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## PLANNING DEPARTMENT STAFF REPORT AND FINDINGS:

THE RESERVE, PHASES 3–5 – Preliminary Subdivision Approval (File: SUB 22–016)

### **Application Summary:**

The request is for preliminary approval for Phases 3 through 5 of The Reserve At Junction City Subdivision. The proposal is for 264 residential lots on 81.47 acres of land, distributed as follows: Phase 3=93 lots; Phase 4=85 lots; and Phase 5=86 lots. The proposal also calls for six (6) stormwater detention ponds, labeled Tracts B–G; two (2) stormwater detention swales; and thirteen (13) public streets. Five (5) of the public streets will be extensions of existing streets and six (6) will be new streets.

### **Owner(s)/Applicant:**

West Linn Corporate Park, LLC, 5200 SW Meadows Road, Suite B–100, Lake Oswego, OR 97035

### **Applicant’s Representative:**

Metro Planning, Inc., c/o Jed Truett, AICP

### **Subject Property/Zoning/Location:**

The property is located at the western terminus of W 15<sup>th</sup> Ave, W 14<sup>th</sup> Place, West 14<sup>th</sup> Avenue, West 12<sup>th</sup> Avenue, Farmington Drive, W 11<sup>th</sup> Avenue, and West 10<sup>th</sup> Place. It can be identified as Tax Lot 10900, Assessor’s Map 15–04–31–22. The Maple Springs Subdivision is adjacent on the east to Phase 3 of the proposed subdivision. The subject property is zoned R1/WRD (Single–Family Residential with a Wetland Resources Overlay District) and is designated as Low Density Residential by the Comprehensive Plan.

### **Relevant Dates:**

Application originally submitted on April 11, 2022; deemed incomplete on May 9, 2022; deemed complete on the receipt of incomplete information on October 5, 2022. Planning Commission public hearing to be held on June 20, 2023.

### **Present Request:**

The request is for preliminary approval of Phases 3–5 of The Reserve At Junction City Subdivision. Specifically, the applicant’s proposal includes 271 lots on 81.47 acres, five (5) stormwater detention ponds, labeled Tracts A–E; two (2) stormwater detention swales; and thirteen (13) public streets. Six (6) of the public streets will be extensions of existing streets and seven (7) will be new streets.

TENTATIVE SUBDIVISION PLAN- PROPOSED LAYOUT  
THE RESERVE AT JUNCTION CITY PHASE 3  
NW 1/4 SECTION 31, TOWNSHIP 15 SOUTH, RANGE 4 WEST AND  
NE 1/4 SECTION 36, TOWNSHIP 15 SOUTH, RANGE 5 WEST, W.M.  
JUNCTION CITY, LANE COUNTY, OREGON  
Date Prepared: JUNE 07, 2023



### Public Notice and Referrals:

Public notice of a proposed subdivision is required as part of the preliminary approval criteria. The Planning department mailed notice of the application on February 27 and March 24, 2023, in accordance with the applicable requirements of JCMC 17.150.080. The Planning department also provided information concerning the application to other appropriate City departments, public agencies, and service providers on February 17, 2023. All referral and public comments received by the Planning Division on this application are included in their entirety in the application file for reference and addressed in the context of applicable approval criteria and standards in the following evaluation.

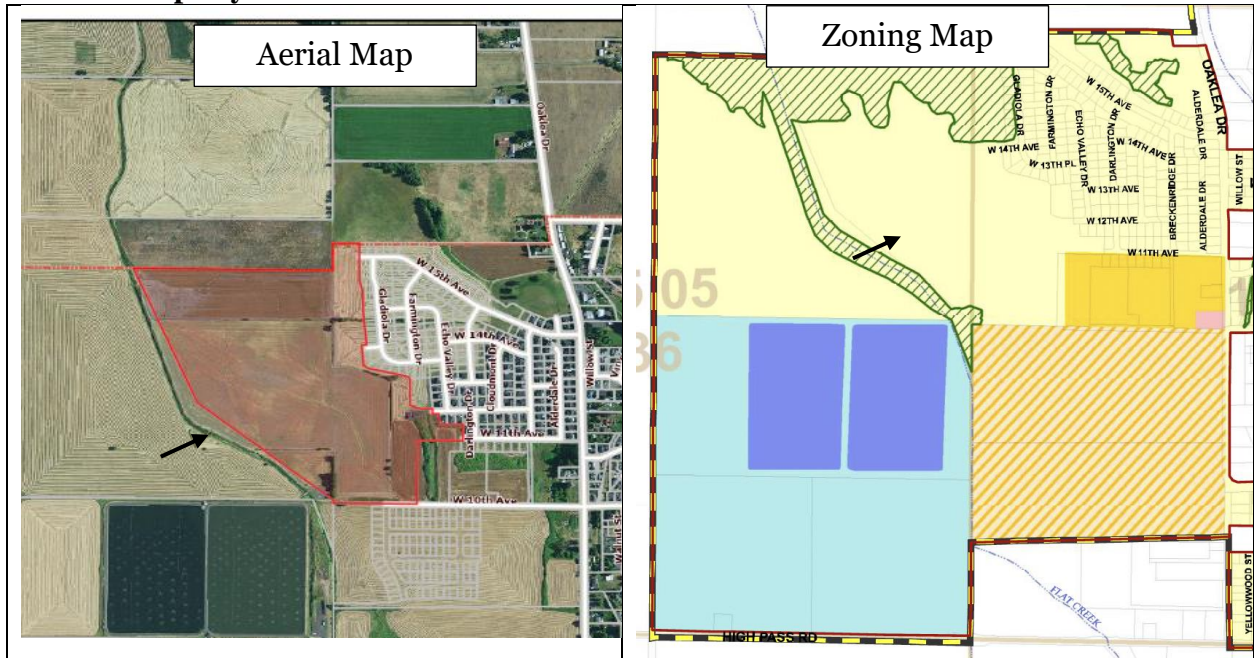
Referral Comments and Public Notice Comments received include:

- **City Engineer: Andrey Chernishov, PE., dated March 2, 2023.** Mr. Chernishov had numerous comments too lengthy to summarize here but was largely concerned about compliance with Public Works Design Standards. (See, for instance, Finding 44) His revised comments are included in Attachment A. In response to Mr. Chernishov's comments, the applicant's engineers made numerous revisions to the preliminary plan and the utility and stormwater plans.
- **EPUD: John Norrena, Engineering Technician, dated December 29, 2022.** Mr. Norrena had the following comments: "EPUD will serve this subdivision. EPUD is in the process of building a new feeder to the west Junction City area, and we will require dedicated facilities

and easements through this area/subdivision to feed this subdivision and adjacent areas. We request that EPUD be involved in initial planning as much as possible.”

- **Junction City Water Control District, Todd Monroe, dated December 30, 2022.** Any stormwater draining into Junction City Water Control drainage ways must be reviewed by EGR at the developer’s expense.
- **Lane County Surveyor, Trevor Ross, PLS, dated February 21, 2023.** The final plat map should show existing and proposed easements, road dedications, and fences or other signs of occupation that appear to encroach or be in conflict with monumented boundaries.
- **Lane County Transportation, Planning Supervisor Sasha Vartanian.** Ms. Vartanian had concerns that additional Transportation Impact Analysis was required. The applicant’s attorney has responded that an agreement between the previous owner of the subject property and the County was negotiated regarding residential developments on Oaklea. The agreement was in the form of a 2002 contract that states the studies to be done and the improvements to be completed as residential development went forward. The applicant’s attorney states that the applicant has finished the studies and made the improvements required under the contract. No response to this letter was submitted and therefore staff believes that no additional traffic analysis is required.
- **Barbara Talley and Jim Grisham, February 10, 2023.** Concerned with the extent of wetland disturbance, lack of information about wetland mitigation, the amount of fill necessary and resultant increase in elevation, and the negative impact of traffic, noise, and light pollution.

**General Property Information**



## **Evaluation:**

The following are recommended findings for the Planning Commission to consider which address whether the proposal for The Reserve At Junction City, Phases 3–5 Preliminary Subdivision complies with the applicable criteria or appropriate conditions of approval can be applied. The proposal is weighed against applicable standards of the Junction City Municipal Code (JCMC). The approval criteria and related standards applicable at this time are listed below in **bold**, followed by findings.

### **APPLICABLE ZONING STANDARDS**

#### **R1 Single–Family Residential District (Chapter 17.10 JCMC)**

**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 5 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 (35 feet for cul–de–sacs). All of the proposed lots, including cul–de–sacs, meet these standards.

#### **WRD Wetland Resources Overlay District (Chapter 17.60 JCMC)**

*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](#).*

*JCMC 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 Resources Overlay District 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 in this staff report.

***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 5 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 one–foot contour lines and the wetland delineations.

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

**Finding #8:** The applicant initially argued that the proposed development is exempt under JCMC 17.60.090.L.2. 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. 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 does not need to claim an exemption because it has followed the city’s regulations regarding to the wetlands on the subject property. The applicant will have to abide by permitting conditions imposed by DSL and/or the Army Corps of Engineers.

***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. The staff agrees 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. That said, however, the applicant must have a mitigation plan approved by the DSL and the U.S. Army Corps of Engineers. The applicant has pointed that it will not be building on 100 acres of Tax Lot 10900 but there is no proposed mitigation plan presented to the city or, to staff's knowledge, 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 3–5 of The Reserve At Junction City with the necessary information in order for staff to deem the application complete and make recommended findings for Planning Commission's consideration. The 19-copy requirement has been waived based upon the applicant's digital submittal. Therefore, this criterion is met.

### **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. In March, the City Engineer noted many concerns regarding compliance with various requirements of the City's Public Works Design Standards (PWDS). The applicant has since revised its preliminary plan and utility plans to address these concerns. The City Engineer and Public Works Director have reviewed this submission and have determined that the application now complies with all applicable provisions of the Public Works Design Standards or will be through the proposed conditions of approval.

One issue is that the applicant proposes local street widths of 50–feet; consistent with Phases 1 and 2 of The Reserve. While this is consistent with Table 16.05.050 of the City's subdivision regulations, which states that local streets should be between 40 and 60 feet in width, it is inconsistent with Section 2.11.A of the PWDS which states that residential streets must have a minimum right-of-way of 60'. Under Section 1.11 of the PWDS, the Public Works Director may approve a variance to the standard. The Public Works Director has granted a variance to this standard and approved the 50–foot wide street 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 revised preliminary plan (June 7, 2023) 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 City Engineer noted that the applicant must provide information regarding the peak instantaneous sewer flow during a 5-year storm event for the entire proposed development. The applicant has prepared a revised stormwater plan, dated June 6, 2023, that addressed this concern and other concerns. Again, the City Engineer has reviewed the submission and has annotated the preliminary plan with additional changes that must be made. The applicant has agreed to these changes.

The City Engineer also noted that the pump station at Oaklea was not currently sized to accommodate the complete buildout of the applicant's proposal but that the station was designed to accommodate another pump. As a condition of approval, if another pump is necessary to serve

the development then the applicant will have to participate in its financing. See Conditions of Approval #3 through #5.

**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 had comments regarding lateral alignments of the water main, hydrant spacing, water service lines to all legal lots of record, and streetlights. These issues were addressed in the applicant's revised submittals. (See, for instance, Wastewater and Water Plans C-3.1-C-3.5 and Hydrant Spacing Plan F-1.0)

The Public Works Director, the City Engineer and the applicant have conferred over the issue of the adequacy of the city's water supply to serve the development. The applicant has agreed to contribute its pro-rata share of the planned water supply and treatment facility.

**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. 15<sup>th</sup> 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 revised 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. All proposed lots are 6,000 square feet in size or larger.

**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, 2023, 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 has been scheduled before the Planning Commission at the August 16, 2023 meeting where approvals may be granted in accordance with this standard. Based on the findings and recommended conditions of approval stated within this report, and the Planning Commission requirements stated during the initial review, staff can recommend approval of the proposed Preliminary Subdivision as stated in the Draft Final Order.

**Condition of Approval #15:** 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.

#### **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 5, will take access from the following access points: Phase 3 will take access from W. 12<sup>th</sup> Avenue, W 14<sup>th</sup> Avenue, and Farmington Drive; Phase 4 will take access from West 14<sup>th</sup> Avenue, Lupine Loop, Kangaroo Drive, Jasmine Drive, and Impatiens Drive; Phase 5 will take access from Lupine Loop, Kangaroo Drive, Jasmine Drive, W. 11<sup>th</sup> Avenue, W 13<sup>th</sup> Avenue, and Impatiens Drive.

All streets and roads, associated with Phases 3 through 5, 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.

**Condition of Approval #12:** Prior to building permit issuance, the applicant shall provide Public Works with as-built plans of the completed streets. As-builts shall include all required right-of-way improvement, public infrastructure improvements outside the right-of-way, and shall meet Public Works Design Standards. All streets and roads associated with Phases 3 through 5, shown on the preliminary subdivision plan, will be dedicated to the City.

**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:**

*Table 16.05.050: Street Standards*

<i>Type of Street</i>	<i>Right-of-Way Width</i>	<i>Paving Width *</i>	<i>Sidewalk Width **</i>	<i>Bike Lane Width</i>
<i>Arterials</i>	<i>60' – 120' ****</i>	<i>36' – 52'</i>	<i>6.5'</i>	<i>6'</i>
<i>Major and Minor Collector Streets</i>	<i>50' – 80' ****</i>	<i>34' – 46'</i>	<i>5.5'</i>	<i>6' (if required)</i>
<i>Local Streets</i>	<i>40' – 60'</i>	<i>20' – 36'</i>	<i>5.5'</i>	<i>Not required</i>
<i>Other Local Streets</i>	<i>40' – 60'</i>	<i>20' – 36'</i>	<i>5.5'</i>	<i>Not required</i>
<i>Cul-de-Sacs</i>	<i>40' – 50'</i>	<i>28' – 36'</i>	<i>5.5'</i>	<i>Not required</i>
<i>Cul-de-Sacs Bulb</i>	<i>92' ***</i>	<i>70' ***</i>	<i>5.5'</i>	<i>Not required</i>

**Table 16.05.050: Street Standards**

<b>Type of Street</b>	<b>Right-of-Way Width</b>	<b>Paving Width *</b>	<b>Sidewalk Width **</b>	<b>Bike Lane Width</b>
<i>Hammerhead or “T” stubs</i>	<i>30’ “T” end</i>	<i>15’ – 20’</i>	<i>5.5’</i>	<i>Not required</i>

*\* Paving measured from inside of curb to inside of curb.*

*\*\* Includes six-inch curb width.*

*\*\*\* Measured by diameter of circle constituting circular end.*

*\*\*\*\* The planning commission may require a width within the limits shown based upon adjacent physical conditions, safety of the public, and the traffic needs of the community, and 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. The Public Works Director has granted a variance under Section 1.11 of the PWDS to this standard.

- 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 Grading and Drainage Plans. 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 noted that in the initial preliminary plan, the connection for W 14<sup>th</sup> Place and West 14<sup>th</sup> Avenue to Reserve Phase 2 did not meet the required 200' radius minimum horizontal curve per Section 1.14.b of the PWDS. The preliminary plan has been revised to address this issue.

It should be noted that the extension of W. 15<sup>th</sup> is not connected to its parent street and takes a jog south. In order to address connectivity, the applicant has created a pedestrian path between the extension of W. 15<sup>th</sup> Avenue and Hibiscus Drive. Staff has raised the question of whether the extension of W. 15<sup>th</sup> Avenue should actually be named W. 15<sup>th</sup> Place. This is because if the property to the north is brought into the urban growth boundary, it would make sense to extend W. 15<sup>th</sup> Avenue to serve that area.

**Condition of Approval #9:** Rename the extension of W. 15<sup>th</sup> Avenue to W. 15<sup>th</sup> Place.

- 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 topographical conditions as indicated in the application. See Grading and Drainage Plans. The intersections are designed at right angles so that no jog is dangerous to the traveling public. 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 13<sup>th</sup> Avenue, W 14<sup>th</sup> Place and W 15<sup>th</sup> 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 12<sup>th</sup> Avenue and one in Phase 4, at the east end of W 15<sup>th</sup> Avenue. The latter cul-de-sac serves eight lots and the Tract D 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 cul-de-sac at the end of W 15<sup>th</sup> Avenue has been redesigned to meet Oregon Fire Code access standards per OFC Appendix D103.4.

Section 17.10.030.B of the JCMC states that the minimum lot width on a cul-de-sac lot is 35 feet. The applicant's curve table, which is located on the preliminary subdivision plan, contains the curve distances for the cul-de-sacs. The curve table shows that in all cases the cul-de-sac lots have a minimum width of 35 feet except for those lots that have widths that border both the cul-de-sac and its access street.

- 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 15<sup>th</sup> 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 15<sup>th</sup> Avenue in Phase 4 is the best name for that street as if the property north of Phase 4 is brought into the urban growth boundary it would make sense to extend W. 15<sup>th</sup> Avenue to serve this property. 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. There are five street curves and all have a radius of over 100 feet. This standard has been met.

- 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 15<sup>th</sup> Avenue, W 14<sup>th</sup> Place, Gladiola Drive, W 12<sup>th</sup> Avenue, and Farmington Drive. W 11<sup>th</sup> 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 11<sup>th</sup> Place and W 10<sup>th</sup> Place are new streets. The only exceptions are W 15<sup>th</sup> Avenue, which jogs southward in Phase 4 and is not connected to the existing terminus of W 15<sup>th</sup> Avenue, and W 11<sup>th</sup> Avenue, which jogs south and is interrupted by a drainage way and Maple Springs Subdivision. As noted above, the terminuses of W 13<sup>th</sup> Avenue, W 14<sup>th</sup> Place and W 15<sup>th</sup> 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 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 15<sup>th</sup> Avenue, W 14<sup>th</sup> Place, and W 12<sup>th</sup> Avenue. Farmington Drive, which connects to W 10<sup>th</sup> Avenue, is being constructed to serve Phase 3 of the subdivision. As noted above, there two 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:** One 10' pedestrian way is proposed. It lies between lots 333 and 313 on the north and lots 332 and 314 on the south. There are no adjacent schools or parks that would require a dedicated pedestrian way.

- 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 existing drainage ditches are located.

**Condition of Approval #1:** All easements must be recorded on the face of the plan and the public utility easements dedicated to the City prior to final plat approval.

**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 average 60 feet or more. Therefore, staff find this criterion 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 in excess of an average of 80 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, staff find this criterion 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 area within Phases 3 through 5 be designated as a park or recreation area with this development. Therefore, staff find 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. Staff finds 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, staff finds this criterion 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 212–215), off of W 12<sup>th</sup> Avenue. Therefore, the Planning Commission will have to approve this configuration. See the discussion under 16.05.070 Modification of provisions, below.

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:** Staff find 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. Staff find this criterion 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:** Staff find that 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. Staff find this criterion 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, staff find 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 had initial concerns that the stormwater design did not meet City standards in that preliminary stormwater sizing calculations did not accurately represent existing conditions enough to show that the detention facilities can fit within the proposed locations. The stormwater report was subsequently updated to address these concerns.

#### **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. Staff find this criterion 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. Staff finds this criterion is conditionally approved and can feasibly be met by the applicant.

**Condition of Approval #8:** 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.

**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. Staff find this criterion conditionally met.

**Condition of Approval #2:** 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.

**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. Staff find this criterion conditionally met.

**Condition of Approval #11:** 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.

**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.

In the present case, the extension of W. 12<sup>th</sup> Avenue and the existing earlier phases of The Reserve located to the east, present a unique challenge. To access the property comprised by proposed lots 212–215, a cul-de-sac is required. Further, any lot that is located at the end of the cul-de-sac would have to be a butt lot because of layout constraints. Failure to allow the butt lots would deprive the applicant of four buildable lots and leave a conspicuous void in the northeast corner of Phase 3. Staff recommends approval of butt lots 212–215.

**Conclusion and Recommendation**

The applicant, City Engineer, Public Works Director and planning staff have worked together over the past few months to address mutual concerns regarding conformity with the Public Works Design Standards and issues regarding the City’s capacity to adequately serve the proposed development with sewer and water. Many of these concerns have been addressed through revisions to the preliminary plan and supporting documents. The remainder have been addressed through the conditions of approval. Most importantly, the conditions ensure that the applicant’s developer

will participate in the improvements of the municipal services necessary to serve the build-out needs of the proposed subdivision.

Because of the above, staff can recommend approval of Phase 3 –5 of The Reserve To Junction City.

**Recommended Conditions of Approval:**

**Condition of Approval #1:** All easements must be recorded on the face of the plan and the public utility easements dedicated to the City prior to final plat approval.

**Condition of Approval #2:** 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, including plans that establish finished floor elevations for all buildings associated with this development, in accordance with elevations established by the City of Junction City.

**Condition of Approval #3:** The Developer will contribute its pro-rata share of the planned water supply and treatment facility (600 gpm capacity of new well and treatment). The Developer's share shall be based on the developable lots in the final plat.

The City and Developer may enter into a development agreement that the Developer will construct well and treatment facility, to City Engineer specifications. In that event, the City will contribute, or secure funding from others to be served, for construction costs not attributable to Developer's demand.

**Condition of Approval #4:** In regard to an on-site reservoir, pump station and associated improvements, the Developer will dedicate a tract on-site that meets the City Engineer requirements. Developer's pro rata contribution shall be credited with the fair market value of the lots forgone to dedicate a tract on the site, if any.

Developer will contribute its pro-rata share of a new, planned on-site reservoir, pump station, and associated improvements. Developer's share shall be based on the developable lots in the final plat.

The City and Developer may enter into a development agreement that the Developer will construct well and treatment facility, to City Engineer specifications. In that event, the City will contribute, or secure funding from others to be served, for construction costs not attributable to Developer's demand.

**Condition of Approval #5:** Whether the Developer makes fee-in-lieu contributions for the above improvements (Conditions #3 and #4) or constructs the improvements itself under an agreement with the City, the Developer will be entitled to SDC credits for the following improvements: (a) water reservoir, water treatment facility, water well, and additional capacity improvements to the existing wastewater pump station and (b) any upsizing of the sanitary

facilities requested by the City and provided by the Developer, provided such reimbursements can be lawfully made by the City.

**Condition of Approval #6:** The Developer may make its contributions for the infrastructure improvements listed above on a phase-by-phase basis prior to recording the final plat.

**Condition of Approval #7:** No certificate of occupancy shall be issued until the project is completed in accordance with approval conditions, and Titles 16 and 17 of the JCMC.

**Condition of Approval #8:** 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.

**Condition of Approval #9:** Rename the extension of W. 15<sup>th</sup> Avenue to W. 15<sup>th</sup> Place.

**Condition of Approval #10:** 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.

**Condition of Approval #11:** Prior to final project approval, all accesses to utilities are to be brought to finish grade so that lids and risers are at finished grade.

**Condition of Approval #12:** Prior to building permit issuance, the applicant shall provide Public Works with as-built plans of the completed streets. As-builts shall include all required right-of-way improvement, public infrastructure improvements outside the right-of-way, and shall meet Public Works Design Standards. All streets and roads associated with Phases 3 through 5, shown on the preliminary subdivision plan, will be dedicated to the City.

**Condition of Approval #13:** Prior to final plat approval the applicant shall hold a pre-construction meeting with Public Works staff and the City Engineer. Prior to the pre-construction meeting the applicant shall provide construction drawings that comply with the Public Works Design Standards for the current phase of the project and gain approval from Public Works and the City Engineer.

**Condition of Approval #14:** Prior to beginning construction within the existing City right-of-way, the applicant will obtain a Public Works Access permit for all right-of-way improvements to existing roads, and those improvements shall pass Public Works inspections.

**Condition of Approval #15:** Preliminary plan approval is subject to the provisions of Section 16.05.040.D.2 of the JCMC and is valid for two years. Approval of the preliminary plan may be extended for an additional two years.

**Condition of Approval #16:** Final plat approval is subject to the requirements of 16.05.040.E&F of the JCMC.

*For more information on the Planning Department conditions above, contact Tere Andrews, Planning Technician at 541-998-3125, or by email at: [tandrews@ci.junction-city.or.us](mailto:tandrews@ci.junction-city.or.us)*

**Informational Items:**

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 3–5 of the subdivision.

Attachments

- A. City Engineer’s Comments
- B. Comments Received