junction City Planning Commission held a public hearing on March 21, 2023, in accordance with Junction City Municipal Code 17.150.070(2)(c), and 17.150.090 and considered all material relevant to the preliminary subdivision that have been submitted by staff, the applicant, and the general public regarding this matter.
5. The Junction City Planning Commission followed the required procedure for preliminary subdivision approval as required by Chapter 16.05.040(D)(1) of the Junction City Municipal Code, and made a decision to conditionally approve the preliminary subdivision application by way of this signed Final Order.

B. CONDITIONS OF APPROVAL

1. The applicant must secure applicable wetland-related permits from the DSL and the U.S. Army Corps of Engineers prior to development of Phases 3–6 of the subdivision.
2. Preliminary plat approval is effective for a period of two (2) years, unless extended the applicant. Upon an application, the approval of the preliminary plan may be extended for up to two (2) years by the planning commission if the applicant is making progress on the subdivision plat application.
3. Prior to final plat approval all streets and roads associated with Phases 3 through 6, shown on the preliminary subdivision plan, will be dedicated to the City
4. Prior to final plat approval, the applicant shall provide a pedestrian walkway in the form of a nature path per JCMC 16.05.050(C)(3), connecting the future open space nature path to the northwest and the existing city park to the northeast, all along the north boundary of the subject site.

5. Prior to final plat approval, the applicant shall show all easements for utilities on the final plat and provide proof of dedication for all easements.
6. Prior to earth-moving activities on lots requiring fill, the applicant shall submit engineering plans for the placement of fill to the City Engineer, or his or her designee, for review and approval.
7. Prior to final plat approval, the applicant shall submit the final plat, for review by the Planning Commission, as part of a TYPE I final plat review process, plans that establish finished floor elevations for all buildings, associated with Phase 1, in accordance with the elevations established by the City of Junction City.
8. Prior to final plat approval, the applicant shall present evidence sufficient to Planning Commission, that all accesses to utilities are brought to finished grade so that lids and risers are at finished grade

C. IT IS HEREBY ORDERED THAT the Junction City Planning Commission denies the Preliminary Subdivision Plat for tax lot 10900 Assessor's Map 15-04-31-22 based on the following findings of fact:

Applicable criteria from the Junction City Municipal Code are listed in **bold font**.

JUNCTION CITY MUNICIPAL CODE COMPLIANCE

17.10 Single-Family Residential District Zone (R1)

Finding #1: The base zone of the subject property is Single-Family Residential (R1). Section 17.10.010.A of the JCMC allows single-family residential dwellings as an outright permitted use in this zoning district.

Finding #2: The applicant proposes to place single family residential dwellings on all lots within Phases 3 through 6 of The Reserve At Junction City, except for those designated as stormwater detention ponds. Section 17.10.030.A of the JCMC states that the minimum lot area within the R1 Zone is 6,000 square feet and Section 17.10.030.B of the JCMC states the minimum lot width is 60 feet. All of the proposed lots meet these standards. (The minimum lot width for cul-de-sacs is 35 feet. Lot 464 is on a cul-de-sac and has 25' of frontage but has an average width of 60'.)

17.60 Wetland Resources Overlay District (WRD)

Section 17.60.130: Proposals for development within the WRD shall be reviewed for compliance with this chapter. The approving authority shall base its decision on the following criteria in addition to the required criteria for any other permit or approval that is being sought. Approvals shall be based on compliance with the following mitigation sequencing guidelines

that appear in order of preference, during the design, construction and operation of the proposal:

A. *The proposed activity is allowed under the requirements of the base code.*

Finding #3: The base code is R1 Single-Family Residential and the applicant is proposing single-family residential dwellings.

B. *The proposed project complies with the provisions of JCMC [17.60.050](#) through [17.60.140](#).*

Section 17.60.050: *The provisions of this chapter shall be applied to development proposed within a wetland protection area, as defined above. The provisions also apply to Department of State Lands (DSL) approved wetland mitigation sites.*

Finding #4: The subject property does not lie within the Wetland but has an approved wetland delineation report (November 7, 2018) from the Department of State Lands (DSL). This jurisdictional determination is valid for five years. The report delineates 20.3 acres of wetland, 0.66 acres of seven ditches, and two swales. The wetland and ditches are subject to permit requirements of the state Removal-Fill law (50 cubic yards or more of fill or excavation in a wetland). The City Engineer notes that the Wetland Consulting Report should be made available to the City.

JCMC 17.60.060: *This section provides that the wetland regulations are an overlay in addition to zoning, that compliance with Chapter 17.60 of the JCMC does not constitute compliance with other federal, state and local regulations, and that the administrative procedures of Section 17.60.150 of the JCMC shall be followed during the wetland review process.*

Finding #5: The procedures of Section 17.60.150 are addressed below.

JCMC 17.60.070: *The application for a WRD shall be filed in City Hall and shall include the appropriate fee, a jurisdictional delineation approved by DSL and a scale drawing that clearly depicts the wetland boundary.*

Finding #6: The applicant has paid the appropriate WRD fee, has received a jurisdictional delineation approved by the DSL that is valid until November 7, 2023, and has provided scale drawings of the wetland boundaries in the wetland report, in the applicant's April 11, 2022 application, and in maps of the tentative subdivision plan for Phases 3 through 6 of The Reserve At Junction City.

JCMC 17.60.080: *This provision requires a site-specific topographical survey prepared by a licensed surveyor. The survey shall show two-foot contour lines and jurisdictional delineations and approved or proposed DSL wetland mitigation sites.*

Finding #7: The applicant has provided utility plans that show two-foot contour lines and the wetland delineations.

JCMC 17.60.090: *This provision identifies exempt uses and activities within a wetland protection area.*

The applicant has argued that the proposed development is exempt under JCMC 17.60.090.L.2, which exempts fill or removal for a change in the point of diversion to withdraw surface water for beneficial use, provided the diversion is authorized by the Water Resources Department.

Finding #8: JCMC 17.60.090.L.2. applies to fill or removal necessary for the diversion of surface water for beneficial use in the proposed ponds. If that was what the applicant was doing then it is likely that the use would be exempt, subject to approval by the Water Resources Department. However, the City Engineer points out that the only reason the ponds are necessary is to develop the proposed lots with dwellings, which is not an exempt use. The applicant has not shown that the development activity proposed is exempt. If the development activity is exempt then approval from the Water Resources Department is required.

JCMC 17.60.100: *This provision lists uses that are permitted outright within a wetland protection area if they meet the requirements of Chapter 17.60 and applicable permits from the DSL and the U.S. Army Corps of Engineers. Permitted uses include:*

- A. If permitted within the base zone, one single-family dwelling and related appurtenances such as driveway on a lot legally created prior to the date of adoption of these provisions.*
- F. Construction of public facilities and infrastructure ...*
- G. Divisions of property authorized in accordance with the requirements of JCMC Title [16](#); provided, that the lots are designed to accommodate the construction of a permitted use outside of the wetland area or on wetland mitigation sites. The city may accept dedication of such areas to the city or land trust as part of the land division approval process. Access roads and utilities serving the proposed division may be permitted within the wetland only if the city of Junction City determines that no other feasible alternative exists and when consistent with this chapter.*

Finding #9: The applicant has argued that the wetlands within the subject property are so extensive as to make the project infeasible if the wetlands were to be preserved. To the extent that the wetlands directly affect almost one-third of the subject property and, if preserved, would make it impossible to construct an efficient or practical internal transportation system. However, the applicant must have a mitigation plan approved by

the DSL and the U.S. Army Corps of Engineers. The applicant has pointed out that it will not be building on 100 acres of Tax Lot 10900 but there is no proposed mitigation plan presented to either DSL or the Army Corps. of Engineers.

JCMC CHAPTER 16.05 SUBDIVISIONS

16.05.040 Subdivisions and major partitions.

A. Submitting Preliminary Plan. A preliminary plan shall be submitted to the secretary of the planning commission attached to an application for approval in the form prescribed by the city together with 19 additional copies of the preliminary plan.

Finding #10: The applicant has submitted a preliminary subdivision proposal for Phases 3–6 of The Reserve at Junction City with the necessary information in order to deem the application complete and make findings. The 19–copy requirement has been waived based upon the applicant’s digital submittal.

B. Preliminary Plan Requirements.

1. Drafting.

- a. The preliminary plan shall show all pertinent information to scale. The drawing shall be on standard size sheets 18 inches by 27 inches and at a scale of one inch equals 100 feet. The scale may be increased or decreased, if necessary to fit the drawing to the required plan size of 18 inches by 27 inches; but in all cases the scale shall be standard, being 10, 20, 30, 40, 50, or 60 feet to the inch, or multiples of 10 of any one of these scales.

Finding #11: The applicant has submitted the components of the preliminary plan in .pdf format so that they can be printed at any size. The scale on the maps is one inch to 60 feet.

- b. Preliminary plans shall be prepared by an Oregon-licensed land surveyor. An affidavit of the preparer shall be furnished as a part of the preliminary plan submitted.

Finding #12: The preliminary plans were prepared by Ryan Erickson, P.L.S., an Oregon licensed land surveyor with EGR & Associates, Inc.

2. **Information Required.** The preliminary plan shall, in clear and legible form, include the following information with respect to the proposed subdivision or major partition area, on the plan where practicable, and otherwise on separate sheets of paper in written statement:

- a. **The proposed name of the proposed subdivision or major partition area, which shall conform to the standards set forth in ORS [92.090](#).**

Finding #13: ORS 92.090(1) provides that no tentative subdivision plan or plat can be approved that bears a name similar to or pronounced the same as the name of any other subdivision in the same county unless it is contiguous to and platted by the same party that platted the subdivision bearing that name. In the present case, the proposed subdivision is a continuation of an existing subdivision, The Reserve at Junction City, and is proposed by the same party.

Among other provisions, ORS 92.090 [(1)(c)] provides that the subdivision plat complies with any applicable zoning ordinances or regulations and ordinances that adopted under ORS 92.044 currently in effect. ORS 92.044 provides that the standards and procedures governing the approval of plats and plans include the placement of utilities, the width and location of streets, minimum lot sizes, securing safety from fire, flood, preventing overcrowding of land, facilitating the adequate provision of transportation, water supply, sewerage, and drainage. These standards include public works standards adopted by the city.

- b. **The date, north point, and scale of the drawing, and a sufficient description to define the location and boundaries of the proposed subdivision area, and the names of all recorded plats of land contiguous to such area.**

Finding #14: Each of the diagrams that compose the preliminary plan have a north point, located above the scale of the drawing, and a date of when it was prepared (November 18, 2022).

- c. **The names and addresses of the subdivider or partitioner, owner and engineer or surveyor.**

Finding #15: The application contains the name and address of the property owner/subdivider, West Linn Corporate Park, LLC; the name of the engineer, Scott Morris, PE, of A & O Engineering, LLC; and the surveyor, Ryan Erickson, PLS, of EGR & Associates, Inc.

- d. **The location of existing and proposed right-of-way lines for existing or projected streets, pedestrian and bicycle facilities, including accessways, as shown on the master road plan.**

Finding #16: The preliminary plan diagrams show adjacent streets and how they connect with the proposed subdivision.

- e. **The locations, names, widths, and typical improvement cross-sections of all streets, existing or proposed to be created, and the grades of**

existing streets, and the estimated finished grades of streets proposed to be created.

Finding #17: The applicant has submitted sufficient information to meet the completeness requirements. However, the City Engineer has the following comments regarding the streets in the proposed phases of the subdivision:

- The proposed 5/9 centerline radii do not meet the 100-foot standard of PWDS 2.14.b
- Section 2.11.A of the PWDS states that residential streets must have a minimum right-of-way of 60' though Table 16.05.050 says that local streets should be between 40 and 60 feet in width.
 - f. **The elevations of all points used to determine contours correctly shown, and the base data thereof used by the surveyor, having the following intervals:**
 - i. **One-foot contour intervals for ground slopes up to five percent.**
 - ii. **Two-foot contour intervals for ground slopes between five percent and 10 percent.**
 - iii. **Five-foot contour intervals for ground slopes exceeding 10 percent.**

Finding #18: The subject property is relatively flat, and the utility plans show contours at one-foot intervals.

- g. **The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips proposed to satisfy requirements which may be imposed by the planning commission under JCMC [16.05.050](#).**

Finding #19: The utility plans show the location of public utility easements.

- h. **The approximate radii of all curves.**

Finding #20: The utility plans show the radii of all curves within the proposed phases.

- i. **The approximate dimension and area of all proposed lots or parcels.**

Finding #21: The preliminary plan shows the dimensions of all proposed lots.

- j. **The approximate location of areas subject to inundation of stormwater overflow, and all areas covered by water, and the location, width, and direction of flow of all water courses.**

Finding #22: The applicant has provided maps delineating the existing wetlands and flood hazard areas.

- k. **The existing and proposed uses of the property, including the location of all existing structures which the subdivider or partitioner intends will remain in the proposed subdivision or partition area.**

Finding #23: The subject property is vacant.

- l. **All proposals for sewer lines, flood control, and easements or deeds for drainage land, including profiles of proposed drainage ways and direction of flow.**

Finding #24: The applicant has provided sufficient information addressing the above-listed components to have the application deemed complete. However, the City Engineer notes that the applicant must provide information regarding the peak instantaneous sewer flow during a 5-year storm event for the entire proposed development. The City will need to determine if the existing Oaklea wastewater pump station will have the capacity to accommodate wastewater flows from Phases 3–6. It was also noted that lateral alignments on the sewer main must be revised to be constructable as located on the submitted plans.

The City Engineer also noted that the proposed preliminary plan shows wastewater mainline cleanouts within the development that do not meet the standards of Public Works Design Standard 4.16–B.1. This standard states that cleanouts shall only be allowed at the upper end of a lateral or main sewer less than 150 feet long which will be extended on the same grade and alignment during the next construction phase of a multiphase development, and which does not have any laterals.

- m. **All public area proposed to be dedicated by the subdivider or partitioner and the proposed uses thereof.**

Finding #25: No public areas are proposed to be dedicated by the subdivider for these four phases of The Reserve at Junction City subdivision.

- n. **All improvements proposed to be made or installed, and the time within which said improvements are proposed to be completed.**

Finding #26: The standards of Title 16 of the JCMC do not explicitly address the provision of water. In this regard, the City Engineer has the following comments:

- The lateral alignments of the water main must be revised to be constructable as located on the submitted plans.
- The submitted utility plans do not meet the criterion of PWDS 5.17–A.1, which states that coverage shall result in a maximum hydrant spacing of 500 feet within residential areas. The location of hydrants must be adjusted so there is no gap in coverage.

- The legal lots of record on which the stormwater ponds are located do not have proposed water services as required by PWDS 5.19–A.2.

The City Engineer also notes that Section 1.10.E of the PWDS requires streetlights, and these facilities are not shown on the preliminary plans.

- o. A legal description of the boundaries of the entire tract and acreage owned by the subdivider or partitioner of which the proposed subdivision or partition area is a part; provided, that where the proposed subdivision or partition area comprises all of such tract, an affidavit of such fact shall accompany the preliminary plan.**

Finding #27: The legal description of the subject property is contained in the April 8, 2022 title report from First American Title Insurance Company.

- p. The information, conditions and standards set forth in ORS [92.090\(1\)](#) and (2).**

Finding #28: ORS 92.090(1) states that subdivision plat names shall be subject to the approval of the county surveyor. The plat name, The Reserve At Junction City, has already been approved by the County Surveyor.

ORS 92.090(2) requires that the streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern, that streets and roads held for private use are clearly indicated on the tentative plan, and that streets and roads held for private use are clearly indicated on the tentative plan, that all reservations or restrictions relating to such private roads and streets are set forth thereon, and that the tentative plan complies with the applicable zoning ordinances and regulations. The proposed phases extend existing streets in all cases except for W. 15th Avenue and continues the standard street width of Phases 1 and 2. No private streets are proposed and approval will not be granted unless findings are made that the proposal is consistent with current applicable ordinances and regulations, including the Public Works Design Standards.

- q. The maximum area of each which may be occupied by buildings.**

Finding #29: The dimensions of each lot are shown on the preliminary plan and Section 17.10.030.A of the JCMC states that the minimum lot area within the R1 Zone is 6,000 square feet.

- r. The approximate boundaries of and the proposed sequencing of phases in the subdivision, if phasing is proposed.**

Finding #30: The revised Preliminary Plan submitted by the applicant includes all pertinent information to scale sufficient for the application to be deemed complete. The

submitted Preliminary Plan was prepared by Ryan Erickson, P.L.S., an Oregon licensed land surveyor with EGR & Associates, Inc. The submitted Preliminary Plan includes all relevant information listed under JCMC 16.05.040(B)(2). Therefore, the above criteria are met.

C. Review of Preliminary Plan.

1. Within two days after a preliminary plan is duly submitted, under subsection (A) of this section, the secretary of the planning commission shall distribute copies thereof to the city recorder and the superintendent of public works, for their review.
2. Coordination of Review.
 - a. The review of the preliminary plan of any subdivision or major partition shall be coordinated with all of the following entities which are affected by the plan: Lane County, state of Oregon, federal agencies, Junction City school district and Junction City water control district.
 - b. The coordination shall include submitting a copy of the preliminary plan to all the agencies described in subsection (C)(2)(a) of this section which will be affected by the plan, together with a request that the entity submit to the planning commission the entity's comments and recommendations about the preliminary plan. The entity shall be presumed to have agreed with the plan if it fails to respond to the request within 20 days after the plans were mailed to the entity.

Finding #31: Staff distributed all relevant materials to the Public Works Director in accordance with this standard. Requests for referral comments were sent to partner agencies on February 17, 2022, in accordance with the standard under subsection 2 of this section. Comments received are referenced under Agency Comments and are included in the application file. Therefore, the above criteria are met.

D. Approval Preliminary Plan.

1. Consideration of Preliminary Plan. The planning commission shall consider the preliminary plan and the responses of agencies with which review of the plan is required and coordinated. The preliminary plan shall be approved by a majority of a quorum of the planning commission after the responses have been considered to the extent required by any agreement with any of the coordinating agencies if the planning commission determines that the preliminary plan conforms in all respects to the requirements of this chapter and Oregon law.

2. **Effect of Approval.** After such approval of the preliminary plan, the subdivider or partitioner may proceed with final surveying, subdivision or partition construction, and preparation of the final plat or map. Approval shall be effective for a period of two years, and if the final plat or map is not submitted to the secretary of the planning commission, under subsection (E) of this section, within such time, the preliminary plan shall be submitted again under subsection (A) of this section and the entire procedure provided thereafter shall be repeated for consideration of any changed conditions which may exist. Upon application, the approval of the preliminary plan may be extended for up to two years by the planning commission if the applicant is making progress on the subdivision plat application.

Finding #32: Consistent with JCMC, approval of the preliminary subdivision plat was given to the Planning Commission after review of the applicable criteria, proposed findings, public hearing/meeting and public comments. As conditionally approved, the subdivider may proceed with final surveying, preparation of the final plat. Approval of preliminary subdivision shall be effective for two years. An extension of up to two years may be granted, consistent with JCMC and as conditioned.

A hearing was scheduled before the Planning Commission at the standing March 21, 2023 meeting where approvals may be granted in accordance with this standard. Based on the conditions of approval in the staff report, staff recommended conditional approval of the proposed Preliminary Subdivision as stated in this Final Order.

16.05.050 Platting and mapping standards.

A. Streets.

1. Dedication.

- a. **Generally.** The planning commission may require adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the partitioner or subdivider, of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the partition or subdivision area, in accordance with the purpose of this chapter.
- b. **Master Street Plan.**
 - i. **Submitting Plan.** The planning commission shall prepare and submit to the council a master street plan or plans and amendments thereto, for the city or such portions thereof as necessary,

indicating streets and street systems needed to provide for the transportation needs of the community in its normal growth.

- ii. **Adoption of Plan.** Upon adoption and approval by the council of any such plan or amendment thereto, as from time to time may be submitted by the planning commission, a copy shall be kept in the planning office for the use and information of the general public.
- iii. **Effect of Adoption.** Any such plan or plans and amendments thereto adopted by the council shall be considered by the planning commission to be a correct designation of the transportation, access, and safety needs of the area or areas included with respect to the streets designated thereon, for the purpose of determining design and location of streets to be required under JCMC 16.05.040, unless convincing evidence to the contrary is presented to the planning commission.

Finding #14: The Reserve At Junction City, Phases 3 through 6, will take access from six main access points. Phase 3 will take access from W 10th Avenue, W. 12th Avenue, W 14th Avenue, W 15th Avenue, W. 14th Place, W 12th Avenue, and Farmington Drive; Phase 4 will take access from West 11th Avenue, Jasmine Drive, and Impatients Drive; Phase 5 will take access from Kangaroo Paw Drive, W 13th Avenue, and Impatients Drive; Phase 6 will take access from Jasmine Drive and Lupine Loop.

All streets and roads, associated with Phases 3 through 6, shown on the preliminary subdivision plan, will be dedicated to the City at the time of final plat approval. Therefore, these criteria have been adequately addressed.

2. Width.

- a. **Generally.** Widths of street right-of-way and paving design for streets shall be not less than those set forth in the table below; except that for a street abutting land not in the partition or subdivision area a lesser width may be allowed, in the discretion of the planning commission, where the partitioner or subdivider presents a satisfactory plan whereby such street will be expanded to the width otherwise required.
- b. **Existing Adjacent Street.** The widths of street right-of-way provided in the table below shall be the minimum widths of right-of-way for streets existing along and adjacent to any boundary of the partition or subdivision area; and the partitioner or subdivider shall dedicate additional right-of-way, as determined by the planning commission in accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in such table.

- c. Slope Easements. Slope easements shall be dedicated in accordance with specifications adopted by the council under this section:**

Finding #15: All of the proposed streets will have 50-foot right-of-way widths and 36-foot paved widths, which is consistent with Phases 1 and 2 of the subdivision. The City Engineer points out, however, that Section 2.11.A of the PWDS requires a minimum 60' right-of-way in a residential district. This would require a written variance under Section 1.11 of the PWDS. The City Engineer also notes that sidewalks should be provided along the frontage of open spaces.

- 3. Reserve Strips. The planning commission may require the partitioner or subdivider to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the council, when the planning commission determines that a strip is necessary:**

- a. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly partitioning or subdivision of land lying beyond the street; or**
- b. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the table of subsection (A)(2)(c) of this subsection; or**
- c. To prevent access to land abutting a street of the partition or subdivision, but not within the tract or parcel of land being partitioned or subdivided; or**
- d. To prevent access to land unsuitable for building development.**

Finding #16: Not applicable, a reserve strip is not necessary for this development.

- 4. Intersections of Streets.**

- a. Angles. Streets shall intersect one another at an angle as near to a right angle as is practicable, considering topography of the area and previous adjacent layout; where not so practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30-foot centerline radius where such angle is not less than 60 degrees. In the case of streets intersecting at an angle of less than 60 degrees, then of such minimum as the planning commission may determine in accordance with the purpose of this chapter.**
- b. Jogs. Intersections shall be so designed that no jog dangerous to the traveling public is created as a result of staggering of intersections; and in no case shall there be a jog of less than 100 feet between nearest or adjacent right-of-way lines.**

Finding #17: The proposed streets intersect at right angles: see Engineering Sheet C-2. Intersections shall be designed so that no jog is dangerous to the traveling public. The applicant states there are no intersection jogs and mid-block intersections are greater than 100 feet from each other as measured from their respective rights-of-way. However, the City Engineer notes that the connection for W 14th Place and West 14th Avenue to Reserve Phase 2 requires a 200' radius minimum horizontal curve per Section 1.14.b of the PWDS.

5. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions, in accordance with the purpose of this chapter.

Finding #18: The topography of the land is relatively flat. The proposed streets meet the standards of recognition to the surrounding as indicated in the application, see Engineering Sheet C-2. As such, the proposed street layout complies with this criterion.

6. Future Extension of Streets. Where the partition or subdivision area is adjacent to land likely to be partitioned or subdivided in the future, streets shall continue through to the boundary lines of the tract under the same ownership of which the subdivision area is a part, where the planning commission determines that such continuation is necessary to provide for the orderly partitioning or subdivision of such adjacent land, or the transportation and access needs of the community.

Finding #19: The preliminary plan proposes four (4) dead-end streets that end in a manner to allow their future extension. The terminuses of W 13th Avenue, W 14th Place and W 15th Avenue all connect to the remainder of Tax Lot 10900, which is owned by the applicant. The terminus of Jasmine Drive provides an entry point from the north end of the subject property, which is currently outside of the city limits. The City Engineer notes that a projection of the profile of streets that may be extended or reconstructed in the future are required by Section 1.10.H.2.d of the PWDS.

7. Cul-de-Sacs. There shall be no cul-de-sacs more than 400 feet long or serving more than 18 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in the table of subsection (A)(2)(c) of this subsection.

Finding #20: The preliminary plan proposes two cul-de-sacs; one in Phase 3 off of 12th Avenue and one in Phase 6, at the east end of W 15th Avenue. The latter cul-de-sac serves nine lots and the Tract E stormwater pond. Each of the cul-de-sacs have a circular end and a minimum diameter of right-of-way width (40–50 feet) and paving width (28–36 feet).

The City Engineer notes that the cul-de-sac at the end of W 15th Avenue does not meet Oregon Fire Code access standards per OFC Appendix D103.4.

- 8. Street Names. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the planning commission and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. All streets running in a generally north and south direction shall be named in alphabetical order to conform to the established pattern in the city.**

Finding #21: With the exception of W 15th Avenue, all streets which bear the names of existing streets are in alignment with the existing named streets. The Planning Commission must determine whether W 15th Avenue in Phase 6 is the best name for that street. All proposed streets that run north-south are in alphabetical order, running from east to west.

- 9. Grades and Curves. Unless otherwise approved by the planning commission because topographical conditions will not reasonably permit, grades shall not exceed six percent on arterials, 10 percent on collector streets, or 12 percent on all other streets. Centerline radii on curves shall not be less than 300 feet on arterials, 200 feet on collector streets, or 100 feet on all other streets.**

Finding #22: The subject property is relatively flat and none of the proposed streets have a grade anywhere near 12 percent. The City Engineer has noted that five of the nine proposed centerline radii do not meet PWDS standards.

- 10. Access Management.**

- a. Shared Access. Subdivisions with frontage on the state highway system shall be designed to have a shared access point to and from the highway. All such subdivision accesses shall be reviewed by the Oregon Department of Transportation.**

Finding #23: No portion of the subdivision fronts on a state highway or a street under the jurisdiction of ODOT. Therefore, this criterion is not applicable.

- b. Connectivity.**

- i. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this section.**

- ii. **Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a turn-around. Removal of the turn-around shall be at the option and cost of the owner of the lot where the turnaround is located.**
- iii. **Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets.**

Finding #24: The preliminary plan shows that the proposed subdivision phases connect with the following existing streets from the east: W 15th Avenue, W 14th Place, Gladiola Drive, W 12th Avenue, and Farmington Drive. W 11th Avenue is a continuation of an existing street but, because of the intersection of Maple Springs Subdivision, is not directly connected with its parent street. W 11th Place and W 10th Place are new streets. The only exceptions are W 15th Avenue, which jogs southward in Phase 6 and is not connected to the existing terminus of W 15th Avenue, and W 11th Avenue, which jogs south and is interrupted by a drainage way and Maple Springs Subdivision.

As noted above, the terminuses of W 13th Avenue, W 14th Place and W 15th Avenue all connect to the remainder of Tax Lot 10900, which is owned by the applicant. The terminus of Jasmine Drive provides an entry point from the north end of the subject property, which is currently outside of the city limits.

B. Alleys.

1. **Dedication. The planning commission may require adequate and proper alleys to be dedicated to the public by the partitioner or subdivider of such design and in such location as necessary to provide for the access needs of the partition or subdivision area in accordance with the purpose of this chapter.**
2. **Width. Width of right-of-way and paving design for alleys shall be not less than 20 feet, except that for an alley abutting land not in the partition or subdivision area a lesser width may be allowed, in the discretion of the planning commission, where the partitioner or subdivider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required. Slope easements shall be dedicated in accordance with specifications adopted by the planning commission.**

3. **Corner Cut-Offs.** Where two alleys intersect, 10-foot corner cut-offs shall be provided.
4. **Grades and Curves.** Unless otherwise approved by the planning commission where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall not be less than 100 feet.
5. **Other Requirements.** All provisions and requirements with respect to streets shall apply to alleys the same in all respects as if the word “street” or “streets” therein appeared as the word “alley” or “alleys,” respectively.

Finding #25: No alleys are proposed as part of this preliminary subdivision application. Therefore, these criteria do not apply.

C. Blocks.

1. **Block Length.** Block length shall not exceed 600 feet. In residential and commercial zones, maximum block perimeter shall be 1,600 feet. The planning commission may allow exceptions where pedestrian pathways are utilized as mid-block connections between streets.

Finding #26: While new subdivision blocks are not recognized by statute [ORS 92.050(4)(b)], the streets and lots in the preliminary plan are arranged in block-like configurations; none of which exceed 600 feet in length or have a perimeter in excess of 1,600 feet.

2. **Street Connectivity.** In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and developments greater than two acres in size shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
 - a. The proposed development shall include street connections in the direction of all existing or planned streets within one-quarter mile of the development site. The proposed development shall also include street connections to any streets that abut, are adjacent to, or terminate at the development site.
 - b. The proposed development shall include streets that extend to undeveloped or partially developed land that is adjacent to the development site.
 - c. The requirements of subsections (C)(2)(a) and (b) of this section do not apply if it is demonstrated that the connections cannot be made due to impact of natural resource areas such as wetlands, streams, or upland wildlife habitat area or where existing development on adjacent lands,

including previously subdivided vacant parcels, precludes a connection now or in the future.

Finding #27: The proposed four phases of The Reserve at Junction City comprise over 81 acres and therefore the street connectivity standards are applicable. The preliminary plan lays out its lots in a block-like configuration that are bounded by a connecting network of public streets. The subdivision is served by the direct extension of W 15th Avenue, W 14th Place, and W 12th Avenue. Farmington Drive, which connects to W 10th Avenue, is being constructed to serve Phase 4 of the subdivision. As noted above, there are four streets that have a terminus to property outside the subdivision and can be extended to serve future development in those areas.

- 3. Pedestrian Ways. When necessary for public convenience and safety, the planning commission may require the partitioner or subdivider to dedicate to the public pedestrian ways 10 feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks, or other public areas, of such design and location as reasonably required to facilitate pedestrian travel.**

Finding #28: No pedestrian ways are proposed. There are no adjacent schools that would require a dedicated pedestrian way. However, to the northwest of the subject site there are open spaces with a future pedestrian nature path planned and to the northeast is a neighborhood city park (north of The Reserve Phase I). Public Works would require a pedestrian way between the two areas along the north line of the subject site to connect the open space to the northwest and the park to the northeast. This criterion is conditionally approved and can feasibly be met by the applicant.

- 4. Easements for Utilities. Dedication of easements for stormwater sewers and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers and for access thereto for maintenance, and dedication of easements for other public or private utilities, may be required of the partitioner or subdivider by the planning commission along lot rear lines, lot side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this chapter. Easements for utility lines shall be not less than 14 feet in width; except that, for an easement abutting land not in the partition or subdivision area, a lesser width may be allowed, in the discretion of the planning commission, where the petitioner or subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required.**

Finding #29: Public utility easements are proposed for both sides of the public streets. Two swales are located although only one, which serves Lots 78–82, will require an easement.

D. Perimeter Fences. Perimeter fences shall be required where rear yards abut an existing or planned street. The perimeter fence shall be sight-obscuring and at least five feet in height, and shall be set back at least three feet from the sidewalk or right-of-way. At least one deciduous shade tree (a minimum of two inches in caliper at planting) shall be provided for each 50 lineal feet of frontage. At the time of application review, the planning commission may also require additional subdivision perimeter fencing, retaining walls, or other perimeter treatment in order to address privacy, stormwater runoff, or other issues relating to compatibility with adjacent properties.

Finding #30: None of the proposed lots have a rear yard that abuts an existing or planned street. Therefore, this criterion is not applicable.

E. Lots. Lot sizes in mobile home subdivisions shall conform to the provisions of Chapter 17.100 JCMC, Mobile Homes, rather than this subsection (E).

1. Size and Frontage.

a. General Requirements.

i. Width. Each lot shall have an average width between the lot side lines of not less than 60 feet. Each corner lot and each authorized key lot and butt lot shall have an average width between the lot side lines of not less than 65 feet.

Finding #31: All of the lots widths are 60 feet or more. Therefore, this criterion is met.

ii. Depth. Each lot shall have an average depth between the lot front line and the lot rear line of not less than 80 feet and not more than two and one-half times the average width between the lot side lines. Each double frontage lot shall have an average depth between the lot front line and lot rear line of not less than 120 feet, unless a lesser depth is approved by the planning commission where necessitated by unusual topographic conditions.

Finding #32: As shown on the preliminary subdivision plat, all lots have at depths range from 100--126 feet. There are no double frontage lots associated with this development. Criterion met.

iii. Area. Minimum lot area shall be in accord with requirements for the zoning district within which the lot is located.

Finding #33: The property is zoned R1 Single–Family Residential. The minimum lot area for a single–family dwellings is 6,000 square feet per JCMC 17.10.030(A). All proposed lots are larger than 6,000 square feet. Therefore, this criterion is met.

- iv. **Frontage.** Each lot shall have frontage of not less than 60 feet upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc.

Finding #34: Each lot has a minimum of 60 feet or more of frontage along a street. All lots fronting the two cul–de–sacs have frontage in excess of 35 feet. Therefore, this criterion is met.

- v. **Reverse Frontage.**

- (A) Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with lower functional classification.

- (B) When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the city and recorded with the deed (reserve strip). A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

Finding #35: There are no reverse frontage lots involved in this subdivision. Therefore, this criterion is not applicable.

- b. **Exceptions.**

- i. **Partition or Subdivision Area Developed as a Unit.** The planning commission may, in its discretion, authorize relaxation of the parcel or lot size and frontage requirements specified herein where the partitioner or subdivider presents a plan satisfactory to the planning commission whereby the entire partition or subdivision area will be designed and developed with provision for proper maintenance of recreation and park area which will be commonly available for recreation and park purposes to the residents of the partition or subdivision area, and which the planning commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the parcel or lot size and

frontage requirements otherwise specified, and will be in accordance with the purpose of this chapter.

Finding #36: The applicant is not requesting that any subdivision area be designated as a park or recreation area with this development. Therefore, this criterion is adequately addressed.

- ii. **Land Zoned for Commercial or Industrial Use.** The planning commission may, in its discretion, authorize relaxation of the parcel or lot size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this chapter.

Finding #37: The proposal does not involve any lands zoned for commercial or industrial use. This criterion does not apply.

- iii. **Parcel or Lot Retained for Future Partition or Subdivision.** The planning commission may, in its discretion, waive parcel or lot frontage requirements where, in its judgment, a parcel or lot should and will be retained by the partitioner or subdivider, and future partition or subdivision of such parcel or lot will be the highest and best use thereof, and such use will be best protected by the creation of a reserve strip separating such parcel or lot from any street.

Finding #38: The applicant is not requesting any lot be retained for future division. All lots proposed are intended for future single-family residential use in the R1 zone. Therefore, this criterion is adequately addressed.

2. **Key Parcels or Lots and Butt Parcels or Lots.** There shall be no key parcels or lots nor butt parcels or lots, except where authorized by the planning commission where such parcels or lots are necessitated by unusual topographic conditions or previous adjacent layout.

Finding #39: Section 16.05.020 of the JCMC defines a “butt lot” as a lot the sideline of which abuts the lot rear line of two or more adjoining lots. There are four (4) butt lots in the cul-de-sac located in Phase 3 (Lots 271–274), off of W 12th Avenue. Therefore, the Planning Commission will have to approve this configuration.

3. **Parcel and Lot Side Lines.** As far as is practicable, parcel and lot side lines shall run at right angles to the street upon which the parcels or lots face, except that on curved streets they shall be radial to the curve.

Finding #40: The applicant's engineer and surveyor submitted plans that, to the greatest extent possible, have lot lines that are either radial or perpendicular to the street right of way. This criterion is met.

- 4. Suitability for Intended Use.** All parcels and lots shall be suitable for the purpose for which they are intended to be used. No parcel or lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the partition or subdivision area or of such parcel or lot, as determined by the planning commission in accordance with the purpose of this chapter.

Finding #41: All proposed lots are designed to meet the Junction City zoning regulations, and provide for the health, safety, and sanitary needs of the future residents. This criterion is met.

- 5. Future Partitioning or Subdivision of Parcels or Lots.** Where the partition or subdivision will result in a parcel or lot one-half acre or larger in size which, in the judgment of the planning commission, is likely to be partitioned or subdivided in the future, the planning commission may require that the location of parcel or lot lines and other details of layout be such that future partition or subdivision may readily be made without violating the requirements of this chapter and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record, if the planning commission deems it necessary for the purpose of future subdivision.

Finding #42: No lot exceeds one-half acre in the proposed plan. Therefore, the applicant's preliminary plat meets this criterion.

- 6. Panhandle Lots.** Panhandle lot configurations shall not be utilized in new subdivisions. The planning commission may authorize exceptions from frontage requirements for panhandle lots in the R1 and R2 zones only in established neighborhoods;

Finding #43: No panhandle lots are proposed for this Subdivision application; therefore, this criterion is not applicable.

- F. Drainage.** Where land in the partition or subdivision area is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the planning commission may require the partitioner or subdivider to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefor approved by the planning commission as adequate for the drainage needs of the area; or, where necessary, in the judgment of the planning commission, for

protection of such needs, by conveying ownership of such drainage land for drainage purposes to the city.

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Finding #44: The City Engineer has commented that the current stormwater design does not meet City standards in that preliminary stormwater sizing calculations do not accurately represent existing conditions enough to show that the detention facilities can fit within the proposed locations. The stormwater report must be updated to reflect existing conditions and the pond volumes must be revised.

The City Engineer also had the following comments regarding compliance with the following Junction City's Public Works Design Standards:

- PWDS 4.15.c.2: If streets have curved alignments, the minimum distance between manholes or sewer lines and the curb face shall be as listed: 1) Center of manhole to curb face: 6-foot minimum 2) Sewer centerline to curb face: 6-foot minimum.
- PWDS 4.16.b.1: Cleanouts shall only be allowed at the upper end of lateral or main sewers less than 150 feet long which will be extended on same grade and alignment during the next construction phase of a multiphase development, and which does not have any laterals. This applies to both sanitary and storm.
- PWDS 3.18.C: Unless otherwise approved by the Director of Public Works, all detention facilities shall be located on private property and shall be maintained by the property owners. The City Engineer notes that the facilities appear to be in tracts dedicated to the City.
- PWDS 3.18.D.5: The proposed design of the open basin detention facilities do not seem to meet the minimum side slope and bottom slope requirements.
- PWDS: 3.10.a.3: The stormwater report must show that the public piping has the capacity to convey a 50-year storm event. In regard to Table 5 of the stormwater report, the City Engineer questions how the overflow structures overflow if the top of the bank flood elevation is above the overflow? Finally, the detention basins are not delineated enough to correlate with the HydroCAD Data or the report. The routing diagram from HydroCAD must be provided.
- PWDS: 1.10.j.2: Private utility easements shall be a minimum of 10-foot wide centered on the utility for all private water, sewer, and storm drains, outside public way or outside the boundaries of the property being served.
- PWDS 3.15.e: Engineers are cautioned not to specify sewers of sizes which are obviously larger than necessary for satisfactory carrying capacity, but which are specified in order to meet grade requirements. It was also pointed out that manholes are required at all changes in horizontal and vertical alignment.

G. Railroads.

Finding #45: No railroads are within or adjacent to the proposed development. Therefore, the criteria listed under JCMC 16.05.050(G) are not applicable.

H. Partial Development. Where the partition or subdivision area includes only a part of the tract owned by the partitioner or subdivider, the planning commission may require a sketch of a tentative layout of streets in the remainder of said tract.

Finding #46: The applicant has submitted the application covering the subject property (Tax Lot 5000), outlining a preliminary layout of the proposed streets and properties. This criterion is met.

I. Recreational Area. The planning commission, after council approval first having been obtained, may require, as a condition of approval of the subdivision, either:

1. The dedication of land for park and recreational purpose of an amount equal to a ratio of not less than one acre of recreational area to every 100 people of the ultimate population in the subdivision; or
2. The payment to the city of a sum as established by the resolution adopting park systems development charges for each living unit permitted to be constructed within the subdivision. Payment of the charge shall be made at the time the building permit for construction of each living unit is issued by the city. The amount of the charge shall be that prescribed in the parks systems development resolution in effect at the time the individual permit is issued.

In exercising the discretion of requiring the dedication of land or the payment of money, the commission shall consider recreational needs of the ultimate population of the subdivision and the extent to which a dedication of land under the above rate would fulfill those needs.

All moneys received from the above provision shall be deposited in the recreational reserve area fund and shall be expended from that fund for the purpose of purchasing recreational land and making improvements thereof.

Finding #47: The applicant is not proposing any recreational area with this development request.

J. Building Lots Filled. All building lots shall be filled in accordance with accepted engineering practice. All fill shall be placed in accordance with Chapter 70 of the Oregon Structural, Specialty and Fire and Life Safety Code.

Finding #48: The applicant states that all lots requiring fill will be done so in accordance with accepted engineering practices including property compaction and

structural fill requirements. Prior to earth-moving activities, the applicant shall submit building fill plans that are in accordance with accepted engineering practice and Chapter 70 of the Oregon Structural Speciality and Fire and Life Safety Code, to the City Engineer, or his or her designee, for review and approval. This criterion is conditionally approved and can feasibly be met by the applicant.

K. Finish Floor Elevations. Finish floor elevations shall be established for all buildings on the final plat in accordance with elevations established by and for the city of Junction City.

Finding #48: Prior to final plat approval, the applicant shall submit, to Planning Commission, the final plat for the subdivision establishing finished floor elevations for all buildings in accordance with the elevations established by and for the City of Junction City. Plans shall be reviewed by the Planning Commission, as part of a TYPE I final plat approval process. This criterion is conditionally met.

L. Utility Access. All accesses to utilities are to be brought to finish grade.

Finding #49: All utilities shall be designed and installed so that lids and risers are at finished grade, prior to the issuance of certificates of occupancy. This criterion is conditionally met.

16.05.070 Modification of provisions.

The applicant has requested a modification to the butt lot standards under JCMC 16.05.050.E.2. In order to prevail under this section, the Planning Commission must find that (1) that the provision would cause unique and unnecessary hardship to the subdivider, (2) that unusual topographic conditions or the previous layout of the subdivision area or neighboring area reasonably require such modification, and (3) that the modification will not be substantially injurious to the best use and value of property in the neighboring area.

SUMMARY AND CONCLUSION

For all the reasons set forth above, the preliminary subdivision does not comply with relevant Junction City Municipal Code as presented above.

D. This approval shall become final on the date this decision and supporting findings of fact are signed by the Chairperson of the Junction City Planning Commission. An appeal of the Planning Commission's decision must be submitted to the City Council within 12 days of this Final Order being mailed to all opponents. Appeals may be made by filing written notice with the city and paying the fee equal to the average cost as prescribed by the City Council and cost of the written transcripts

up to \$500, plus one-half the cost over \$500. If no appeal is taken within the 12-day period, the decision of the Planning Commission shall be final. An appeal of the City Council's decision must be submitted to the Land Use Board of Appeals within 21 days of the Council's decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Signature:

Junction City Planning Commission Chair, Jeff Haag

Approval Date:

Approved