

CITY OF MADRAS
Request for Planning Commission Action

Date Submitted: November 30, 2011
Agenda Date Requested: December 7, 2011
To: Madras Planning Commission
From: Nick Snead, Community Development Director
Subject: **Park Place Subdivision Proposal (File # SD-11-1).**

TYPE OF ACTION REQUESTED: (Check One)

Formal Action/Motion **No Action - Report Only**
 Other

OVERVIEW:

Joel Gisler (applicant and property owner) has requested approval from the Madras Planning Commission for a single-phase 42-lot residential subdivision. As required by Article 9 of the City of Madras Zoning Ordinance (No. 723) the Planning Commission is required to hold a public hearing and determine whether the proposed subdivision satisfies the applicable approval criteria for subdivision approval. The Community Development Director has prepared a Recommended Planning Commission Findings and Decision (attached) for the Planning Commission to base its decision for the proposed residential subdivision.

DISCUSSION:

Property Information & History

The subject properties are zoned Planned Residential Community (R-3) on the City of Madras Urban Area Comprehensive Plan and Zone Map. So too are the surrounding properties, except for the property directly south of the subject properties which is zone Neighborhood Commercial (NC). The subject properties are located west of Culver Highway (Hwy 361) and Jackson Street, east of SW Cedar Hill Street and north of Belmont Lane. The subject properties are identified as Tax Lots 300 and 400 on Jefferson County Tax Assessor's Map #11-13-11CA and total 9.01 acres.

Previously, the subject properties previously received subdivision approval from the City of Madras in 1996 for a three phase 74-lot subdivision (File # 96-SD-01). Later in 1999 the subdivision was re-approved by the Planning Commission as the 1996 decision had expired (File # 99-SD-01). Subsequently the first of the three phases of development was platted. In 2007, the approval for

the second and third phases had expired and the Planning Commission approved a Modification of Condition for condition of approval #2 (File # M-07-5) which re-approved the second and third phases. Then in 2009, the applicant sought an Extension approval from the City to extend the approval for the second and third phases. The City denied the request which was subsequently appealed (File # AP-09-1). The appellant withdrew the appeal as the City and the appellant settled the appeal by committing to approving the second and third phases of the subdivision where: 1) the two phases would consolidated into one single phase of development; 2) the conditions previously imposed by the City would be imposed again and no more conditions would be imposed on the development proposal. As such, this provides quick overview of the history of land use actions for these properties shall inform the Planning Commission about the current subdivision proposal (File # SD-11-1).

Development Proposal

The applicant has proposed a single phase 42 lot subdivision. Only one lot in the subdivision is proposed for a non-residential use. The lot on the southeast corner of "H" and Cassidy Lane is proposed to be a stormwater drainage area. The subdivision will be located directly east of the first phase of the Park Place subdivision and proposes to extend the existing "H", Juniper Hill Street, and Fritz Streets east into the proposed subdivision where they will connect to Cassidy Lane.

Compliance with Approval Criteria

The subdivision proposal satisfies all of the approval criteria. Where there isn't compliance, there are conditions of approval imposed to ensure compliance. It is important to note that many of the conditions of approval are related to specific development standards that need to be satisfied when the subdivision is platted and or when homes are constructed on lots within the subdivision. In terms of the proposals compliance with the lot standards, lots 67, 68, and 69 do not meet the lot width requirement for lots that front a cul-de-sac in the R-3 which requires each lot to have at least 40 feet of frontage (Section 3.4, Zoning Ordinance). The Recommended Findings and Decision reflects this and proposes imposing a condition of approval requiring the tentative plan to be revised in a manner where each of these lots will have 40 feet of frontage.

Wastewater

The 42 lot subdivision will connect to the 8 inch wastewater line in "H" Street on the eastside of Culver Highway. The City Engineer on July 23, 2008 monitored the sewer flow and capacity on the Culver Highway wastewater line (See attached report) and determined that:

1. The 8-inch sewer along Culver Highway between 1st and Madison Streets (MH B-3 to MH B-4) is reaching its maximum capacity; and
2. The 8-inch sewer along Marshal Street between Culver Highway and "G" Streets (MH B-7 to MH B-8) is surcharging and has clogging problems.

Accordingly, the City Engineer has recommended that the applicant construct wastewater improvements as specified on page 4 of 7 in the July 23, 2008 Memorandum from the City Engineer. The Recommended Planning Commission Findings and Decision includes the specified wastewater improvements as conditions of final plat approval. If the specified improvements are made, the proposed development will have adequate wastewater service.

Parks and Trails

The City of Madras Parks and Open Space Master Plan identifies the need for a trail to traverse "M" hill ("M" for Madras) located north of the subject properties. The City of Madras has received funding to construct the planned trail improvements over the "M" hill and south in the Jackson Street right-of-way east of the subject properties. Previous land use decisions required the applicant to construct a trail in the Jackson Street right-of-way south to "H" Street. Now that the City has received funding for this improvement, the applicant is no longer required to construct this improvement. The applicant will be required to improve the frontage of the properties south of the "H" Street and Culver Highway intersection with a 6 foot wide concrete sidewalk.

Section 5.11 of the City of Madras Subdivision Ordinance requires property owners subdividing their land to dedicate 8% of the gross area of the property being subdivided to the City for public park use unless certain criteria are met which then allows property owners to pay fees to the City in lieu of dedicating property to the City for park improvements. The Public Works Director has determined that additional park land is not necessary as there is: 1) a trail being extended adjacent to the subject properties; and 2) the Madras Bike and Skate Park is located within ¼ mile of the subject properties. These two facts satisfy criteria for requiring the applicant to pay park improvement fees in lieu of dedicating property to the City.

SUMMARY:

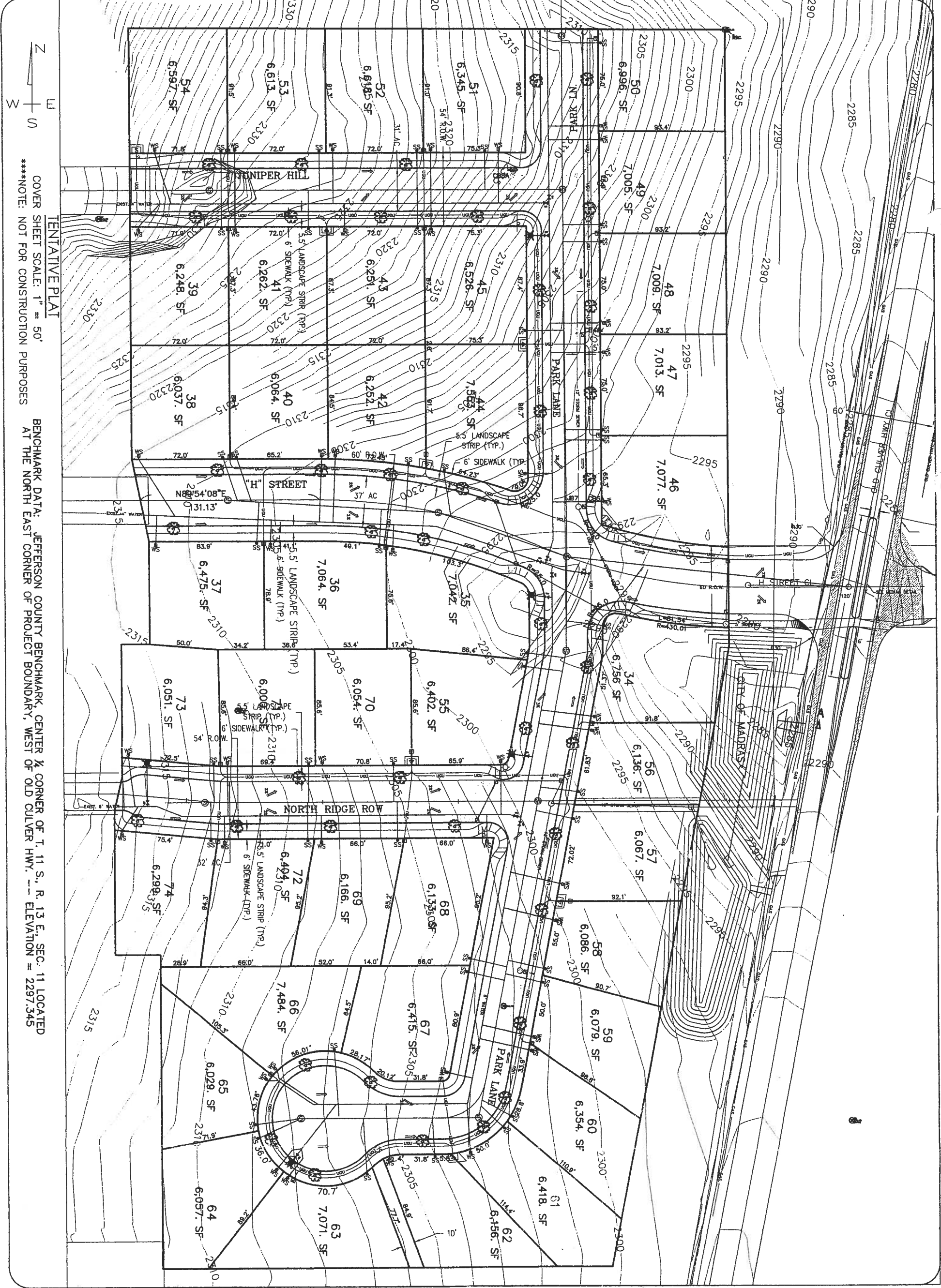
Based on the applicant's ability to comply with the conditions of approval specified in the Recommended Planning Commission Findings and Decision, the proposed subdivision will satisfy the applicable approval criteria. The conditions of approval ensure there is adequate provision for sewer, water, transportation, and parks.

SUPPORTING DOCUMENTATION:

1. Tentative Subdivision Plan
2. Assessor's Map 11-13-11CA
2. Culver Highway Sewer Flow Monitoring and Capacity Evaluation, July 23, 2008
3. Recommended Planning Commission Findings and Decision

STAFF RECOMMENDATION:

The Planning Commission approves File # SD-11-1 (Park Place subdivision) based on the Recommended Planning Commission Findings and Decision.

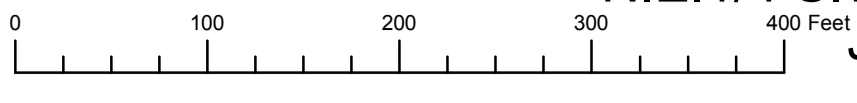


COVER SHEET SCALE: 1" = 50'
 ****NOTE: NOT FOR CONSTRUCTION PURPOSES

BENCHMARK DATA: JEFFERSON COUNTY BENCHMARK, CENTER 1/4 CORNER OF T. 11 S., R. 13 E., SEC. 11 LOCATED AT THE NORTH EAST CORNER OF PROJECT BOUNDARY, WEST 1/4 OF OLD CULVER HWY. ELEVATION = 2297.345

TENTATIVE PLAT

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



N.E.1/4 S.W.1/4 SEC.11 T.11S. R.13E. W.M.
JEFFERSON COUNTY
1" = 100'

11.13.11CA

CANCELLED:

701

SEE MAP 11 13 11

100
16.03 AC

SEE MAP 11 13 11

SEE MAP 11 13 11

10

SEE SURVEY BY:
D.J. BRANTON 1964

700
0.62 AC
P.P.
PAR. 2
02-01
800
0.12 AC
PAR. 1

CS# 10-005
N89-55-30W
600
0.57 AC
S89-50W
S00-04-30W
N00-04-30E

202 0.18 AC
201 0.16 AC
200 0.15 AC
300 4.68 AC
203 0.15 AC
32
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204 0.15 AC
31
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206 0.14 AC
28
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207 0.15 AC
29
27
S.W. "H"
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209 0.14 AC
24
210 0.14 AC
400 4.33 AC
21
211 0.15 AC
212 0.15 AC
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227 0.14 AC
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231 0.14 AC
228 0.15 AC
229 0.15 AC
5
3
232 0.15 AC
1
2
S.W. CEDAR HILL
SUBDIVISION
SEE HUFFMAN SURVEY #20010521
SW

TRACT C

SEE SURVEY
CS#06-005

TRACT B

TRACT A

500
3.10 AC

20' STORM DRAINAGE
EASEMENT TO CITY OF MADRAS

30' EASEMENT TO CITY OF MADRAS

ROAD
DEDICATION

JACKSON

S.W.

HIGHWAY

S.W. CULVER

NO. 97

(OLD U.S.)

1/16
COR.

S.W.

BELMONT

LANE

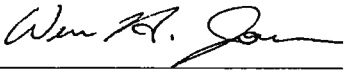
1/16
COR.

SEE MAP 11 13 11 CD



Consultants, Inc.

Memorandum

Date: July 23, 2008
To: Gus Burrell, P.E. City of Madras Director of Public Works
From: Wen H. Jou, P.E. City Engineer of Record for City of Madras

CC: Keith Bedell
Project: Culver Hwy Sewer Flow Monitoring and Capacity Evaluation

This memorandum summarizes the Culver Hwy sewer flow monitoring results and capacity evaluation.

Flow Monitoring

The City Public Works staff performed flow monitoring of 8-inch sewers at the following locations (See the location map on next page.)

1. MH B-3 at the intersection of 1st and Culver Hwy, in the upstream 8-inch sewer (MH B-3 to MH B-4) along Culver Hwy.
2. MH B-7 on Marshall Street south of Culver Hwy, in the upstream sewer (MH B-7 to MH B-8) along Marshall Street.

MH B-7 Marshall Street South of Culver Hwy

The City has experienced sewer clogging in this section of sewer. Therefore this location was monitored to identify potential problems or bottleneck. Flow monitoring results recorded during May 2008 indicated that there were periods of surcharging (water level in the manhole rising above the top of sewers) in the 8-inch sewer across Culver Hwy and to the south of Hwy (See Fig 1.)

MH B-3 Culver Hwy, SW of 1st Street

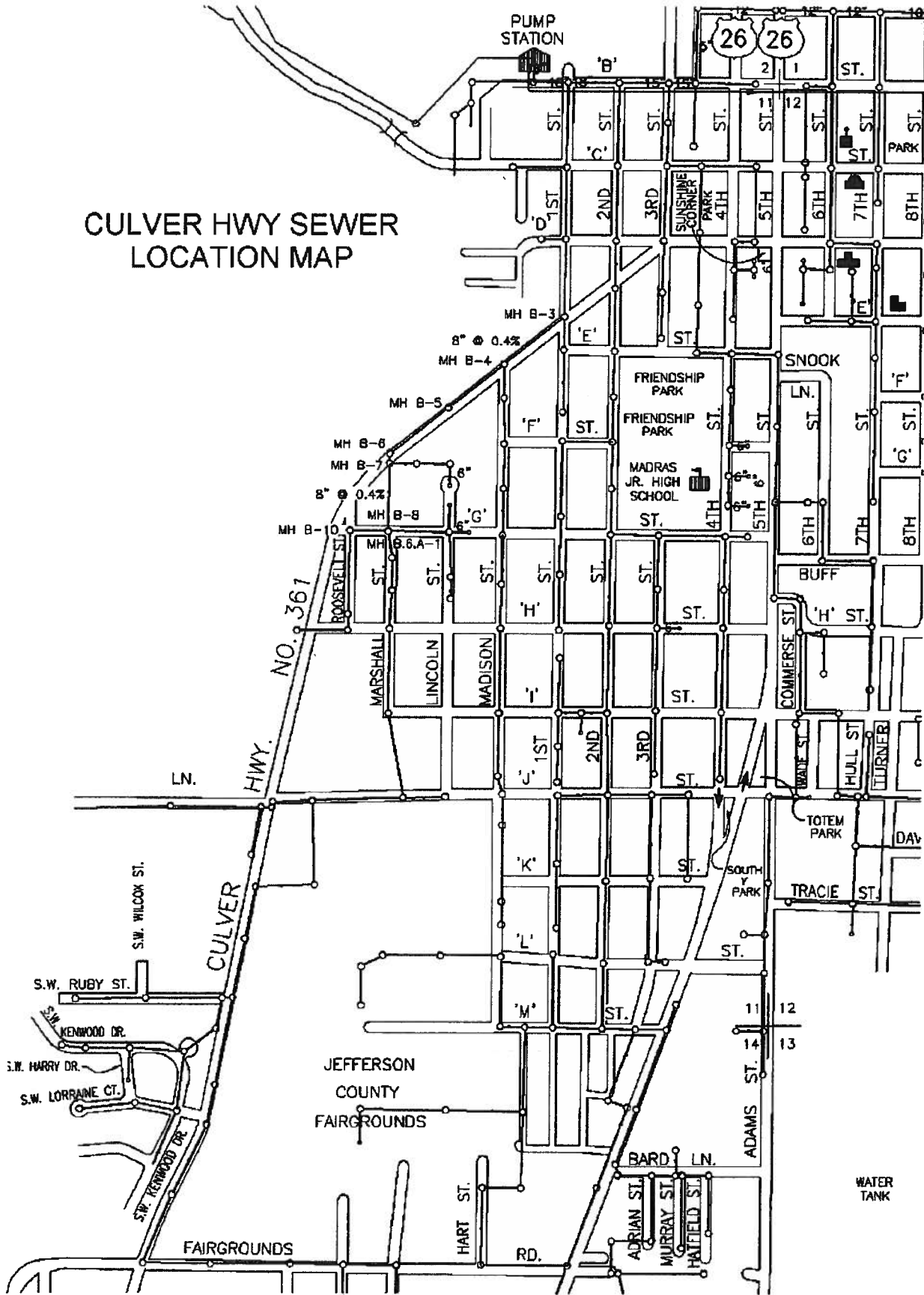
The flow meter sensor was placed in the 8-inch Culver Hwy sewer (MH B-3 to MH B-4) southwest of 1st Street. This would monitor the flow from the tributary area including part of 1st Street south of Culver Hwy, Madison Street, Lincoln Street, Marshall Street and all upstream tributary areas to south of Fairgrounds Road, and Roosevelt Street. The depths of flow recorded during June 17 and June 21 are presented in Fig. 2 and Fig 3.

The results indicated that the 8-inch sewer was running full during early morning hours and was experiencing some surcharge. On July 18, 2008, Greg Whittenburg from the City Public Works observed the flow conditions during the hours of 3 am to 5 am and reported as follows:

“I was assigned to observe the flow increase recorded at the intersection of 1st Street and the Culver Highway, during the hours of 0300 and 0500. In my observations I did notice that the pipe was carrying a considerable amount of water, (perhaps 2/3 full) and intermittently a surge of nearly full capacity. This time frame, (0300-0500) does coincide with the period when many mill workers are returning to their homes at the end of their workday.”

This confirms that the meter was recording correctly.

CULVER HWY SEWER LOCATION MAP



Based on the existing sewer grade being 0.4% (to be field verified) and Manning's roughness coefficient of 0.015 (old sewer), the maximum flow when running 90% full (or 7.2 inches deep) is 318 gpm using the following formula. Based on the monitoring results, this is considered as the peak flow from the tributary area under the existing condition.

Manning's Equation:

$$Q = VA = \left(\frac{1.49}{n} \right) AR^{\frac{2}{3}} \sqrt{S}$$

Where:

- Q = Flow Rate, (ft³/s)
- A = Flow Area, (ft²)
- R = Hydraulic Radius, (ft)
- V = Velocity, (ft/s)
- n = Manning's Roughness Coefficient
- S = Channel or Pipe Slope, (ft/ft)

Pipe D in	Manning's n	Depth Ratio d/D d=7.2"	Flow Area sq ft	Hyd R ft	Pipe Slope ft/ft	Max Q gpm
8	0.015	0.9	0.331	0.20	0.4%	318

Culver Hwy Sewer Capacity Evaluation

The monitoring results clearly identified the following problem areas.

1. 8-inch sewer along Culver Hwy between 1st Street and Madison Street (MH B-3 to MH B-4) – Reaching its maximum capacity.
2. 8-inch sewer along Marshall Street between Culver Hwy and G Street (MH B-7 to MH B-8) – Sewer surcharging and clogging problems

Park Place II/III Subdivision (40 EDUs) and J Street Subdivision (20 EDUs)

The existing sewer between MH B-3 to MH B-4 does not have extra capacity to accommodate flows from these proposed developments as discussed above. In addition, the existing 8-inch Marshall Street sewer cannot be used for serving these developments because of its surcharging and clogging problems.

We also evaluated the capacity of the existing 8-inch Culver Hwy sewer (MH B-4 to MH-5) southwest of Madison Street because of its relatively flat grade. This section of sewer, with a design grade of 0.6% (to be field verified), would have a maximum calculated capacity of 389 gpm. Based on the existing peak flow of 318 gpm in the Culver Hwy sewer, an additional peak flow of 71 gpm could be added. With an average flow of 240 gpd per EDU (from 2006 Wastewater Master Plan) and a peaking factor of 3.1 (from analysis of flow monitoring records), it would accommodate peak flows from 138 EDUs. This extra capacity would be reduced by the number of in-fills for the existing service areas, which can be accounted for in the field by the City. But it appears that this section of sewer has the capacity to serve these two subdivisions.

Other Developments

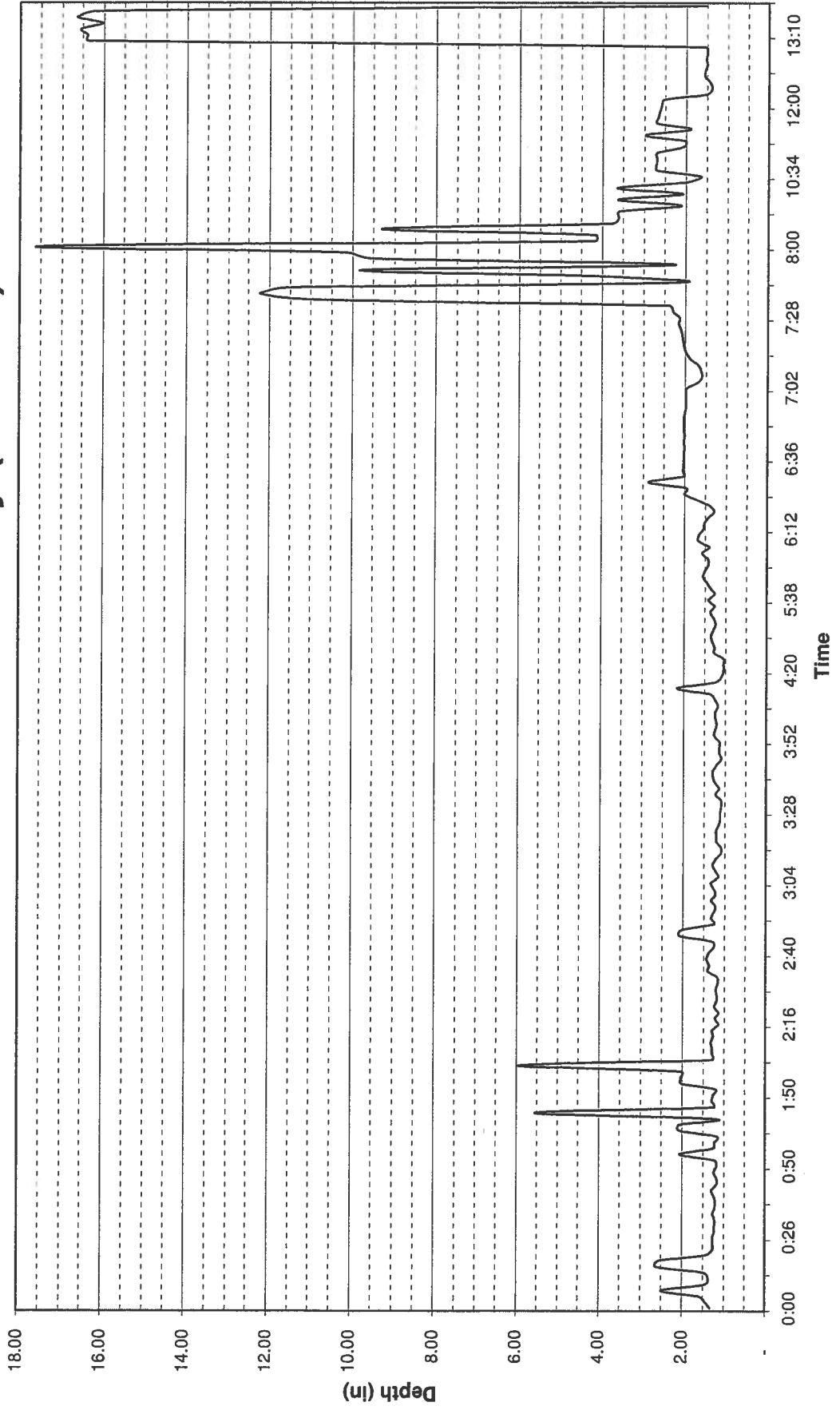
Based on the monitoring results, the existing 8-inch Marshall Street Sewer is experience surcharging conditions. To serve future developments a new sewer (minimum 10-inch per 1996 Wastewater Master Plan, but the City may decide to increase its size on a cost sharing basis) along Culver Hwy will have to be constructed. The exact routing should be evaluated based on detailed surveys during design. This new sewer can be constructed in various phases to accommodate future developments.

Recommendations

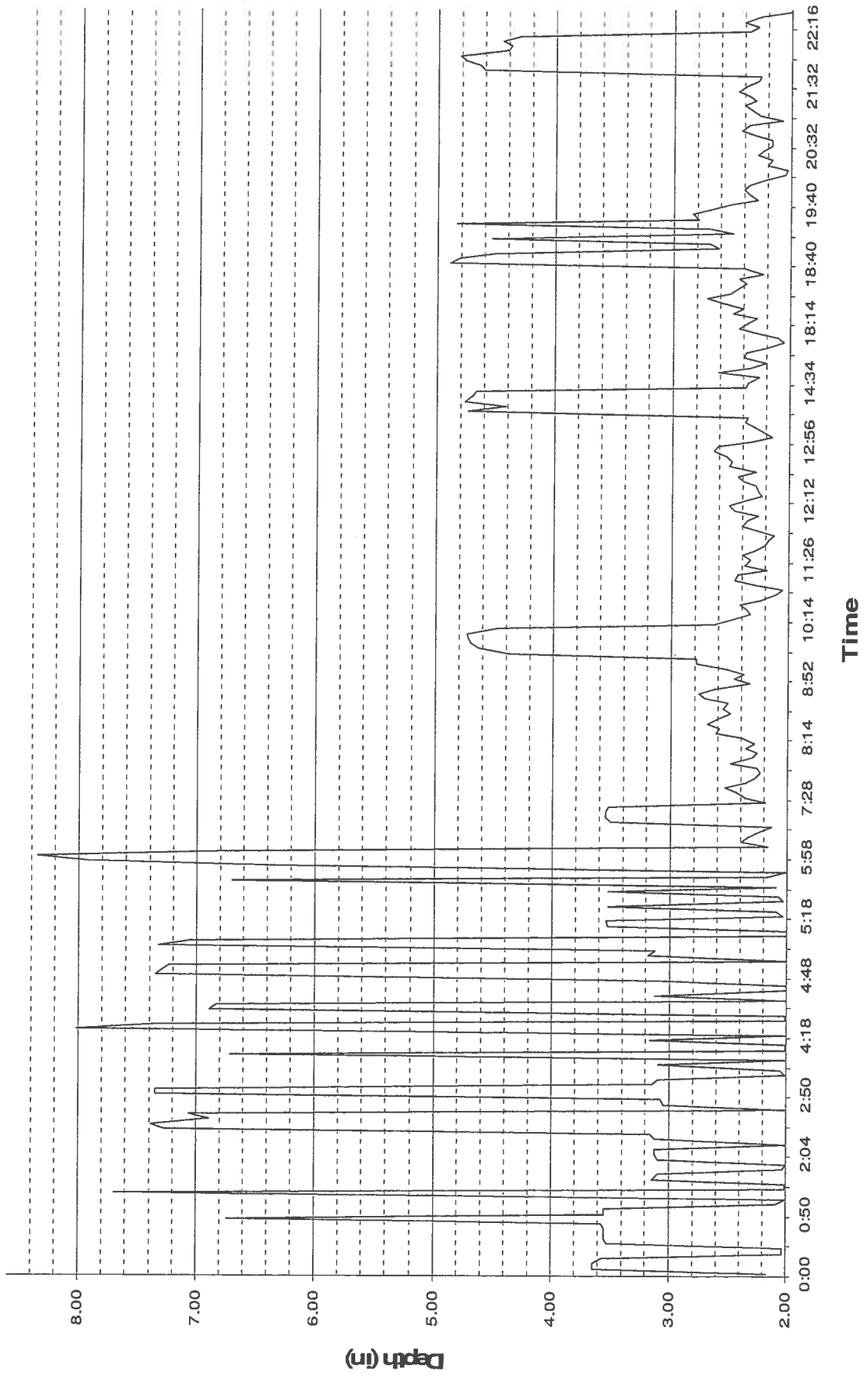
As the City Engineer for City of Madras, I recommend the following.

1. Verify existing sewer grades, especially for the ones with flat grades, i.e. 1st Street sewer (0.6%) between D Street; Culver Hwy and Culver Hwy Sewer (0.4% and 0.6%) between 1st and MH southwest of Madison Street; and Marshall Street Sewer from Culver Hwy south.
2. For serving Park Place II/III and J Street Subdivisions, construct a parallel relief sewer along Culver Hwy between 1st Street and Madison Street (MH B-3 to MH B-4, approximately 420 feet), sized for the proposed developments (minimum 10-inch per 1996 Wastewater Master Plan, but the City may decide to increase its size for future developments on a cost sharing basis.) If developers wish to connect to the existing 8-inch H Street sewer, extend the existing Roosevelt sewer to the north from MH B-10, then along Culver Hwy tying to the existing MH B-6 as grade allows. Upsize the sewer along Culver Hwy to 10-inch or larger per 1996 Wastewater Master Plan and as determined by the City.
3. For other developments, construct the remainder of a parallel sewer along Culver Hwy to B Street Pump Station in phases as necessary to serve them.

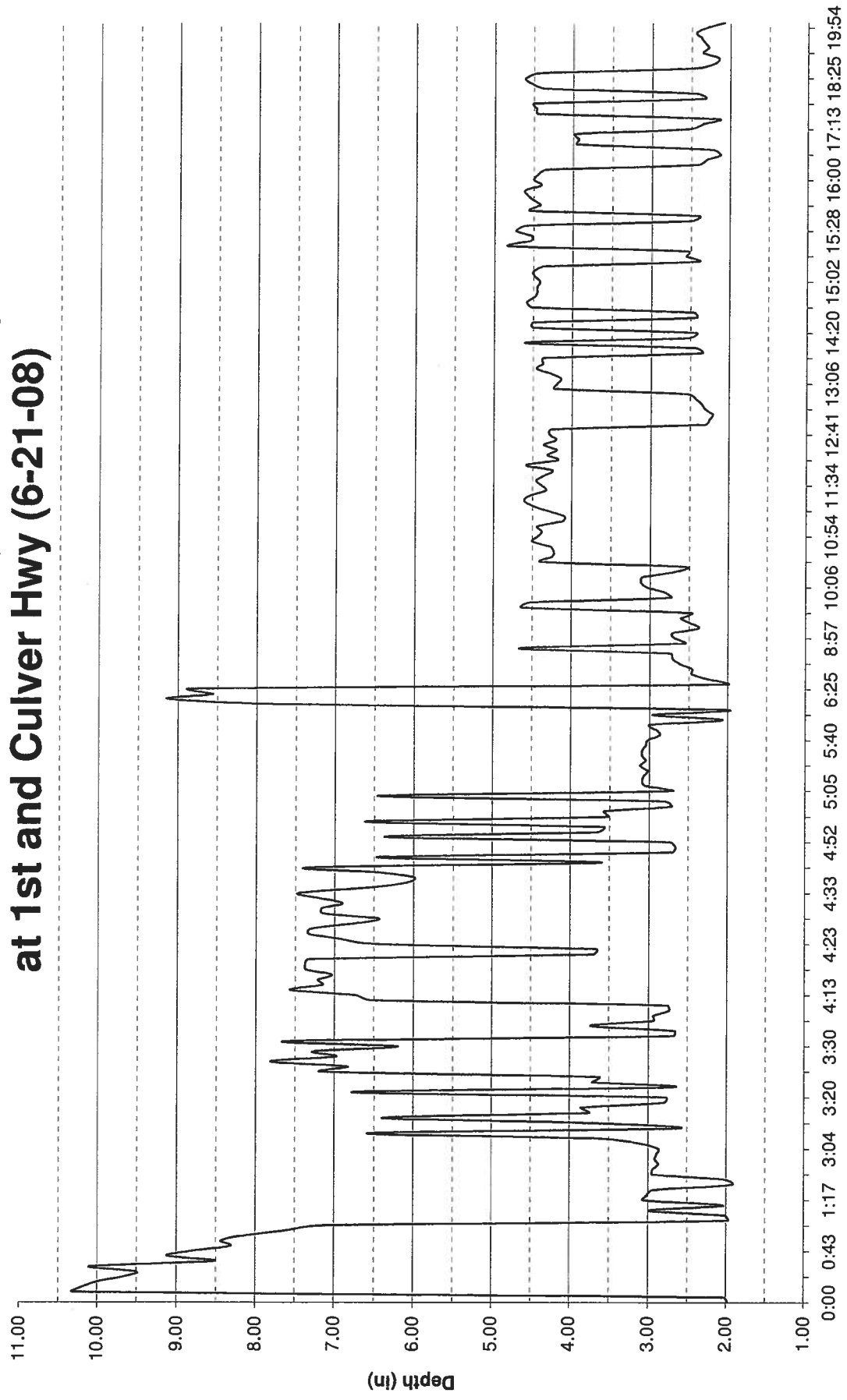
**Fig. 1 - Sewer Flow Depth (MH B-7)
at Marshall and Culver Hwy (5-20-08)**



**Fig. 2 - Sewer Flow Depth (MH B-3)
at 1st & Culver Hwy (6/17/08)**



**Fig. 3 - Sewer Flow Depth (MH B-3)
at 1st and Culver Hwy (6-21-08)**



Time

**CITY OF MADRAS
PLANNING COMMISSION**

RECOMMENDED FINDINGS AND DECISION

FILE: SD-11-1

APPLICATION DATE: November 2, 2011

PLANNING COMMISSION HEARING DATE: December 7, 2011

120-DAY STATUS: Day 35 day of the 120 approval period. The applicant submitted their subdivision application on November 2, 2011. On November 2, 2011, the application was deemed complete. On November 2, 2011, the 120 approval period started.

REQUEST: Tentative subdivision plan approval for a single phase, 42 lot subdivisions located in the Planned Residential Development (R-3) zoning district. The subject properties total 9.01 acres.

APPLICANT/OWNER: Joel Gisler
1470 NE 1st Street
Bend, OR, 97701

LOCATION: The subject properties are located west of Culver Highway (Hwy 361) and Jackson Street, east of SW Cedar Hill Street and north of Belmont Lane. The subject properties are identified as Tax Lots 300 and 400 on Jefferson County Tax Assessor's Map #11-13-11CA.

APPLICABLE STANDARDS AND CRITERIA:

Note: The City of Madras when issuing a Findings and Decision for a development attempts to list all applicable City ordinances and requirements. However, should the City inadvertently not specify a particular ordinance, policy or standard, that oversight does not relieve the applicant from meeting the requirements from that ordinance, policy or standard, or remove the City's obligation and authority to enforce that ordinance, policy or standard.

1. **Chapter 1 Government and Administration, Definitions, Right of Entry, Power to Charge Fees and Rates by Resolution.**
2. **Chapter 2, Public Improvements, Sidewalks, Management of Right of Ways, System Development Charges authority**
3. **Chapter 5, Vehicles and Traffic, Section 11, Crossing Private Property.**
4. **Chapter 8-12 of the Madras Development Code, Zoning.**
 - a. **Article 3, Land Use Zones**
 - Section 8-12.3.4 – Planned Residential Development (R-3)
 - Section 8-12.4.2 - Access
 - Section 8-12.4.3 - Fences
 - Section 8-12.4.11 - Vision Clearance
5. **City of Madras Subdivision and Partition Standards**
 - Section 8-11.3.5 – Master Development Plan
 - Section 8-11.3.10 - Required Findings for Approval
 - Section 8-11.4.1 - Submission of Final Plat
 - Section 8-11.4.2 - Submission of Final Plats for Phased Development
 - Section 8-11.4.4 – Requirements of Survey and Plat of Subdivision
 - Section 8-11.4.9 - Improvement Agreement
 - Section 8 -11.5.2 - Streets
 - Section 8-11.5.3 - Blocks
 - Section 8-11.5.4 – Lots, Size and Shape
 - Section 8-11.5.5 – Lots, General Requirements
 - Section 8-11.5.6 - General Provisions
 - Section 8-11.5.8 – Special Setbacks
 - Section 8-11.5.9 – Improvement Procedures
 - Section 8-11.5.10 – Acceptance of Improvements
 - Section 8-11.5.11 – Public Park Dedication/Park Fund
6. **City of Madras Comprehensive Plan.**
7. **City of Madras Street Design Standards, Ordinance #715, as amended.**
8. **City of Madras Transportation Systems Plan, August 25, 1998 (adopted by Ordinance #668) and as Amended May 27, 2003 (adopted by Ordinance #707).**
9. **City of Madras Transportation Refinement Plans and Amendments, December 12, 2006 (adopted by Ordinance 785).**
10. **City of Madras Wastewater System Plan Master Plan, amended November 15, 1996.**
11. **Stormwater Master Plan, April 2005.**
12. **City of Madras Water Master Plan, 1980 as amended.**
13. **City Resolution 13-2011, City Fee Rate and Schedule as amended.**
14. **ITE Trip Generation Manual, Handbook and User's Guide, 8th Edition.**
15. **Transportation System Development Charge Final Report, July 24, 2007, as adopted by the City Council.**
16. **Jefferson County Road Functional Classification Table 3.2.**

EXHIBITS:

The following exhibits make up the record in this matter:

1. Application and all other materials submitted by the applicant on November 2, 2011 and there after.
2. Notification to adjacent property owners within 250 feet of the subject properties dated November 8, 2011.
3. Madras Pioneer Newspaper Public Hearing Notice published in the November 16th Madras Pioneer.
4. Comments from the City of Madras Public Works Director dated November 23, 2011.
5. Culver Hwy Sewer Flow Monitoring and Capacity Evaluation Memorandum from Wen Jou, City Engineer, dated July 23, 2008.
6. Comments from Jefferson County Fire District #1, Fire Marshal Tom Jaca, dated November 15, 2011.

FINDINGS OF FACT:

Location:

The subject properties are located west of Culver Highway (Hwy 361), east of SW Cedar Hill Street and north of Belmont Lane. The subject properties are identified as Tax Lots 300 and 400 on Jefferson County Tax Assessor's Map #11-13-11CA.

Site Description:

The subject properties are total 9.01 acres. The subject properties are located west of Culver Highway and Jackson Street, east of SW Cedar Hill Drive and north of Belmont Lane. The properties are sloped from the northwest to the southeast where the southern half of the property have a gentle slope while the northern half is significantly sloped. There are no improvements such roads or buildings on the subject properties. The northern portion of the property is vegetated with Juniper trees and native shrubs and grasses while the southern portion of the property

Surrounding Land Uses and Zoning.

North of the subject properties is Tax Lot 105 on Jefferson County Assessor's Map # 11-13-11. This property is zoned R-3 and is not developed. East of the subject properties is Jackson Street and Culver Highway. South of the subject properties is Tax Lot 500 on Jefferson County Assessor's Map # 11-13-11CA and zone Neighborhood Commercial (NC) and is currently not developed . West of the subject properties is the Park Place Phase I residential subdivision which is zoned R-3, platted, and fully developed.

Proposal:

The applicant has requested tentative subdivision plan approval for a single phase, 42 lot subdivisions located in the Planned Residential Development (R-3) zoning district. The subject properties total 9.01 acres.

Agency Responses:

The Community Development Department received responses from the following agencies. Agency comments are addressed under the applicable approval criteria in Conclusionary Findings section below.

Jefferson Count Building Official:

No comment at this time.

Jefferson County Engineer:

There is a name conflict with the proposed Park Lane as there is another Park Lane in Jefferson County. The road name shall be renamed as approved by the Jefferson County Engineer, Rich Black, prior to final plat.

Bureau of Reclamation:

No comment.

North Unit Irrigation District (NUID):

There are no water rights or facilities in the area. No comment.

Police:

No comments received from the Police Department

Pacific Power and Light:

Customer to make requests for electrical services at 1-888-221-7070.

US Post Office (Madras):

The developer/owner must contact the US Postal Service about the placement of cluster mailboxes.

Public Works:

Comments located in the file.

Oregon Department of Transportation: The approach is not permitted. As shown on the site plan, the design of the approach is not detailed enough. ODOT needs to review a more detailed drawing of the approach and pedestrian island in order to assess mobility impacts and mitigation. The applicant should work with ODOT District 10 on an approved design and permitting of the approach.

Jefferson County Fire District #1:

The Fire District reserves the right to provide additional comments as the project develops.

City of Madras Code, Chapter 8, Article 3: Land Use Zones, Section 8-12.3.4, Planned Residential Development (R-3):

- A. PURPOSE:** The intent of the R-3 Zone is to recognize and enhance areas of scenic quality and view amenities.
- 1. Allow for flexibility in project design while providing for essential development standards;**
 - 2. Encourage development, which is sensitive to the natural topography of the site, minimizes alterations to the land, and maintains and enhances significant natural resources;**
 - 3. Provide for projects, which are compatible with surrounding developments;**
 - 4. Ensure that the project's circulation system is designed to be efficient and well integrated with the overall city circulation system and not dominate the project.**

FINDING: The Planning Commission finds that the applicant has satisfied all applicable criteria for as stated herein based on materials submitted by the applicant or the applicant's ability to satisfy the conditions of approval imposed in this land use decision. Considering this, the Planning Commission finds the applicant thereby has satisfied the purpose of the R-3 zone as stated above.

- B. PERMITTED USES:** The following uses are permitted outright in the Planned Residential (R-3) Zone:
- 1. Single family dwelling (does not include manufactured dwellings or mobile homes) shall have at a minimum a 1-car garage, which shall be attached to the dwelling and is architecturally integrated with and has an exterior similar to the dwelling.**

FINDING: The Planning Commission finds the land use proposal does not specifically permit the construction of any of the uses identified in Section 3.4(B) of the City of Madras Zoning Ordinance and the applicant has not proposed any such construction. The Planning Commission finds that any construction on the lots within the proposed residential subdivision shall be comply with the provisions of Section 3.4(B). With this understanding, the Planning Commission finds the above stated criterion to be satisfied.

- D. LOT SIZE: The minimum lot size in the R-3 Zone shall be a minimum of 6,000 square feet.**
- 1. Each lot shall have a minimum street frontage of 50 feet except for lots fronting on a cul-de-sac turn around upon which said frontage may be reduced to 40 feet. This frontage shall be measured at the front yard.**

FINDING: The Planning Commission finds the tentative plan submitted by the applicant shows each lot is equal to or greater than 6,000 square feet in area. The Planning Commission finds that lots 67 through 69 front the proposed cul-de-sac and the frontage length on the tentative plan submitted by the applicant is illegible. Therefore, the Planning Commission finds that the applicant shall submit a revised tentative plan that clearly identifies the frontage length for lots 66 through 71. Moreover, if said lots do not have at least 40 feet of frontage, the applicant shall submit a revised tentative plan to the Community Development Department for review and approval prior to final plat that shows that lots 66 through 71 have at least 40 feet of frontage. The Planning Commission finds that these two requirements shall be imposed as conditions of tentative subdivision plan approval. Considering the applicant's ability to comply with the imposed conditions of approval, the Planning Commission finds the above stated criteria to be satisfied.

CONDITION OF APPROVAL: Prior to final plat, the applicant shall submit a revised tentative plan that clearly identifies the frontage length of lots 66 through 71 to the Community Development Department for review and approval. If lots 66 through 69 do not have at least 40 feet of frontage, the applicant shall submit a revised tentative plan to the Community Development Department for review and approval prior to final plat that shows that lots 66 through 69 have at least 40 feet of frontage (i.e. reconfigure lots).

- E. SETBACK REQUIREMENTS. The minimum setback requirements for structures from property lines shall be as follows:**
- 1. Front Setback. The minimum depth of a proposed structure from the front setback shall be twelve (12') feet from the property boundary line; or existing public easement, if abutting the front property line.**
 - 2. Side and Rear Setbacks. The minimum side and rear setbacks for any proposed structure shall be five feet (5') from the property line.**
 - 3. Corner Setback for a lot with more than one (1) property line abutting a street - proposed structure(s) shall be twelve feet (12') from the property lines.**

- F. **HEIGHT OF BUILDING:** No primary or accessory building shall exceed a height of thirty-five feet (35') when measured from the ground to the peak of the roof.
- G. **OFF-STREET PARKING AND LOADING:** Off-street parking and loading within the R-3 Zone shall be provided in accordance with the provisions of Article IV (8-12.4.4, Supplementary Provisions).

FINDING: As previously discussed and determined, the applicant has not proposed to construct any structures with this land use proposal nor does it explicitly permit any structure to be constructed. The Planning Commission finds that subsequent to this land use proceeding, the applicant and or property owner(s) shall obtain building permits from the Jefferson County Building Official prior to construction. At such time, the City of Madras and Jefferson County Building Department will ensure compliance with the criteria stated above. As such, the Planning Commission finds the above stated criterion to be satisfied.

- I. **LIGHTING:** The purpose of these standards is to allow reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; curtail and reverse any degradation of the nighttime visual environment and the night sky; minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy and resources to the greatest extent possible; and help protect the natural environment from the damaging effects of night lighting.
 - 1. Structural exterior lighting shall not project directly into an abutting lot.
 - 2. Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.
 - 3. Not be able to see source of light, or light reflective or amplifying device from outside property line.
 - 4. No structure has blinking, strobe, or rotating light(s) unless required by FAA.
 - 5. Lighted poles shall not exceed twenty feet (20') in height.

FINDING: The applicant has not proposed to construct any structures with the subdivision proposal. The Planning Commission finds that any future structure installing exterior lighting shall be subject to the above stated criteria. Given the scope of the land use proposal, the Planning Commission concludes the above stated criteria are not applicable to the subdivision proposal but will be reviewed prior to the issuance of building permits for all structures constructed on the subject properties.

- J. **SANITATION REGULATIONS:** Before any structure receives a Certificate of Occupancy it shall be connected to the City water

system unless authorized by the City for connection to an adjoining system.

- K. **WATER REGULATIONS:** Before any structure receives a Certificate of Occupancy it shall be connected to the city water system unless authorized by the city for connection to an adjoining water system.

FINDING: The Planning Commission finds the City of Madras Community Development and Public Works Departments will ensure compliance with the above stated criteria in conjunction with the building permit review for each lot in the future. Therefore, the Planning Commission finds the above stated criteria are satisfied.

L. **LANDSCAPING:**

1. **Dwelling:**

- i. **New Construction** - landscaping is required on the front and side portions of the lot adjacent to the dwelling or structure. The developer is required to put up an equivalent security amount of \$1000 to the City of Madras Finance Department for landscaping prior to obtaining the building permit for the dwelling or structure. Once the landscaping has been completed, the City's Finance Department shall release the bond back to the developer. The developer has one (1) year from the date of final inspection to complete landscaping the lot.

FINDING: As previously determined, the subdivision request does not authorize the construction of single-family dwelling units on the subject property. The Planning Commission finds the landscaping criteria stated above, will be evaluated prior to issuance of building permits by the City of Madras Community Development Department. The Planning Commission finds that it shall be a condition of approval that all dwelling units on lots shall comply with the requirements of 8-12.3.1(K)(1) prior to the issuance of Certificate of Occupancy.

CONDITION OF APPROVAL: The developer is required to put up an equivalent security amount of \$1000 to the City of Madras Finance Department for landscaping prior to obtaining the building permit for the dwelling or structure. Once the landscaping has been completed, the City's Finance Department shall release the bond back to the developer. The developer has one (1) year from the date of final inspection to complete landscaping the lot.

City of Madras Code, Chapter 8, Article 4: Supplemental Provisions, Section 8-12.4.2 Access_- Every lot shall abut a street, other than an alley, for at least 50 feet.

FINDING: According to the materials submitted by the applicant, The Planning Commission finds that each lot is at least 50 feet in width and fronts a street except as otherwise allowed, discussed and conditioned (above) in Section 3.4.(B). As such, the Planning Commission concludes that the above stated criterion is satisfied.

City of Madras Code, Chapter 8, Article 4: Supplemental Provisions, Section 8-12.4.3 Fences - Fences, hedges, and walls not more than eight feet (8') in height are permitted on all front, rear and side property lines of the parcel, except for corner lots (lots which abut more than one street) fences shall be three (3) in height for a distance of fifty (50') feet from the street corner.

FINDING: The applicant's proposal does not propose any fences hedges, or walls. As such, the Planning Commission finds the above stated criterion is not applicable. Should any fences hedges, or walls be constructed in the future, they shall comply with the provisions of Section 4.3 in the City of Madras Zoning Ordinance.

City of Madras Code, Chapter 8, Article 4: Supplemental Provisions, Section 8-12.4.11: Vision Clearance - Vision clearance shall be provided in all zoning districts residential zones with the following distances establishing the size of the vision clearance area:

- a) **The minimum distance shall be twelve feet (12') at intersections comprising of two (2) streets, or one (1) street and a railroad right-of-way.**
- b) **At intersections including an alley, the minimum distance shall be eight feet (8').**

FINDING: This standard will be evaluated prior to issuance of building permits. Single family dwellings are permitted outright in the R-3 zone and do not require any additional land use permits. The Planning Commission finds that these criteria can be reviewed for compliance prior to the issuance of building permits by the Community Development Department.

City of Madras Code, Chapter 8, Section 8-11 - Subdivision and Partition Standards, Article III – Subdivision Application Procedure, Section 3.1:

PRE-APPLICATION MEETING

Prior to submitting a tentative plan each applicant or their representative is encouraged to meet with the Community Development Director or a designated staff member to review the proposal. The intent of this meeting is to advise the applicant of the requirements and standards of this ordinance.

FINDING: The Planning Commission finds the above stated criterion is not mandatory. It is an informational meeting intended to identify issues with development proposals prior to filing land use applications. As such, the Planning Commission finds the applicant did not to attend a Pre-Application (i.e. Development Team Meeting) to comply with the above stated criterion.

City of Madras Code, Chapter 8, Section 8-11 - Subdivision and Partition Standards, Article III – Subdivision Application Procedure, Section 3.2:

APPLICATION SUBMISSION

- A. Any person, or his authorized agent or representative proposing a subdivision shall include with an application and filing fee for a subdivision, a tentative plan together with improvement plans and other supplementary material as may be required. A master development plan may also be required in accordance with Section 3.5. The applicant must submit four (4) copies of any plan required together with all required accompanying material to the Community Development Director.**
- B. The time for filing shall be construed to be the time when the tentative plan is received by the Community Development Department in completed form, together with the appropriate filing fee, required supplemental material and subdivision application form.**
- C. If an application for approval of a tentative plan for a subdivision is incomplete, the Community Development Department shall notify the applicant within thirty (30) days of the date of filing and allow the applicant additional time to make the application complete.**

FINDING: The Planning Commission finds that the applicant has submitted this application with a completed subdivision application form, associated exhibits and copies of the tentative plan.

City of Madras Code, Chapter 8, Section 8-11 - Subdivision and Partition Standards, Article III – Subdivision Application Procedure, Section 3.4:

INFORMATIONAL REQUIREMENTS

The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan shall be considered complete unless all such information is provided:

- A. General Information Required:**
 - 1. Proposed name of the subdivision.**
 - 2. Names, address, and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Corporation Commission by the applicant.**

3. **Date of preparation, north point, scale and gross area of the proposed subdivision.**
4. **Appropriate identification of the drawing as a tentative plan for a subdivision. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.**
5. **Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract which binds the applicant in the event of tentative approval.**

FINDING: The proposed subdivision name is Park Place. The Planning Commission finds that all of the information required by Section 3.4 appears on the face of the submitted plans. The Planning Commission concludes that the above stated criterion is satisfied.

B. Information Concerning Existing Conditions:

1. **Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.**

FINDING: The Planning Commission finds that the above stated information appears on the tentative plan. As such, the Planning Commission finds the above stated criterion to be satisfied.

2. **Location of any existing features such as section lines, section corners, City and special district boundary lines, and survey monuments.**

FINDING: These features appear on the tentative plan. As such, the Planning Commission finds the above stated criterion to be satisfied.

3. **Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads and any natural features such as rock outcroppings, and natural hazards.**

FINDING: The Planning Commission finds that the above stated information appears on the tentative plan. As such, the Planning Commission finds the above stated criterion to be satisfied.

4. **Location and direction of water courses, and the location of areas subject to flooding.**

FINDING: The Planning Commission finds that there are no water courses on the subject property and no areas are subject to flooding.

5. **Location, width and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.**

FINDING: The Planning Commission finds that the above stated information appears on the tentative plan. As such, the Planning Commission finds the above stated criterion to be satisfied.

6. **Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision together with pipe sizes, grades and locations.**

FINDING: The Planning Commission finds that this information is contained on the submitted plans. The Planning Commission concludes that the above stated criterion is satisfied.

7. **Contour lines related to some established bench mark or other engineering acceptable datum and having minimum intervals of two feet for slopes of less than five percent, five feet for slopes of five to fifteen percent, ten feet for slopes of fifteen to twenty percent, and twenty feet for slopes greater than twenty percent.**

FINDING: The Planning Commission finds that the required contour lines are on the tentative plans.

8. **Zoning classification of land within and adjacent to the proposed subdivision.**

FINDING: The subject property is zoned R-3, single-family residential, as are the surrounding properties as shown on the City of Madras Urban Area Comprehensive Plan and Zoning Map. The Planning Commission finds that this criterion is satisfied.

9. **Names and addresses of all adjoining property owners for a distance of 250'.**

FINDING: The applicant did not provide such information to the Community Development Department (Department) rather the Department utilized its own databases from the Jefferson County Assessor's Office to provide notice to all property owners within 250 feet of the subject properties.

C. Information Concerning Proposed Subdivision:

1. **Location, names, width, typical improvements, cross sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.**

2. **Location, width and purpose of all proposed easements or rights-of-way and relationship to all existing easements and rights-of-way.**
3. **Location of at least one temporary bench mark within the proposed subdivision boundary.**
4. **Location, approximate area and dimensions of each lot, and proposed lot and block numbers.**

FINDING: The Planning Commission finds that this information appears on the tentative plans.

5. **Location, approximate area and dimensions of any lot or area proposed for public use, the use proposed, and plans for improvements or development thereof.**

FINDING: The Planning Commission finds that this information is contained on the submitted plans. Specifically, the submitted tentative plan identifies the lot on the southeast corner of “H” and Cassidy Lane to be used for stormwater drainage. Additionally, there is a 10 foot wide easement or right-of-way dedication for bicycle and or pedestrian access between lots 65 and 66 that will connect the proposed development to the property to the south. As such, the Planning Commission concludes that the above stated criterion is satisfied.

6. **Proposed use, location, approximate area and dimensions of any lot intended for non-residential use.**

FINDING: The Planning Commission finds the intended use of each lot is not expressly listed on each lot on the tentative plan. The Planning Commission finds that the use of each lot shall be governed by the permitted uses within the R-3 zone as specified in Section 3.4 of the City of Madras Zoning Ordinance as it relates to residential uses. For all other uses (i.e. public uses) the tentative plan shows the lot on the southeast corner of “H” and Cassidy Lane to be planned for drainage of which the Planning Commission assumes to be a stormwater facility.

As previously discussed the applicant’s tentative plan shows a 10 foot wide bicycle and or pedestrian access way between lots 65 and 66. The applicant shall clarify: 1) the intended uses of this portion of the subject properties; and 2) if access to this bicycle and pedestrian way will be given via a public access easement or public-right-of-way. Accordingly, the applicant shall submit a revised plan to the Community Development Department clarifying the intended use and type of access (i.e. easement or right-of-way) prior to final plat. Based on the applicant’s ability to comply with the imposed condition of approval, the Planning Commission finds and concludes that the above stated criterion is satisfied.

CONDITION OF APPROVAL: The applicant shall clarify: 1) the intended use(s) of the 10 foot wide access between lots 65 and 66; and 2) if access to this

bicycle and pedestrian way will be given via a public access easement or public-right-of-way. Accordingly, the applicant shall submit a revised plan to the Community Development Department clarifying the intended use and type of access (i.e. easement or right-of-way) prior to final plat.

7. An outline of the area proposed for partial recording, if contemplated or proposed.

FINDING: The Planning Commission finds that this is a single phase residential subdivision development and the applicant intends to plat the 42-lot subdivision in one-single phase as noted on the tentative plan under “General Note”.

8. Source, method, and preliminary plans for domestic water supplies, sewer lines, and all utilities.

FINDING: The Planning Commission finds the applicant’s tentative plan shows a preliminary plan for domestic water and sewer. Private utility services methods shall comply with the City of Madras Public Works Standards.

9. Description and location of any proposed community facility.

FINDING: The Planning Commission finds that there are no community facilities being proposed (i.e. community center).

10. Storm water and other drainage facility plans.

FINDING: The Planning Commission finds the applicant has identified the existing and proposed storm water facilities on the subject property on the tentative plan submitted to the Community Development Department for review and approval and therefore, concludes the above stated criterion is satisfied.

11. Proposed deed restrictions including access restrictions or protective covenants if such are proposed to be utilized for the proposed subdivision.

FINDING: The Planning Commission finds that the applicant’s tentative plan does not indicate that Covenants, Conditions and Restrictions (CC & Rs) for the proposed subdivision will be created. The Planning Commission finds that it shall be a condition of approval that if the applicant chooses to establish CC & Rs, that they shall be lawfully established prior to final plat. The Planning Commission also finds that all easements affecting individual lots will be shown on the final plat and recorded to bind future lot owners. Based on the applicant’s ability to comply with the imposed condition of approval, the Planning Commission finds the above stated requirement to be satisfied.

CONDITION OF APPROVAL: If the applicant chooses to establish CC & Rs for the proposed subdivision, the CC & Rs shall be lawfully established prior to final plat. All easements affecting individual lots will be shown on the final plat and recorded to bind future lot owners.

12. **Statement from each utility company proposed to serve the proposed subdivision stating that each company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions.**

FINDING: The Planning Commission finds that the subdivision application did not include “will serve” letters from utility providers. The Planning Commission finds the applicant shall provide a statement to the Community Development Department prior to final plat from each utility provider serving the proposed residential subdivision as a condition of approval. Based on the applicant’s ability to comply with the imposed condition of approval, the Planning Commission finds the above stated requirement to be satisfied.

CONDITION OF APPROVAL: The applicant shall provide a statement to the Community Development Department prior to final plat from each utility provider serving the proposed residential subdivision.

13. **Proposed fire protection system for the proposed subdivision and written approval thereof by the appropriate serving fire protection agency.**

FINDING: The Planning Commission finds that the applicant shall comply with all requirements of the Jefferson County Fire District #1 Fire Marshal. This includes any requirement that modifies the proposed subdivision as approved herein. The applicant shall obtain written authorization and or documentation that the proposed development satisfies the requirements of the Jefferson County Fire District #1 Fire Marshal, prior to final plat. These requirements shall be imposed as conditions of final plat approval to ensure compliance with the above stated criterion. Based on the applicant’s ability to comply with the imposed condition of approval, the Planning Commission finds the above stated requirement to be satisfied.

CONDITION OF APPROVAL: The applicant shall comply with all requirements of the Jefferson County Fire District #1 Fire Marshal. This includes any requirement that modifies the proposed subdivision as approved herein. The applicant shall obtain written authorization and or documentation that the proposed development satisfies the requirements of the Jefferson County Fire District #1 Fire Marshal, prior to final plat.

City of Madras Code, Chapter 8, Section 8-11 - Subdivision and Partition Standards, Article III – Approval of Tentative Plan, Section 3.9

SECTION 3.9: APPROVAL OF TENTATIVE PLAN

- A. **The Subdivision Committee shall make its recommendation concerning the tentative plan to the applicant and Planning Commission prior to the public hearing before the Planning Commission.**

FINDING: The Planning Commission finds that the City of Madras Development Team is considered the Subdivision Committee which includes the City of Madras Community Development Director who prepares all documents for the Planning Commission. The Community Development Director has solicited comments from the Development Team and incorporated their comments into this Recommended Findings and Decision. The Planning Commission finds that such process and manner in which this land use decision was developed satisfies the above stated criterion.

- B. The Planning Commission shall review the tentative plan and all reports and recommendations of appropriate officials and agencies.**

FINDING: The Planning Commission finds that the Community Development Department has provided all necessary information to the Planning Commission, including the proposed tentative residential subdivision plan. The Planning Commission also finds that the Community Development Department has incorporated all recommendations from the appropriate officials and agencies into this Recommended Findings and Decision. Accordingly, the Planning Commission finds the above stated criterion is satisfied.

- C. The Planning Commission may approve, modify, or disapprove the tentative plan for the proposed subdivision and shall set forth findings for such decision.**

FINDING: The Planning Commission retains the authority provided, as stated above.

- D. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such tentative plan shall be binding upon the City for purposes of the preparation of the plat and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision and the terms of this ordinance.**

FINDING: The Planning Commission finds the above state standard to be applicable to the proposed tentative residential subdivision plan.

City of Madras Code, Chapter 8, Section 8-11 - Subdivision and Partition Standards, Article III – Required Findings for Approval, Section 3.10

The Planning Commission shall not approve a tentative plan for a proposed subdivision unless they find, in addition to other requirements and standards set forth in this ordinance, that the subdivision as proposed or modified will satisfy the intent and requirements of the Madras Zoning Ordinance and the Comprehensive Plan. Such findings shall include the following:

- A. The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources of the area.**

FINDING: The Planning Commission finds the Public Works Director has commented on the applicant's proposal and has required conditions of approval related to public facilities improvements (e.g. sewer, water, storm water, transportation, etc.) to ensure the orderly and efficient provision of public facilities. Given the applicant's ability to satisfy the imposed conditions of approval contained in this document, the Planning Commission finds the proposed subdivision will contribute to the orderly development of the City. The Planning Commission also finds the proposed subdivision will develop in a manner that is consistent with the current development pattern of single-family detached and attached dwellings in the surrounding area. According to the City of Madras Comprehensive Plan, Section II—Physical Characteristics, there no natural significant natural features or resources on the subject properties are adjacent to that would be affected by the proposed development that require preservation and or mitigation. As such, the Planning Commission concludes that the above stated criterion is satisfied.

B. The subdivision will not create excessive demand on public facilities and services required to serve the development.

FINDING: The applicant has submitted a tentative plan and the Public Works Director have reviewed the materials submitted by the applicant have made the following findings and conditions of approval:

Streets:

The Public Works Director has determined that the following road classification for the proposed streets; each street shall be constructed to the standards of their classification: Culver Highway is classified as a Expressway, "H" Street is classified a minor collector, Park Lane, Juniper Hill and North Ridge are classified as local streets.

The Public Works Director has reviewed the plans submitted by the applicant and determined the existing width of Culver Highway is not consistent with the Expressway right-of-way width as specified in the City of Madras Transportation System Plan (TSP) which designates Culver Highway as an Expressway (total of 114' of ROW width required). As such, the Public Works Director has required the applicant to dedicate property for right-of-way. Specifically, the applicant/developer is to dedicate a minimum of 57' of right-of-way from centerline of Culver Highway (Hwy 361) to the subdivision property (provide detail on the southern end where SW Jackson Street ends to the southern subdivision property boundary). The Planning Commission finds that the Culver Highway right-of-way dedication requirement is consistent with the provisions of the TSP and that the requirement of the applicant to dedicate right-of-way is limited to the length of the subject properties' frontage to Culver Highway and therefore the requirement is necessary and shall be imposed as a condition of final plat approval.

CONDITION OF APPROVAL: The applicant/developer shall dedicate a minimum of 57' of right-of-way from centerline of Culver Highway (Hwy 361) to the subdivision property. The applicant/developer shall provide detail to the Public Works Department during final plat approval on the southern end, where SW Jackson Street ends to the southern subdivision property boundary.

The subject properties are adjacent to two planned improvements by the City of Madras: 1) the Willow Creek Trail extension; and 2) the "H" Street Culver Highway crossing. The tentative plan submitted by the applicant shows an 8 foot wide trail that will be constructed east of the subject properties that will extend from the northern to the south extent of the subject properties. The Public Works Director has noted that City of Madras has funded the construction of the portion of the 8 foot wide trail from the northern extent of the property south to "H" Street. As such, the applicant/developer is not responsible to construct the improvements on the plan that are funded by the City. The applicant/developer is still required to construct the frontage improvements along Culver Highway south of the "H" Street and Culver Highway intersection as show on the tentative plan. This requirement shall be a condition of final plat approval. The Planning Commission finds the required frontage improvements along Culver Highway south of "H" Street is consistent with City policy and standards which requires property owners to improve public rights-of-way to City standard along the frontage of their property(ies). Accordingly, such improvements are imposed as conditions of final plat approval by the Planning Commission.

CONDITION OF APPROVAL: The applicant/developer shall construct the frontage improvements along Culver Highway south of the "H" Street and Culver Highway intersection as shown on the tentative plan. Such improvement shall include a 6 foot wide property tight concrete sidewalk.

As for the improvements that the applicant is responsible for near "H" Street and Culver Highway, the Public Works Director has required the applicant/developer to coordinate design and provide ADA street crossing and lighting needs and any additional adjustments necessary with lighting and landscaping improvements for the trail improvements at H Street and & Jackson Street that are planned to be installed by the City of Madras in 2012. To clarify, it is assumed that in advance of the subdivision being platted, the City will construct the Willow Creek Trail extension improvements, where these improvements will cross "H" Street west of Culver Highway. The City will try to design and construct the Willow Creek Trail extension improvements in a manner that will require minimal reconstruction and layout by the applicant/developer when "H" Street is constructed. If reconstruction and layout is required to allow the "H" Street improvements made by the developer to match the Willow Creek Trail extension improvements, the applicant/developer is responsible for such work. Therefore, the Planning Commission finds requirement of the Public Works Director shall be made a condition of final plat approval to ensure the improvements made by the City and the applicant/developer meet City standards.

CONDITION OF APPROVAL: The applicant/developer shall coordinate the design, provide ADA street crossing, lighting, and any additional adjustments necessary with lighting and landscaping improvements for the trail improvements at "H" Street and & Jackson Street that are planned to be installed by the City of Madras in 2012.

The City of Madras Parks and Open Space Master Plan that identifies the need for a pedestrian crossing of Culver Highway near "H" and Jackson Streets. Accordingly, the Public Works Director has also required the applicant/developer to design and construct

the Culver Highway median crossing at "H" Street. The design of this crossing shall be consistent with the previously approved in the ODOT Design Acceptance Review dated July 9, 2008 and shall also include proper ADA ramps. The Public Works Director has also required the applicant/developer to coordinate the median crossing improvements with the design by Miller Crossing and Sunridge for a divided highway section from Belmont Lane to approximately Marshall Street as approved by ODOT. The Planning Commission finds the median crossing improvement is necessary to provide safe crossing of Culver Highway where the Willow Creek Trail extension will increase the amount of pedestrians and bicycles crossing Culver Highway and therefore this requirement shall be imposed as a condition of final plat approval.

CONDITION OF APPROVAL: The applicant/developer shall design and construct the Culver Highway median crossing at "H" Street prior to final plat. The design of this crossing shall be consistent with the previously approved in the ODOT Design Acceptance Review dated July 9, 2008 and shall also include proper ADA ramps. The Public Works Director has also required the applicant/developer to coordinate the median crossing improvements with the design by Miller Crossing and Sunridge for a divided highway section from Belmont Lane to approximately Marshall Street as approved by ODOT.

Sanitary Sewer:

The City of Madras Public Works Director and City Engineer have determined that, at this time, the area west of Culver Highway cannot be served by the existing sewer system along the highway and through 1st Street using the existing waste water infrastructure. When the area develops, a 10" interceptor along the Highway to the "B" Street will need to be installed. As stated in the City Engineer's (Wen Jou) Memorandum dated July 23, 2008 to the Public Works Director, the sewer main that serves this development has limited capacity and has surcharging issues under current service levels. Prior to connecting to and adding any additional homes to the downstream sewer main, the applicant is hereby required to construct the public sewer system improvements as further described in the City Engineer Memorandum which is attached to these conditions of approval.

Accordingly the Planning Commission finds that there is no existing capacity to serve the proposed development with wastewater service. Furthermore, the Planning Commission finds the July 23, 2008 Memorandum from the City Engineer to require the developer to mitigate only the proposed development's impacts on the City of Madras Wastewater system.

As such, the required wastewater improvements specified in the City Engineer's Memorandum serve a public health interest which is to ensure there is a safe and sanitary wastewater disposal in the City and therefore serve a legitimate public interest and satisfy the requirements of *Nollan*¹. Moreover, the required wastewater improvements are roughly proportional to the proposed development's impacts to City's

¹ *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987).

wastewater system where the City has not required improvements of the developer that will provide additional capacity beyond that required to serve the proposed development. Based on the findings in the July 23, 2008 Memorandum from the City Engineer, the Planning Commission finds the required wastewater improvements are roughly proportional to the development's impacts to the City of Madras wastewater system and thereby satisfies the requirements of *Dolan*².

The Planning Commission also note that if the developer provides additional wastewater capacity beyond that needed for the proposed development and the developer establishes a reimbursement district, the Planning Commission also finds such additional capacity to be proportional as the developer would be reimbursed for the improvements made beyond their responsibility to mitigate their wastewater impacts and to ensure there is adequate wastewater service for the proposed development.

The Planning Commission finds that the proposed development shall not place and undue burden on the City of Madras wastewater system and the proposed development will impact the existing City wastewater system and if such impacts are not mitigated, the proposed development will place and undue burden on the City wastewater system. Therefore, the Planning Commission finds it necessary to impose recommended improvements specified on page 4 of 7 in the July 23, 2008 Memorandum from the City Engineer, as a condition of final plat approval. Based on the applicant's/developer's ability to comply with the imposed condition of approval, the Planning Commission finds the proposed residential subdivision will not place an undue/excessive demand on the City's wastewater system.

CONDITION OF APPROVAL: The applicant and or developer shall construct the recommended improvements specified on page 4 of 7 in the July 23, 2008 Memorandum from the City Engineer to the City of Madras Public Works Director, prior to final plat.

Stormwater:

The Public Works Director has required the applicant/developer to follow the City's stormwater master plan unless otherwise allowed by the City Engineer. Onsite storm water mitigation required through the use of bio-swales and or detention ponds. Storm water design and calculations for a 25 year storm event (2.1" of rainfall in 24 hours) need to be submitted to the City of Madras for review and approval prior to final survey plat approval. The detention ponds shall have flow control structures with orifices to limit the outflow to the 10-year pre-developed level. The City Engineer will provide final consent on stormwater design and calculations. In publicly maintained areas, swales or ponds are to have slopes no greater than 4:1 to accommodate mowing equipment.

² Dolan v. City of Tigard, 512 U.S. 687 (1994)

The applicant/developer shall also provide detail for maintenance access, a maximum steepness of 4:1 slopes, and detail for an overflow structure that directs stormwater into the street right-of-way (or open space if available) during storm events larger than the 25 year event. Slopes for the pond are to be designed within the property limits and are not to project out into the right-of-way dedication areas of H Street & the future expressway (57 feet from centerline of Culver Highway) or out onto individual private lots.

The City will require a portion of the stormwater easement area be dedicated to public right-of-way for the future expressway (need 57' from centerline of Culver Highway to the stormwater easement boundary for the subdivision). In exchange the City will allow the use of SW Jackson Street right-of-way (south of H Street) for stormwater use by the subdivision (not including the area that is 57' or less from the centerline of Culver Highway).

Additionally, the Public Works Director notes that per section 8-11.5.7 of the Subdivision Ordinance - Grading of Building Sites, the applicant/developer is responsible for providing a grading plan that provides drainage & run-off measures to protect each lot from stormwater run-off erosion and or flooding.

Based on the applicant's and or developer's ability to comply with the above stated requirements which are imposed as conditions of final plat approval, the Planning Commission finds the proposed residential subdivision will not impose an undue/excessive demand on the City's stormwater system.

Parks/Trails:

As stated in Section 5.11 of the City of Madras Subdivision Ordinance (No. 713), the Public Works Director has the authority to either require a land dedication of 8% of the total development area (i.e. gross) to the City for public park use or require the applicant/developer to pay an equivalent land value fee to the parks fund for the value of the 8% area prior to final plat. The Public Works Director finds: 1) that the Willow Creek Trail extension ("M" Hill segment) is a planned improvement that is within ¼ mile of the subject properties; 2) that the City of Madras Bike & Skate Park is within 300 feet of the proposed residential subdivision; and 3) the existing Madras Bike & Skate Park to be of adequate size to serve the existing and future residents of this neighborhood (i.e. area of the City). The Planning Commission finds that pursuant to Section 5.11(I) the requirements for requiring the applicant/developer to pay park improvement fees to the City are satisfied. The Planning Commission finds that the park improvement fees shall be paid to the City in the amount equaling eight percent (8%) of the Real Market Value (RMV) of the subject properties, of which shall be established from the most recent tax assessment for the subject properties as stated in Section 5.11 of Ordinance No 713.

The Planning Commission finds the required park dedication fees that the applicant/developer is to pay the City comply with the provisions of Section 5.11 of Ordinance No. 713. Furthermore, the Planning Commission finds the Public Works Director's requirement to pay park improvement fees to the City of Madras in lieu of

dedicating land to the City of Madras to contribute to the orderly development and provision of public parks in the City of Madras and therefore, the proposed development will not create an undue/excessive burden on the City of Madras public park system and that such requirement shall be imposed as a condition of final plat approval pursuant to the need to satisfy above stated requirements related to public parks and trails.

CONDITION OF APPROVAL: The applicant and or developer shall pay the City of Madras, prior to final plat, in the amount equaling eight percent (8%) of the Real Market Value (RMV) of the subject properties, of which shall be established from the most recent tax assessment for the subject properties pursuant to Section 5.11 of the City of Madras Subdivision Ordinance (No. 713).

Given the applicant's ability to comply with the above state condition of approval, the Planning Commission concludes the applicant has sufficiently satisfied the requirements of the above state criterion.

C. The tentative plan for the proposed subdivision meets the requirements of ORS 92.090.

FINDING: The Planning Commission finds the proposed subdivision contributes to the orderly extension of streets, sewer and water facilities by continuing the City's public grid system and by bringing the facilities to the subject property. The Planning Commission finds the City of Madras Subdivision Ordinance to be consistent and implement the provisions of ORS Chapter 92. Furthermore, the Planning Commission finds the information provided on the subdivision application and supporting documents including the tentative plat, comply with ORS 92.090—Approval of subdivision plat names; requisites for approval of tentative subdivision or partition plan or plat. Accordingly, the Planning Commission finds the above stated criterion to be satisfied.

City of Madras Code, Chapter 8, Section 8-11 - Subdivision and Partition Standards, Article III – Subdivision Application Procedure, Section 5.2

A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. The subdivision shall provide for the continuation of the principal streets existing in the adjoining subdivision or of their proper projection. Where, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical, exception may be made. In cases where the City may adopt a plan or plat of a neighborhood or area of which the subdivision is a part, the subdivision shall conform to such adopted neighborhood or area plan.

FINDING: The Planning Commission finds the location, width and grade of streets were considered in laying out the proposed public streets within the proposed subdivision and that they provide adequate vehicular circulation (i.e. connectivity with existing and proposed streets based on block length standard). As such, the Planning Commission finds the above stated criterion to be satisfied.

- B. Future Re-subdivision. Where a tract is divided into lots of an acre or more, the Planning Commission may require an arrangement of lots and streets such as to permit future re-subdivision in conformity to the street requirements and other requirements contained in this ordinance.**

FINDING: All proposed lots are smaller than one acre therefore, the Planning Commission finds this criterion does not apply to this land use action.

- C. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the subdivision or by the City's transportation policies, additional right-of-way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for the subdivision or partition, the City Public Works Director shall determine whether the improvements to existing streets, adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval of the tentative plan. Improvements to adjacent streets shall be required where traffic on said streets shall be directly affected by the proposed subdivision.**

FINDING: Based on the comments and conditions of approval imposed by the Public Works Director, the Planning Commission finds the above stated criterion to be satisfied. Furthermore, given the applicant's ability to satisfy the imposed conditions of approval contained in this document, the Planning Commission finds the above stated criterion to be satisfied.

- D. Minimum Right-of-Way and Roadway Width. The street right-of-way and roadway surfacing widths shall be in conformance with standards and specifications set forth in Appendix "A".**

FINDING: The Planning Commission finds that all street right-of-way and roadway surfacing widths comply with the specifications set forth in Appendix "A" demonstrating the proposed right-of-way widths comply with Appendix "A". As such, the Planning Commission finds the above stated criterion to be satisfied.

- E. Reserve Strips. Reserve strips controlling access to streets shall be required when deemed necessary by the Public Works Director. Deeds for reserve strips shall be filed with the final plat. Reserve strips shall be numbered in sequence beginning with lot "A".**

- F. **Future Extension of Streets.** When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a permanent turn-around. Reserve strips shall be required to preserve the objective of street extensions.
- G. **Frontage Roads.** If a land division abuts or contains an existing or proposed collector or arterial street, the Public Works Director may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. Provision may be made for emergency access. All frontage roads shall comply with appropriate local road standards.

FINDING: The Public Works Director has reviewed and commented on the applicant's proposal and has not requested that a one (1') foot reserve strip to be dedicated to the City of Madras. Based on those comments, the Planning Commission finds the above stated criteria to be satisfied.

- H. **Continuation of Streets.** Subdivision streets which constitute the continuation of streets in contiguous territory shall be aligned so that their center lines coincide. Where straight line continuations are not possible, such centerlines shall be continued as curves. These streets or the continuation of streets in contiguous territory may be required by the Public Works Director where such continuation is necessary to maintain the function of the street or desirable in the surrounding area. Where solar orientation would not be possible if the street area continued, a new pattern may be started that is solar oriented.

FINDING: The Planning Commission finds "H" and Fritz Streets to already exist and that the applicant has propose extending "H" and Fritz Streets in a west-to-east manner through the subject properties and connect to Culver Highway. As such, the Planning Commission finds the proposed street alignments satisfy the above stated criterion.

- I. **Street Layout.** Streets should be oriented on an east/west axis to the greatest possible extent to insure solar access for lots within the subdivision.

FINDING: The Planning Commission finds the subject properties length (north-to-south) are greater than their width (west-to-east) and therefore, to the greatest extent possible the has planned streets within the subdivision on an east/west axis. The Planning Commission concludes that the applicant has oriented all streets in an east/west manner to the greatest extent possible.

- J. **Street Names.** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in a nearby city or in the county. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Fire Department and County Engineer.

FINDING: Street names and numbers will conform to the established pattern and be approved by the Fire Department and County Engineer before final plat. The Public Works Director has required street signs on all public streets within the proposed development. The applicant is to provide construction plans detailing sign locations, dimensions, type and post specifications meeting Public Works Department and MUTCD standards prior to construction and installation. The Jefferson County Engineer has commented on the development proposal and finds that there is a name conflict with the proposed Park Lane as there is another Park Lane in Jefferson County. The Jefferson County Engineer has required that the road name shall be renamed as approved by the Jefferson County Engineer prior to final plat.

CONDITION OF APPROVAL: Provide construction plans detailing sign locations, dimensions, type and post specifications meeting Public Works Department and MUTCD standards prior to construction and installation. All street names shall be reviewed and approved by Jefferson County prior to construction and installation.

- K. **Sidewalks.** Sidewalks are required to be installed on both sides of a street and in any pedestrian way within the subdivision or PUD. Sidewalks are required along routes to existing or future school and park sites. The location of the sidewalks whether curb side or property lines, will be determined by the Public Works Department.

FINDING: The Planning Commission finds that the tentative plan shows sidewalks will be installed on both sides of all streets internal of the proposed development. Given the applicant's ability to comply with the conditions of approval stated herein and comply with all applicable City standards as they related to this development, The Planning Commission concludes the above stated criterion is satisfied.

- L. **Bicycle Routes.** If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and/or separate bicycle paths.

FINDING: No bicycle route system connects to the subject property. The Planning Commission finds that the proposed streets will be constructed to City standard, which depending on their classification will include bike lanes. Given the applicant's ability to comply with the conditions of approval stated herein and comply with all applicable City standards as they related to this development, The Planning Commission concludes the above stated criterion is satisfied.

- M. **Intersection Angles.** Street intersections shall be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.

FINDING: The Planning Commission finds that all streets intersect each other at 90 degrees, except for "H" and Cassidy Lane where they intersect each other at approximately 50 degrees. As such, the Planning Commission finds the above stated criterion is satisfied.

City of Madras Code, Chapter 8, Section 8-11 - Subdivision and Partition Standards, Article III – Subdivision Application Procedure, Section: 5.3

- A. **General.** The length, width and shape of blocks shall accommodate the need for adequate building site size and street width and shall be compatible with the limitations of the topography.

FINDING: The Planning Commission finds that due to the undulating topography and relatively steep slopes in some areas, much consideration has been given to the street, block, and lot layout for the proposed subdivision. Streets are designed in accordance with City standards and are arranged in a grid alignment to the extent possible considering topography. Block and lot sizes and shapes provide adequate building sites (6,000 square feet minimum) while the street system provides adequate through traffic movement as well as internal circulation and access.

- B. **Size.** No block shall be longer than 1,200 feet between street lines. In blocks over 800 feet in length, there shall be a cross walkway of not less than ten (10) feet in width near the middle of the block.

FINDING: The Planning Commission finds length of street blocks along Cassidy Lane between Juniper Hill, "H" Street, and Fritz Street are less than 1,200 feet. As such, the Planning Commission finds the above stated criterion to be satisfied.

- C. **Easements.**

1. **Utility Easements.** Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities and to provide the subdivision with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines, or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least twelve (12) feet in width and centered on lot lines where possible, except utility pole guylines easements along the rear of lots adjacent to unsubdivided land may be reduced to ten (10) feet in width.

FINDING: According to the applicant's tentative plan wastewater and domestic water services will be extended along the frontage of each property (i.e. not in public right-of-way). It is assumed that all other utilities, public or private, will be extended to each

property in the same manner. Pursuant to Section 5.3(C), all utility services shall underground and where they are not extended in public right-of-way, they shall be extended in a public utility easement. The Planning Commission finds that this shall be a condition of final plat approval. Furthermore, such easement(s) shall be noted and illustrated on the final subdivision plat. To satisfy the above stated criterion, the Planning Commission finds the applicant shall note and illustrate all public and private easements on the subdivision plat recorded with Jefferson County.

CONDITION OF APPROVAL: Note and illustrate all public and private easements on the subdivision plat recorded with Jefferson County.

2. **Drainage.** If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the water course or in such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses and drainage ways may be required.

FINDING: The subject property is not traversed by any water courses therefore, the Planning Commission finds and concludes the above stated criterion is not applicable to this land use proposal.

City of Madras Code, Chapter 8, Section 8-11 - Subdivision and Partition Standards, Article III – Subdivision Application Procedure, Section: 5.5

LOTS, GENERAL REQUIREMENTS

- A. **Frontage.** Each lot shall abut upon a street or an officially approved way other than an alley for at least fifty (50) feet, except for lots fronting on the bulb of a cul-de-sac, then the minimum frontage shall be thirty (30) feet.

FINDING: As previously discussed and conditioned, each proposed lot has 50 feet of frontage except for the lots that front the cul-de-sac on south Cassidy Lane of which shall have at least 40 feet of frontage. Moreover, the Planning Commission finds the provisions of Section 2.9 in the City of Madras Zoning Ordinance (No. 723) to provide guidance as to which frontage standard applies to the development proposal as the above stated standard requires 30 feet of frontage while Section 3.4 of the City of Madras Zoning Ordinance (No. 723) requires 40 feet. Section 2.9 states, "Interpretation. Where the provisions of zoning standard conflict with comparable standards described in any other ordinance, resolution, or regulation, the provisions of the applicable zoning standard shall govern. As such, the Planning Commission finds and concludes that the provisions of Section 3.4 as they related to the 40 foot lot frontage requirement. Based on the applicant's ability to comply with the conditions of approval stated herein pursuant to the minimum frontage standards, the Planning Commission finds the above stated criterion to be satisfied.

- B. All side lot lines shall be at right angles to street lines or radial to curved streets wherever practical.**

FINDING: The Planning Commission finds that all side lot lines are at right angles to street lines where practical and thereby satisfies the above stated standard.

- C. Through lots, lots with double frontage, should be avoided except where they are essential to provide separation of residential development from major street or adjacent nonresidential activities to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet in width and across which there shall be no right of access may be required along the lines of lots abutting such a traffic artery or other incompatible use.**

FINDING: The Planning Commission finds the proposed tentative plan does not include provisions for through lots and therefore the above stated standard is not applicable to the development proposal.

- D. Corner lots shall be five feet (5') more in width than other lots and also shall have sufficient extra width to meet the additional side setback requirements of the zoning district in which they are located.**

FINDING: The Planning Commission finds that all corner lots are at minimum 55 feet in width or greater. As such, the Planning Commission finds the above stated criterion to be satisfied.

- E. Solar Access. The lines of lots and parcels, as far as is practical, shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the long axis in the east-west direction permitting sunlight access three hours before and after solar noon. Easements necessary to assure solar access may also be required for subdivision approval.**

FINDING: As previously discussed, the applicant has proposed to layout streets in an east-west manner to the greatest extent possible to provide the greatest amount of solar access. As such, The Planning Commission finds the above stated criterion to be satisfied.

- F. Underground Facilities. All permanent utility services to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles or electroliers used exclusively for street lighting and other equipment appurtenant to underground facilities which are impractical for the utility companies to install underground. The subdivision shall be responsible for complying with requirements of this section, and shall:**

1. **Provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as may be required by the City Public Works Director.**
2. **Obtain all necessary permits for the placement of all underground utilities.**
3. **Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with the rules and regulations of the Public Utility Commission of the State of Oregon.**
4. **All underground utilities, sewer lines and storm drains installed in streets shall be constructed prior to the surfacing of such streets to the extent practicable, and sewer lines shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.**

FINDING: All proposed utilities shall be extended to the subject properties and to each individual lot underground. This requirement shall be imposed as a condition of approval to ensure compliance with the above stated standards. Based on the applicant's ability to comply with the imposed condition of approval pursuant to the above stated standards, the Planning Commission finds the above stated standards are satisfied.

CONDITION OF APPROVAL: All proposed utilities shall be extended to the subject properties and to each individual lot underground.

- G. Street Trees. Subdivision plans shall not have final approval until such time as the City Public Works Director is satisfied that street trees will be planted in the parking strip behind the curb line in accordance with the specifications and standards set forth in this section.**

FINDING: The materials submitted by the applicant do not indicate the location, and species of street trees. It shall be a condition of approval that within all public rights-of-way where adequate planter strip width is present, as determined by the City of Madras Public Works Director, that street trees be planted. A master street tree plan shall be submitted for to the City of Madras Public Works Director for Madras Urban Forestry Commission approval prior to the final plat of Phase1. Such master street tree plan shall govern street tree location and species for all six (6) phases of the proposed subdivision.

CONDITION OF APPROVAL: Within all proposed public rights-of-way, as shown on the tentative plan, where adequate planter strip width is present and as determined by the City of Madras Public Works Director, street trees shall be planted. A master street tree plan shall be submitted for to the City of Madras Public Works Director for Madras Urban Forestry Commission approval prior to the final plat of Phase1. Such master street tree plan shall govern street tree location and species for all six (6) phases of the proposed subdivision.

City of Madras Code, Chapter 8, Section 8-11 - Subdivision and Partition Standards, Article III – Subdivision Application Procedure, Section: 5.6

GENERAL PROVISIONS

- A. **Lighting.** The subdivider shall provide underground wiring to the City standards and a base for any proposed ornamental street lights at locations approved by the affected utility company. All outdoor lighting shall meet the requirements listed in the appropriate zoning district under “lighting”.

FINDING: The Planning Commission finds the materials submitted by the applicant do not directly address the above stated criterion. The Planning Commission finds that a street lighting plan is to be submitted prior to approval of the final construction plans & plat map. Provide clarification as to the locations for installation. Use directional/controlled (rather than flood or wide angle lenses) lighting at each intersection. A full cut-off light head is required on Cobra Head style posts. On decorative post tops, a cut-off level of light control is required. Spacing is optimally 300’ for cobra head style poles and 150’ for decorative poles. In any case do not exceed more than 50% wider spacing (i.e. 450’ or 225’) on any street classification. The Planning Commission finds the above stated requirements of the applicant allow the applicant to comply with the Lighting requirements and therefore, shall be imposed as a condition of final plat approval.

CONDITION OF APPROVAL: A street lighting plan is to be submitted prior to approval of the final construction plans & plat map. Clarify the locations of street light installation. Use directional/controlled (rather than flood or wide angle lenses) lighting at each intersection. A full cut-off light head is required on Cobra Head style posts. On decorative post tops, a cut-off level of light control is required. Spacing is optimally 300’ for cobra head style poles and 150’ for decorative poles. In any case do not exceed more than 50% wider spacing (i.e. 450’ or 225’) on any street classification.

City of Madras Code, Chapter 8, Section 8-11 - Subdivision and Partition Standards, Article III – Subdivision Application Procedure, Section: 5.11

SECTION 5.11: PUBLIC PARK DEDICATION/PARK FUND

All subdivisions shall comply with the following standards:

- A. All subdivisions shall dedicate eight percent (8%) of the gross area of the property proposed to be subdivided to the City of Madras for public parks, open space, trails, and recreational purposes.
- B. The City Public Works Director, in his or her sole discretion, shall determine if a dedication less than eight percent (8%) of the gross area of said development is permitted.
- C. Property dedicated to the City of Madras for public parks, trails, and recreational shall be dedicated to the City of Madras upon final plat.
- D. For multiple phase subdivisions, upon final platting the first phase of the subdivision, all property required to be dedicated to the City of Madras for public parks, open space, trails, and recreational purposes shall be dedicated to the City.
- E. Property dedicated to the City for public parks, open space, trails, and recreational purposes, as required in Section 5.11(A) of this ordinance, shall be located in the following manner to ensure maximum access, visibility, use, reduce maintenance needs, to maintain public safety, minimize adverse impacts to neighboring residents:
 - 1. Consistent with the provisions of the City of Madras Parks and Open Space Master Plan;
 - 2. At minimum, the property being dedicated to the City for parks and recreational purposes shall front two (2) public streets unless otherwise approved by the City Public Works Director;
 - 3. Be consolidated and centrally located as approved by the City Public Works Director and Police Chief.
 - 4. Property dedicated to the City for parks shall be located on a part of the site which can be reasonably be developed as a park considering: slope, topography, water courses, drainage facilities, rock outcroppings, underground and overhead utility services, availability of domestic water and sewer service, and proximity to existing or planned streets.

FINDING: As previously discussed and condition on page 29, the Public Works Director has determined that the applicant/developer is to pay public park improvement fees to the City of Madras in lieu of dedicating property to the City of Madras for a public park. Accordingly, the Planning Commission finds the above stated criteria are satisfied.

- F. Pursuant to Section 5.11(A) of this ordinance, property for trails shall be dedicated to the City of Madras as public trail dedication area and comply with City Public Works Department's standards and

specifications for trail improvements.

- G.** The dedication of property for public trails by creating a public access easements is prohibited unless:
- 1.** The trail is located within an existing utility easement of which the beneficiary of such easement allows an additional easement to be created for the purpose of a public multi-use trail; and
 - 2.** The City of Madras Public Works Director determines that the location of the trail easement efficiently connects to existing or future planned multi-use trails identified in the City of Madras Parks and Open Space Master Plan and
 - 3.** The City of Madras Public Works Director determines that the location of the trail easement provides a safe and efficient route for pedestrian and bicycle transportation.
- H.** Trails crossing public right-of-way used for vehicular transportation (i.e. road crossings) shall comply with the access management standards specified in the City of Madras Transportation System Plan (TSP). Trails that cross public right-of-way (i.e. road crossings) shall be constructed in manner consistent with the TSP, Oregon Bike and Pedestrian Plan and American with Disabilities Act (ADA) specifications for functionally classified street crossed by the trail.

FINDING: The Planning Commission finds the above stated requirements are not applicable to the development proposal as the Public Works Director has required the applicant/developer to pay fees to the City for public park improvements in lieu of dedicating land to the City for a public park. Therefore, the Planning Commission finds the above stated criteria are not applicable to the development proposal.

- I.** The Public Works Director, in his or her sole discretion, may permit the developer to pay fees in lieu of dedicating property to the City of Madras for public parks, trails, and recreational purposes as required in Section 5.11(A) of this ordinance under the following conditions:
- 1.** There is no planned park or trail identified on Figure 3-10 of the City of Madras Parks and Open Space Master Plan within $\frac{1}{4}$ mile of the property proposed to be subdivided; and
 - 2.** There is an existing public park of adequate size to serve the existing neighborhood and new proposed subdivision located within $\frac{1}{4}$ of the property proposed to be subdivided; and
 - 3.** The Public Works Director has determined that the area

surrounding the property proposed to be subdivided is adequately served with public parks, trails, and recreational opportunities.

- J. If a developer is permitted to pay fees to the City of Madras in lieu of dedicating property for public parks, open space, trails, and recreational purposes under Section 5.11(D) of this ordinance, the fees shall be equal to eight percent (8%) of the Real Market Value (RMV) of the property proposed to be subdivided. The RMV of the property shall be established from the most recent tax assessment for the property proposed to be subdivided by the Jefferson County Assessor.
- K. **Expenditure of Funds.** Funds collected from a developer in lieu of dedicating public park, trail, and recreation land shall be credited to a park acquisition and development fund and shall be deposited with the City Finance Director prior to the final plat of the subdivision (for multi-phase subdivisions, prior to phase 1 final plat approval). Such funds may be expended only on order of the City Council for the purpose of acquiring, developing, or maintaining existing land for parks, trail, or recreational purposes.

FINDING: As previously discussed and condition on page 29, the Public Works Director has required the applicant/developer to pay fees to the City of Madras in lieu of dedicating property for public parks, open space, trails, and recreational purposes. The Planning Commission finds and concludes that the fees the applicant/developer are to pay to the City shall be based on the RMV as stated in Section 5.11(J)-(K) in the City of Madras Subdivision Ordinance (No. 713). Considering the applicant's ability to comply with the conditions of approval stated herein related to parks, the Planning Commission finds the above stated criteria are satisfied.

CONCLUSIONS AND RECOMMENDATION

Based on the Findings and Conclusions contained in the report, the City of Madras Planning Commission finds that the proposed subdivision (File # SD-11-1) satisfies the required standards and criteria necessary to support a recommendation of approval for the single phase 42-lot subdivision. Therefore, the City of Madras Planning Commission grants approval of File # SD-11-1 (Park Place), subject to the following conditions being met (and as individually and more specifically set forth above):

Approval is based on the application, materials, site plan dated November 2, 2011, and all exhibits listed under "Exhibits." Any alteration to the approved plans, except modified by the following conditions of approval, may require a modification or a new application.

Approval is based on the applicant meeting all conditions set forth under "Findings" in the section entitled "Conclusionary Findings"

Following the end of the 15 day appeal period, the Owner shall sign an Improvement Agreement with the City ensuring that all site development and required improvements will be installed and maintained.

CONDITIONS OF APPROVAL

GENERAL:

1. Formal plans and specifications are to be submitted for all construction. Submit as-built plans (11"x17" - Hard Copy and Electronic – ACAD & PDF electronic files) as sections of work are completed. Wastewater system plans to be submitted to and approved by the City of Madras and by DEQ (only pump/lift station for DEQ). Once the final plans are approved for each phase of work, schedule a pre-construction meeting with the City of Madras Public Works Department.
2. The public improvement plan review process does not begin until a complete submittal is submitted to the City. A complete submittal includes 1) construction plans, 2) storm drainage report and 3) sewer calculations. If any of the items are missing, the submittal will be deemed incomplete and the review will be put on hold pending receipt of the missing documentation.
3. Lot corners are to be surveyed and staked for building inspection reference.
4. Submit a letter of intent to provide service from all utility companies planned for the subdivision. This should include gas, power, TV and phone services.
5. The applicant shall make a request for electrical services to the subject properties to Pacific Corp. (Pacific Power) at 1-888-221-7070.
6. Erosion Control, Weed Abatement and Fire Control Measures:
 - a. During the development of the approved subdivision or site plan area, the developer and his or her designated contractor will install & maintain construction entrances, sedimentation control devices and provide vegetative establishment on all disturbed surfaces within the development area per ODOT standard erosion control details and best management practices.
 - b. The development property owner is responsible for weed abatement throughout the life of the development. This involves at a minimum mowing dry grass and weeded areas within the development zone (future phases included) for the purpose of weed abatement and fire control measures. In the event this does not occur, per the City ordinance the City will hire a mowing service to perform the necessary work and put a lien on the property.

7. Per final plat approval the developer or its designee is responsible for all required inspections and testing for street & utility improvements per the guidelines set by the City of Madras. Inspection – The Public Works Department shall be notified two working days in advance of the time for subgrade inspection, two working days in advance of the time for bases inspection and two working days in advance of the time for paving inspection. Each stage of construction must be inspected and approved prior to the commencement of the next stage of construction. The final inspection shall be requested seven working days in advance. Quality Control testing and documentation is to be submitted to the City of Madras during construction per ODOT/APWA guidelines for the following but not limited to (frequencies identified in the ODOT Field Test Procedures Manual):
 - a. Subgrade, base rock and asphalt paving compaction densities
 - b. City Water Lines (when applicable, Contact Deschutes Valley Water otherwise) – Pressure, Bacterial and Chlorine Testing requirements
 - c. Sanitary Sewer Line – Air Pressure Test, Mandrel, TV Inspection and Manhole Vacuum Test.
 - d. Storm Line – Mandrel and TV Inspection
 - e. Concrete Sampling and Testing – Minor Structural Concrete testing for use in curb, gutter and sidewalk.
8. Per Madras Resolution, the developer will be required to make a “Quality Assurance, Inspection and Testing Permit” deposit with the Public Works Director prior to the review of any plans and no infrastructure work shall be allowed to start without such deposit first having been made. The resolution purpose, requirements and rates are available at City Hall or from the Public Works Director.
9. The developer/owner shall contact the US Postal Service about the placement of cluster mailboxes.
10. Note and illustrate all public and private easements on the subdivision plat recorded with Jefferson County.
11. The applicant shall comply with all requirements of the Jefferson County Fire District #1 Fire Marshal. This includes any requirement that modifies the proposed subdivision as approved herein. The applicant shall obtain written authorization and or documentation that the proposed development satisfies the requirements of the Jefferson County Fire District #1 Fire Marshal, prior to final plat.
12. If the applicant chooses to establish CC & Rs for the proposed subdivision, the CC & Rs shall be lawfully established prior to final plat. All easements affecting

individual lots will be shown on the final plat and recorded to bind future lot owners.

13. The applicant shall clarify: 1) the intended use(s) of the 10 foot wide access between lots 65 and 66; and 2) if access to this bicycle and pedestrian way will be given via a public access easement or public-right-of-way. Accordingly, the applicant shall submit a revised plan to the Community Development Department clarifying the intended use and type of access (i.e. easement or right-of-way) prior to final plat.
14. Prior to final plat, the applicant shall submit a revised tentative plan that clearly identifies the frontage length of lots 66 through 69 to the Community Development Department for review and approval. If lots 66 through 69 do not have at least 40 feet of frontage, the applicant shall submit a revised tentative plan to the Community Development Department for review and approval prior to final plat that shows that lots 66 through 69 have at least 40 feet of frontage (i.e. reconfigure lots).

Landscaping:

15. Within all proposed public rights-of-way, as shown on the tentative plan, where adequate planter strip width is present and as determined by the City of Madras Public Works Director, street trees shall be planted. A master street tree plan shall be submitted for to the City of Madras Public Works Director for Madras Urban Forestry Commission approval prior to the final plat of Phase1. Such master street tree plan shall govern street tree location and species for all six (6) phases of the proposed subdivision.
16. Irrigation & maintenance of landscaping in public right-of-way (landscaping strip) shall be provided by the adjacent lot owners for the plants and trees in the landscape strip between curb and sidewalk. A public water meter system for irrigation in the median planter strip of the major collectors (when applicable) shall be provided by the developer where applicable. The developer shall provide at least one tree per lot and sod grass with irrigation between the curb and sidewalk. Rocks shall not to be used in the median and curb side landscape strips.
17. Street tree & grass plan (public planter strip section) with irrigation to be submitted to the Urban Forestry Commission for approval and incorporated into the final construction plans. The Commission meets on the first Tuesday evening of each month at 7pm in the Public Works Building on B Street. Tree layout staking to be reviewed and approved by the City's Parks Crew Leader prior to planting.
18. A \$1,000 landscaping deposit will be required at the time of building permit application to ensure that landscaping occurs along the lot's frontage in the planter strip in a manner that is consistent with the approved tentative plan and the City of Madras TSP and Parks and Open Space Master Plan, in conjunction

with the planning department's requirement for a landscaped lawn area (or lot landscaping in the condition for a site plan approval).

Sanitary Sewer:

19. The applicant and or developer shall construct the recommended improvements specified on page 4 of 7 in the July 23, 2008 Memorandum from the City Engineer to the City of Madras Public Works Director, prior to final plat.
20. Sanitary Sewer main for the subdivision is 8" minimum diameter and the minimum lot connection size is 4 inch diameter pipe. The City requires a 6' minimum depth main with a 4' minimum depth at each lot connection. There is also a sewer line cleanout required at each property boundary behind the sidewalk with appropriate end cap protection. Ensure stub out lines are constructed for each phase of work so street trenching does not occur to new pavement. The City of Madras will not accept street improvements with patched trenches within new roadway.

Stormwater:

21. Follow the City's stormwater master plan unless otherwise allowed by the City Engineer. Onsite storm water mitigation required through the use of bio-swales and or detention ponds. Storm water design and calculations for a 25 year storm event (2.1" of rainfall in 24 hours) need to be submitted to the City of Madras for review and approval prior to final survey plat approval. The detention ponds shall have flow control structures with orifices to limit the outflow to the 10-year pre-developed level. The City Engineer will provide final consent on stormwater design and calculations. In publicly maintained areas, swales or ponds are to have slopes no greater than 4:1 to accommodate mowing equipment.
22. Provide detail for maintenance access, a maximum steepness of 4:1 slopes, and detail for an overflow structure that directs stormwater into the street right-of-way (or open space if available) during storm events larger than the 25 year event. Slopes for the pond are to be designed within the property limits and are not to project out into the right-of-way dedication areas of H Street & the future expressway (57 feet from centerline of Culver Highway) or out onto individual private lots.
23. Use CG-2 Catch Basins with 18" sumps in conjunction with curb and gutter on Local and Minor Collector Streets. On Major Collectors use Type CG-3 Curb Inlets with 18" sumps.
24. The City will require a portion of the stormwater easement area be dedicated to public right-of-way for the future expressway (need 57' from centerline of Culver Highway to the stormwater easement boundary for the subdivision). In exchange the City will allow the use of SW Jackson Street right-of-way (south of H Street) for stormwater use by the subdivision (not including the area that is 57' or less from the centerline of Culver Highway).

25. Per section 8-11.5.7 of the Subdivision Ordinance - Grading of Building Sites, the developer is responsible for providing a grading plan that provides drainage & run-off measures to protect each lot from stormwater run-off erosion and or flooding.

Parks/Trails:

26. The applicant and or developer shall pay the City of Madras, prior to final plat, in the amount equaling eight percent (8%) of the Real Market Value (RMV) of the subject properties, of which shall be established from the most recent tax assessment for the subject properties pursuant to Section 5.11 of the City of Madras Subdivision Ordinance (No. 713).

27. Pedestrian Access Way between lots 65 & 66 to the neighborhood commercial property from Park Lane shall be fenced. This access way shall be 10' in width and dedicated to the City of Madras as public right-of-way. The access way shall be constructed with a 6' wide concrete sidewalk improvement. Fences must be installed at the time of lot improvements to ensure no encroachment onto the public Pedestrian Access Way.

Streets:

28. Street Layout & Improvements: Follow City of Madras Ordinances and ODOT/APWA 2008 Oregon Standard Specifications for Construction and ODOT Standard Detail drawings for design & construction. Pipe bedding and Trench backfill material will be an ODOT approved crushed rock product for full trench height backfill in all street trench sections. Native backfill is not allowed without extensive sampling and analysis for suitability.

29. Local Street Layout:

- 6' sidewalk
- 5.5' planter (sidewalk to front face of curb)
- 7' parking lanes
- 17' travel area
- Total Public ROW (Right-of-Way) 54' – Sidewalks property tight

30. Minor Collector Layout

- 6' sidewalk
- 5.5 planter (sidewalk to front face of curb)
- 7' parking lanes
- 11.5' travel lanes
- Total ROW 60' – Sidewalks property tight

31. Major Collector Layout

- 6' sidewalks
- 5.5 planter (sidewalk to front face of curb)
- 6' bike lanes
- 12' travel lanes
- 11' median/planter lane

- Total ROW 70' (not counting 1' reserve strips)
32. Curb and gutter required for all streets & alleys. Use 7" exposure for the curbing and an 18" pan for the gutter. Provide curb extensions at each intersection that extend to the edge of the parking lanes. Where curb extensions are provided along the City's snow removal route, provide removable reflectors (minimum 24" height) to identify the edge nearest to the travel way for snow plow awareness.
 33. Maximum street grade is 10% on any local or minor collector street. Maximum street grade is 8% for any major collector street sections.
 34. The maximum grade slope for any lot or street side slope is 2H: 1V. If development creates a steeper slope, retaining walls are required. When the height of a retaining wall exceeds the standard building official limit (4 feet), provide engineered retaining wall drawings and calculations for review and approval by the Jefferson County Building Department for individual lots and to the City of Madras for any roadway retaining walls.
 35. A street lighting plan is to be included prior to approval of the final construction plans & plat map. Provide clarification as to the locations for installation. Use directional/controlled (rather than flood or wide angle lenses) lighting at each intersection. A full cut-off light head is required on Cobra Head style posts. On decorative post tops, a cut-off level of light control is required.
 36. The applicant/developer shall dedicate a minimum of 57' of right-of-way from centerline of Culver Highway (Hwy 361) to the subdivision property. The applicant/developer shall provide detail to the Public Works Department during final plat approval on the southern end, where SW Jackson Street ends to the southern subdivision property boundary.
 37. The applicant/developer shall construct the frontage improvements along Culver Highway south of the "H" Street and Culver Highway intersection as shown on the tentative plan. Such improvement shall include a 6 foot wide property tight concrete sidewalk.
 38. The applicant/developer shall coordinate the design, provide ADA street crossing, lighting, and any additional adjustments necessary with lighting and landscaping improvements for the trail improvements at "H" Street and Jackson Street that are planned to be installed by the City of Madras in 2012.
 39. The applicant/developer shall design and construct the Culver Highway median crossing at "H" Street prior to final plat. The design of this crossing shall be consistent with the previously approved in the ODOT Design Acceptance Review dated July 9, 2008 and shall also include proper ADA ramps. The Public Works Director has also required the applicant/developer to coordinate the median crossing improvements with the design by Miller Crossing and Sunridge for a divided highway section from Belmont Lane to approximately Marshall Street as approved by ODOT.

40. Sidewalk ADA ramps shall follow ODOT standard typical drawings. Coordinate correct option selection with the City Engineer. Provide elevations and scaled drawings to confirm the layout selected will meet ADA compliance with the topography and available right-of-way at the intersection for each ramp location. The Public Works Department requires the use of cast iron tactile dome plates for the texturing of the ADA ramps. Submit proposed product for review and approval by the Public Works Department and incorporate into the construction plan's typical sections.
41. The approach is not permitted by ODOT at this time. As shown on the site plan, the design of the approach is not detailed enough. The applicant shall provide ODOT with more detailed drawings of the approach and pedestrian island in order to assess mobility impacts and mitigation. The applicant shall obtain design and approval for the approach and pedestrian island from ODOT prior to final plat and construction.
42. Street signs are required and the developer shall install street signs as approved by the City. Provide construction plans detailing sign locations, dimensions, type and post specifications meeting Public Works Department and MUTCD standards. The Street names will be reviewed and approved by Jefferson County.
43. H Street is classified a minor collector. Park Lane, Juniper Hill and North Ridge are classified as local streets.
44. Typical Sections & Improvements:
- | | |
|------------------|--|
| Local Street: | Curb & gutter with 7" exposure and 18" pan per ODOT Drawing RD 700. 8" of aggregate base (3/4" – 0), 3" of Level II or III, 1/2" Dense, HMA (1 lift) with PG 64-28 oil required. |
| Minor Collector: | Minimum of 60' of publicly dedicated right-of-way (ROW) required. Curb & gutter with 7" exposure and 18" pan per ODOT Drawing RD 700. 10" of aggregate base (3/4" – 0), 3" of Level III, 1/2" Dense, HMA (1 lift) with PG 64-28 oil required |
45. Park Lane and "H" Street will require design coordination with Sunridge to provide a smooth transition between developments. At a minimum survey must extend 300' past the subdivision limits to confirm appropriate vertical curve transition needs with the adjacent subdivision property.
46. Local subdivision streets are to have a minimum of 54 feet of ROW and need to have sidewalk, landscaping, curb and paved roadway constructed in dimensions per City's adopted transportation system plan layout.

47. The property owner shall satisfy the Fire Marshal's standards for turn-around on any street dead-ending 150 feet or further from the nearest intersection. Cul-de-sacs to have a minimum of 50' paved radius, face to face of curb, to meet Fire Marshal turn around requirements. Landscaped median sections in the cul-de-sacs are encouraged by the developer as an architecturally pleasing amenity versus all asphalt. Provide a minimum of a 25' wide paved section between the outer curb and circular landscaped median section and a 50' minimum radius from center of cul-de-sac to the curb (no parking in the cul-de-sac street section when landscaped in described layout).

48. Street Construction sequence:

- H Street (starting at Culver Highway) to Park Lane and Park Lane from H Street to the Subdivision's north property boundary must be constructed within 12 months from the date of final plat signing. This includes finalizing all construction plan details and making necessary utility improvements so as not to trench the street improvement after paving occurs. In the event this development chooses not to build before Sunridge, this development will provide street access and utility easements to the City for all right-of-way sections approved in the tentative plat at no additional cost to the City. All subdivision bonding or cash deposit ordinance rules apply for final plat approval.
- The Public Works Director and Fire Marshall require all weather surface streets to be in place prior to combustible construction beginning.
- Other streets will be reviewed for sequencing at the time of construction plan approval.

UTILITIES:

49. All proposed utilities shall be extended to the subject properties and to each individual lot underground.

50. Typical utility layout is as follows:

- A. Water alignment – West or North sides of the road section (approx. 5'-6' off of curb)
- B. Sewer alignment (6' minimum depth, 4' at lot connection) – Centerline of roadways for minor collector and local street sections. East or South side center of travel lane for major collectors.
- C. Stormwater alignment – Opposite side of street from water (center of travel lane on major collectors; center at line between parking area and travel area on minor collectors and local streets).
- D. Other services (phone, gas, electric, TV) – planter strip section or granted public utility easement (P.U.E) behind sidewalk.
- E. Minimum utility cover is 30 inches
- F. Any variations to be reviewed and approved by the City Engineer

51. Deschutes Valley Water District (DVWD) supplies water to the subdivision. Coordinate Fire Hydrant layout and sizing requirements with DVWD & Jefferson County Fire Department. Provide a fire flow analysis to confirm fire hydrant capacity needs are satisfied.

//////////////////////////////////////**END OF CONDITIONS**//////////////////////////////////////

THIS DECISION BECOMES FINAL FIFTEEN (15) DAYS FROM DATE MAILED UNLESS A WRITTEN APPEAL IS SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT WITH A PAYMENT OF A \$250 APPEAL FEE. FOR INFORMATION ON APPEALS, PLEASE CALL (541) 475-3388.

In accordance with Madras Land Development Ordinance (MLDO) Section 9.25, all land use approvals shall be valid for a period of one (1) year unless extended in compliance with Section 9.26 of the MLDO. Such extensions shall be administrative, in writing, and not subject to appeal. Any change or modification will require a new application and approval by the City of Madras Community Development Department.

Allen Hurley, Chair

Date

Mailed by

Date