MEMORANDUM

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director

DATE: January 7, 2009

RE: Deer Run Park Subdivision
(Cases: PLD08-00013 / SUB08-00007)

I. ISSUES

The applicant, Creed Eckert, submitted an application on August 8, 2008, seeking approval of a Conceptual and Detailed Development Plan and a Tentative Subdivision Plat.

The proposed Detailed Development Plan includes grading and utility infrastructure for nine residential lots, associated vehicle parking, landscaping, pedestrian connections, and related site elements. The proposal also includes dedication of right-of-way and street improvements for NW Ponderosa Avenue, and dedication of a 1.4 acre Riparian Corridor and Drainageway Tract to the public. The applicant proposes to defer review of the building architecture to the building permit phase. The Detailed Development Plan also includes requested variations to Land Development Code (LDC) standards including: RS-6 development standards, location of vehicle parking relative to dwellings, pedestrian sidewalk landscape buffers, hillside development standards, tree protection requirements, Collector Street development standards, and sign standards.

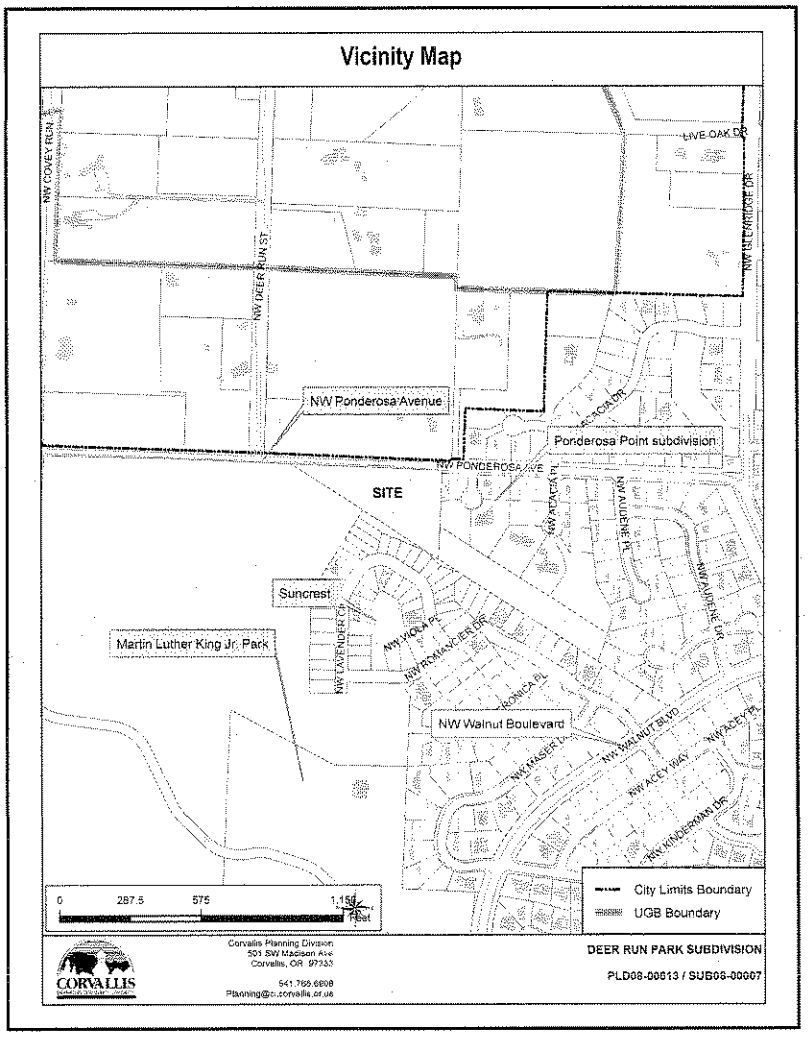
On November 19, 2008, the Planning Commission held a duly advertised public hearing on the request. At that hearing, written testimony was submitted by members of the public, and the Planning Commission honored a request to hold the record open (**see EXHIBIT IV**). The record was held open for one week, following which, the applicant was allowed one week to submit a final written argument. Written testimony was submitted on November 24, 2008, and November 26, 2008 (**see EXHIBIT V**). The applicant submitted final written arguments on December 3, 2008 (**see EXHIBIT V**). The Planning Commission reconvened on December 3, 2008, deliberated, and voted to approve the applicant's request, with amendments to conditions of approval. The Planning Commission Chair signed the Notice of Disposition from that decision on December 4, 2008, **(see EXHIBIT I)**. On December 16, 2008, the appellant appealed the Planning Commission's decision **(see EXHIBIT II)**. A City Council public hearing has been scheduled for January 20, 2009, to consider the appeal of the Planning Commission's decision to approve the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat.

II. BACKGROUND & DISCUSSION

A. Site & Vicinity

The subject 2.55 acre property is located at 5280 NW Ponderosa Avenue. The site is currently undeveloped, with the exception of fill dirt that was placed in the northeast corner of the property during the 1990s.

The site abuts developed residential areas of varying density to the north, across NW Ponderosa Drive, and to the east (Ponderosa Point subdivision) (**see Vicinity Map**). The area south and southeast of the site is a protected Riparian Corridor. The Suncrest development is located south of the Riparian Corridor.



The Comprehensive Plan Map designates the subject property as LD (Residential - Low Density). The site is bounded by the same LD designation on all sides for a minimum of 800 feet (**see EXHIBIT III – Page 98 of 395**).

The site is zoned PD(RS-6) (Low Density Residential with a Planned Development Overlay). The property to the west and south of the site is also zoned PD(RS-6). The site is bounded on the east by the RS-3.5 (Low Density Residential) district (**see EXHIBIT III – Page 99 of 395**). The properties immediately to the north of the site, across NW Ponderosa Avenue, are located in Benton County.

There are both mapped Natural Resources and Natural Hazards on the subject property.

The mapped Natural Hazards on the property consist of landslide hazards **(see EXHIBIT III – Page 102 of 395**) and slope hazards (**see EXHIBIT III – Page 103 of 395**). The site contains a mapped landslide debris runout area, and is located in the

500' buffer area for landslides (due to the on-site mapped landslide debris runout and because the site is approximately 415' to the southwest of a mapped moderate landslide feature).

The site contains mapped slopes between 10 and 35%. Some of the sloped areas are attributed to fill dirt that was placed on the property in the 1990s in the northeast corner of the property, and due to construction of the road bank for NW Ponderosa Avenue.

The mapped Natural Resources on the property consist of a Highly Protected Riparian Corridor (**see EXHIBIT III – Page 104 of 395**).

B. Previous Land Use Approvals

1983 (A-82-6, DC-82-11, PDM-83-2) - Annexation request and associated District Change and Planned Development. The Annexation request was rejected by the voters, and the associated District Change and Planned Development were nullified due to failure of the Annexation measure.

1984 (A-84-1 / DC-84-3) - The subject property and surrounding 141 acres were annexed into Corvallis city limits (Ordinance # 84-132). An RD-6 (Low Density Residential) and Planned Development Overlay zones were applied to the property through case DC-84-3, which contained specific conditions of approval (**see EXHIBIT III – page 165 of 395**). The general land use plan included as part of the 1984 approval is not classified as a Conceptual or Detailed Development Plan in the way such plans are defined today. Therefore, the current application is not bound to the 1984 general land use plan. The current proposed housing density is consistent with the density conceptualized in the 1984 approval. The general concepts of utilizing the Planned Development approval process to consider compatibility factors, and using transfer of density to protect natural resources were discussed in the 1984 approval.

1993 (PD-93-3) - Cauthorn Planned Development proposal - Applicant requested to construct one single-family dwelling on the subject property. The proposal was approved by the Planning Commission and City Council. The applicant filed an application for a building permit, based on the subject Planned Development approval, but allowed the permit application to expire and never constructed the home (**see EXHIBIT III – page 166 through 171 of 395**). The previously approved Conceptual & Detailed Development Plan has expired.

1994-2006 (EXC94-00001 / EXC99-00018 / EXC01-00018 / EXC06-00087 / VIO98-00731 / VIO06-00138) - Applicant applied for excavation and grading permit to place 200 cubic yards of fill dirt on the subject property in 1994. The fill dirt was placed on the property. However,

the inspection failed because the way in which the fill was placed and the content of the fill is considered to be unsuitable for building construction. Additional fill was placed on the property over the subsequent 12 years without approvals from the City. During this time a series of Violations and Excavation & Grading Permits related to the continuing placement of fill were processed by the City. As of the date of this staff report, no portion of the fill placed on the site since 1994 has been sanctioned for construction of buildings.

2007 (PLD07-00008 / SUB07-00004) - An application was filed for a Detailed Development Plan and Tentative Subdivision Plat. The design of the proposal was modified, and ultimately the application expired.

2008 (PLD08-00002 / SUB08-00002) - An application was filed for a Detailed Development Plan and Tentative Subdivision Plat. The design of the proposal was modified, and ultimately the application expired. The final design was retained for this case (PLD08-00013 / SUB08-00007).

C. Discussion

The 1984 Annexation approval included application of a blanket Planned Development Overlay on the subject property. Conditions of approval were included as part of the 1984 approval. The 1984 approval did not include elements of a Conceptual and/or Detailed Development Plan.

The 1993 Planned Development approved the location of a single-family residence for the northeast corner of the property and dedication of the remainder of the property as a drainageway tract. The owner at the time applied for construction of a single-family home and a related excavation and grading permit to allow fill dirt to be placed for construction of the home. The excavation and grading work was completed. However, the building permit was never finalized, the fill dirt was not approved for building construction, and the site remains vacant.

Additional fill dirt was placed on the property, without approved excavation and grading permits in 1998 and 2006. Because the fill was placed without final City approvals, it is uncertain whether or not the fill is consistent with grading approved as part of the 1993 Planned Development approval. The City monitored these events through a series of Violation cases. At one point, the former owner of the property was fined by the City for failing to acquire the appropriate permits and for failing to take corrective action. Because the fill was never officially sanctioned for development activities related to the 1993 Planned Development approval, the 1993 approval has expired.

The property changed ownership in 2003. A 2006 Violation related to additional fill activities triggered discussions between the current property owner and City staff. This led to the current Conceptual & Detailed Development Plan request.

III. PROPOSAL

A. Conceptual & Detailed Development Plan

The applicant requests Conceptual and Detailed Development Plan approval to excavate and grade the site, and construct utility and driveway infrastructure in preparation for development of nine residential lots. The applicant proposes three groups of three attached single-family homes each (total of nine dwelling units), all to be served by a common driveway with access from NW Ponderosa Avenue.

The applicant is also proposing to dedicate to the public, a 1.4 acre drainageway and riparian corridor tract. The applicant is requesting to defer detailed analysis of the architecture of the attached single-family homes to time of building permit. However, the applicant has submitted conceptual floor plans in order to illustrate how the functional spaces of the homes' interiors relate to the proposed site plan, and to ensure that the RS-6 district development standards can be satisfied, except where specific variations are requested as part of the Conceptual and Detailed Development Plan request. The applicant proposes variations to specific LDC standards, which are discussed in Exhibit III, and where applicable to specific issues raised in the appeal, further discussion is provided below.

B. Tentative Subdivision Plat

The applicant is requesting approval of a nine-lot tentative subdivision plat.

IV. PLANNING COMMISSION ACTION

A comprehensive review of all applicable LDC criteria and policies that apply to the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat was provided in the November 7, 2008, Staff Report to the Planning Commission (**see EXHIBIT III**). Specifically, pages 7-75 of the Staff Report address compliance with LDC criteria applicable to the proposed Conceptual and Detailed Development plan, and pages 76-84 address compliance with LDC criteria regarding the proposed Tentative Subdivision Plat.

As reflected in the November 7, 2008, Staff Report to the Planning Commission, and minutes from the November 19, 2008, and December 3, 2008, Planning Commission meetings, City Staff recommended that the Planning Commission approve the applicant's requests, with conditions. The Planning Commission reviewed the application, received public testimony, and voted to approve the application.

In approving the application, the Planning Commission has confirmed that all applicable LDC criteria and Comprehensive Plan policies have been weighed, and in balance, the application is supported by the applicable criteria. This is based on discussions from the November 19, 2008, and December 3, 2008, Planning Commission meetings that support the decision to approve the application (**see EXHIBITS IV & V**), as well as the signed Notice of Disposition which documents the Planning Commission's decision (**see EXHIBIT I**). The Planning Commission also adopted amendments to specific conditions of approval, as witnessed by the December 3, 2008, Planning Commission meeting minutes and the Notice of Disposition.

V. APPEAL ISSUES

Appeals Process

LDC section 2.19.30.02(d) - Hearings Authority states that appeals of Planning Commission decisions shall be reviewed by the City Council. LDC section 2.19.30.01(c) states that all hearings on Appeals shall be held de novo (as a new public hearing), and the Council's decision is not limited to the stated grounds for appeal. Under the terms of LDC 2.19.30.01(c), the Council is charged with reviewing the application for consistency with the relevant criteria.

The Notice of Disposition of the Planning Commission's decision to approve the Deer Run Park Subdivision application (**see EXHIBIT I**) indicates approval of the applicant's submitted application materials (narrative and drawings) and conditions of approval, as amended.

The appellants' letters of December 16, 2008 (**see EXHIBIT II**), indicate the basis for the appeal request. The appellants' letters cover four main areas of contention concerning the Planning Commission's decision. The appeal letters do not specifically identify how the proposed application is inconsistent with the City's LDC provisions. The appeal letters contain only a general statement that the variations approved by the Planning Commission "*are not consistent with LDC Standards.*"

The Planned Development process is typically used by applicants to request variations to LDC standards. An approved variation is by nature, not consistent with LDC standards. The Planned Development process allows decision makers to consider variations to LDC standards, based on provision of compensating benefits elsewhere in the overall design of the development, and based on other adopted City policies contained within the Comprehensive Plan that support the requested variation. It is not clear whether the issues raised in the appeal letters are intended to focus specifically on the requested variations, or the application as a whole, and its consistency with the LDC.

Following is an analysis of the LDC provisions cited in the appeal letters. References to discussions concerning these specific LDC provisions, including discussions that

occurred at the Planning Commission meetings (**see EXHIBITS IV & V**) and discussions contained within the November 7, 2008, Staff Report to the Planning Commission (**see EXHIBIT III**), are included below. The LDC provisions cited by the appellants are noted in italics, the Planning Commission's affirmations are shown in bold, and Staff's analyses are shown in plain text. Additional discussion by the appellants, which was presented either orally or in writing at the November 19, 2008, Planning Commission Public Hearing, is included below.

A. Grading Standards

LDC Section 4.5.80.04 – "Grading standards – 6,500 (ed.) sq. ft. limit, Cut and Fill"

For brevity, the entire portion of the LDC containing Section 4.5.80.04 is not included on this page, but is included as an Exhibit to this report, as part of the November 7, 2008, Staff Report to the Planning Commission (**see EXHIBIT III – page 137 through 141 of 395**). This same information was made available to the public at the Planning Commission meetings.

Section 4.5.80.04 covers grading regulations on development sites that contain significant slopes. There are three main categories of standards in this LDC Section that apply to the Deer Run Park Subdivision:

1. Maximum Allowed Cut Depth and Fill Height (includes the Eight-Ft., 10-ft. Standard, 12-ft. Standard, and Exceptions)
2. Grading Area Limitations (these provisions limit grading on Lots 1 and 9 to 6,500 sq. ft. and the remaining lots can be graded up to 100% of the lot area)
3. Terracing Requirements and Design Standards

The grading standards noted above are applied at the development site level, through mass grading provisions, and at the individual lot level, through individual lot grading standards. Developments that employ any degree of mass grading will commence mass grading first, and provisions in LDC Section 4.5.80.04 will then limit the remaining balances of cut / fill and grading area limitations noted in Section 4.5.80.04 to the phase of development where homes are constructed on individual lots.

The applicant for Deer Run Park Subdivision intends to employ mass grading for a majority of the development site, as permissible by LDC Section 4.5.80.04. Except for specific variations to certain standards in LDC Section 4.5.80.04 noted below, the proposal is consistent with the grading provisions of LDC Section 4.5.80.04. Additional grading is proposed to occur as homes are developed on each lot, to support the foundations for each home. The application materials do not indicate requested variations to LDC standards beyond those noted below.

The applicant is requesting a variation to the Eight-Ft. Standard for specific portions of the site, as noted in the application materials (**see EXHIBIT I – page 18 of 30**) and Planning Commission Staff Report (**see EXHIBIT III – page 15 of 395**). The applicant is

proposing fills toward the west end of the developed portion of the site that range from 8 to 14 ½ feet. The LDC allows certain variations to the Eight-Ft. Standard, based on Extenuating Circumstances noted in LDC Section 4.5.80.04.c.2.b. Variations allowed outright in this LDC Section allows Fills to be increased to 10 and 12 feet depending on the number of Extenuating Circumstances. The proposal does meet one exemption for protection of the Highly Protected Riparian Corridor, but does not clearly meet additional exemptions. Therefore, the Fills that exceed 10 feet in the western portion of the developed area are not subject to the Extenuating Circumstances, and a variation request is necessary in order to exceed the 10-Ft. Standard.

The applicant has properly requested a variation to the 10-Ft. Standard, and has indicated compensating benefits, consistent with LDC Section 2.5.40.04.a.1 (**see EXHIBIT III – pages 15 and 17 of 395**). The primary compensating benefit noted includes additional protection of the Riparian Corridor by concentrating development (and associated Fills) to the northern portion of the site. By increasing the height of the Fill, the toe of the Fill slope is limited in its southward extent, further away from the Riparian Corridor. The applicant has indicated an additional compensating benefit, by noting that the grading plan, as proposed, is best suited to ensure that the pre-development hydrological function of the site's topography and stream is maintained.

While protection of the Riparian Corridor is required per LDC Section 4.13.50, regardless of the type of development that occurs on the subject site, the Planning Commission has affirmed that the Planned Development process is an appropriate process for requesting variations to certain LDC standards, in order to balance the objectives and Purposes of the LDC provisions.

Commissioner Howell stated that **"Given the site, the grading is fairly benign. There are limited cuts and fills and the riparian area is fairly well protected from any slope activity." (see EXHIBIT V – page 4 of 28).** The Planning Commission has confirmed, in its decision to approve the Conceptual & Detailed Development Plan that the noted compensating benefits mitigate for the requested variations to the cut & fill standards noted in LDC Section 4.5.80.04.

B. Pedestrian Standards

LDC Section 4.2.30.a.3 – "Pedestrian Standards"

> **Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE**
> **a. Tree Plantings -**
> **Tree plantings in accordance with this Section are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.**
>
> > **3. Along sidewalks and multi-use paths not located along streets, a minimum five ft.-wide landscaping buffer is required on either side of the facility. Examples of sidewalks and multi-use paths not located along streets include**

pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. Within these buffers, trees shall be planted at least every 30 ft., or as determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees;

Section 4.2.30.a.3 requires a 5-ft. wide landscaping buffer on either side of a sidewalk, where the sidewalk is being provided on a development site, in order to comply with pedestrian connectivity standards of LDC Chapter 4.0 and 4.10. The applicant is proposing an internal pedestrian sidewalk to link the nine dwellings to the public sidewalk proposed as part of the NW Ponderosa Avenue improvements. As part of the Conceptual & Detailed Development Plan application, the applicant proposes to vary from the 5-ft. wide landscaping buffer requirement, by reducing the width of the landscaping buffer on the north side of the sidewalk to 2 feet. The 2-ft. wide landscape buffer is further impacted by the intersection of several driveway entrances.

Since the applicant is requesting a variation to the 5-ft. standard mentioned in LDC Section 4.2.30.a.3, the review criteria of LDC Section 2.5.40.04.a.1 requires that the applicant indicate that compensating benefits have been provided within the development to mitigate for the variation.

The compensating benefits include an ability to further protect the Riparian Corridor, provision of Green Area in excess of the minimum 40% for a majority of the lots, and provision of common area landscaping where it is otherwise not required (**see Planning Commission discussion in EXHIBIT V – pages 2 and 4 of 28 and Staff discussion in EXHIBIT III – pages 14 and 17 of 395**).

Commissioner Gervais notes in the December 3, 2008, Planning Commission minutes, that **"part of the rationale for sacrificing pedestrian-oriented design standards was to provide more protection for the riparian zone."** The Planning Commission vote to approve the application was not unanimous. Commissioner Hann noted that **"it seems the pedestrian oriented design standards are largely set aside to allow for parking in the front and use of the riparian area as a back yard area."** The Planning Commission confirms, in its decision to approve the proposed development, that compensating benefits have been provided within the development to mitigate for the requested variation to the pedestrian sidewalk landscape buffer standard noted in LDC Section 4.2.30.a.3.

C. Usable Yard

LDC Section 3.3.30.e.2
Section 3.3.30 - RS-6 DEVELOPMENT STANDARDS
"each lot must have a minimum 15 ft. usable yard either on the side or rear of the dwelling."

Section 3.3.30 requires a "usable yard" with a minimum dimension of 15 ft. The LDC does not defined the term usable yard, but it is generally assumed that a usable yard is

similar to other yards typically required through the building setback development standards, such as front, side, and rear yards.

The applicant is proposing to provide the 15-ft. usable yard for each lot. However, the applicant has requested a variation to the usable yard standard in order to allow the portion of each lot that contains the usable yard to share the same location as the required Highly Protected Riparian Corridor. Per LDC Section 4.13.70.02.d, the full 75-ft. wide Highly Protected Riparian Corridor does not need to be provided entirely within a separate Tract. Up to 25 feet of the 75-ft. width may be provided on private lots, which is consistent with the applicant's proposal.

The variation is being requested in part, because the Highly Protected Riparian Corridor protections of LDC Section 4.13.50 limit activities that may occur in the Riparian Corridor to passive recreation. Activities that typically occur in other yards such as gardening, development of patios, decks, and accessory structures are not permitted in Riparian Corridors.

Conversely, the variation to the usable yard standard may be looked at as a reduction in the 15-ft. dimensional requirement.

Compensating benefits discussed as part of the usable yard standard include provision of Green Area on a majority of the lots that exceeds the 40% minimum of the RS-6 district, and protection of significant trees located in the northeast corner of the site that are not required to be protected otherwise (**refer to Staff discussion in EXHIBIT III – pages 11 and 16 of 395**).

Additional compensating benefits provided, and cited by the applicant, are that the usable yard is actually being provided on each lot and is in fact at least 25 feet in depth, but the variation is being requested because the uses of the usable yard are limited to those allowable according to the Highly Protected Riparian Corridor protections noted in LDC Section 4.13.50. The combination of additional Green Area, additional significant tree protections, and the concept of allowing passive recreation to occur within the Riparian Corridor are considered compensating benefits that mitigate for the requested variation, according to the Staff and Planning Commission discussions.

D. Site Assessment and Geotechnical Report Requirements

LDC Section 4.5.70 – "Site Assessment and Geotechnical Report Requirements"

LDC Section 4.5.70 specifically addresses standards for development in landslide hazard areas. The subject development site contains a mapped landslide runout area, which falls entirely within the Highly Protected Riparian Corridor, and outside of the individual lots and developed portion of the site. Additionally, the development site is located within 500 feet of another mapped landslide hazard, located to the northeast of the site, across NW Ponderosa Avenue, within the Brookside Meadows subdivision.

For brevity, the 3 page contents of LDC Section 4.5.70 are not included here, but are included by reference (**see EXHIBIT III – pages 32 and 33 of 395**). LDC Section 4.5.70 covers the application requirements for development sites affected by mapped landslide hazards, and requires a professional Geotechnical evaluation to determine the extent of the hazard and whether or not the property is suitable for development activities beyond the existing conditions.

The applicant has submitted the necessary Geotechnical Report (**see EXHIBIT III – pages 370 through 393 of 395**). The report summarizes that "*debris flows do not pose a threat to the proposed development*" and that the "*risk of deep-seated landslides north or south of the subject property that would impact the proposed development is very low*" (**see EXHIBIT III – page 370**). Additional discussions in the Geotechnical Report under Slope Stability (see EXHIBIT III – page 376) indicate that site conditions "*do not represent a slope stability hazard.*" The Planning Commission notes, in its decision to approve the proposed Conceptual & Detailed Development Plan, that the site assessment and geotechnical report requirements of LDC Section 4.5.70 have been satisfied (**see EXHIBIT V – page 2 of 28**).

Conclusion on Appeal Issues

By approving the Conceptual & Detailed Development Plan, and Tentative Subdivision Plat applications, the Planning Commission acknowledges that the requested variations to LDC standards are supported by the Purposes of the Planned Development process noted in LDC Section 2.5.20, and by the compensating benefits required per LDC Section 2.5.40.04.a.1, and as noted in the application narrative and Staff Report (**see EXHIBIT III – page 11 through 17 of 395**).

As noted in the discussion above, regarding specific LDC standards that were raised in the December 16, 2008, appeal letters, previous discussions by the Planning Commission (**see EXHIBIT V – pages 4 and 5 of 28**) and Staff (**see EXHIBIT III**) indicate that the application is consistent with the applicable LDC standards where variations to standards were not explicitly requested. In summary, the requested Conceptual & Detailed Development Plan and Tentative Subdivision Plat are supported by the applicable criteria as noted by the Planning Commission at their December 3, 2008, meetings, and as indicated by the Notice of Disposition, signed by the Planning Commission Chair on December 4, 2008 (**see EXHIBIT I**).

VI. REQUESTED ACTION

A. Conceptual & Detailed Development Plan

With respect to the appeal of the Planning Commission's decision to approve the Deer Run Park Conceptual and Detailed Development Plan (PLD08-00013), the City Council has the following options:

OPTION #1: Approve the proposed Conceptual and Detailed Development Plan, subject to conditions from the December 4, 2008, Planning Commission Notice of Disposition (**see EXHIBIT I**), thereby upholding the Planning Commission's decision and approving the original request; or

OPTION #2: Deny the proposed Conceptual and Detailed Development plan, thereby reversing the Planning Commission's decision and supporting the appeal; or

OPTION #3: Approve the proposed Conceptual and Detailed Development plan, in a manner that requires a different set of conditions from those adopted by the Planning Commission.

From the facts presented in the November 7, 2008, Staff Report to the Planning Commission (**see EXHIBIT III**), as well as the facts presented in this January 8, 2009, Memorandum from Community Development Director Ken Gibb to the Mayor and City Council, Staff recommend that the City Council pursue Option #1, approving the Conceptual and Detailed Development Plan request, and direct Staff to prepare Formal Findings in support of the City Council's decision.

Consistent with Option #1, the motion below is based upon the facts in the November 7, 2008, Staff Report to the Planning Commission that support the Staff recommendation to approve the Conceptual and Detailed Development Plan. This motion is also based on the criteria, discussions, and conclusions contained within this January 8, 2009, Memorandum to the Mayor and City Council from the Community Development Director; and the reasons given by the City Council, as reflected in the meeting minutes, during their deliberations on this matter.

MOTION: **I move to approve the proposed Conceptual and Detailed Development Plan, subject to conditions from the December 4, 2008, Planning Commission Notice of Disposition (see EXHIBIT I), and subject to adoption of Formal Findings and Conclusions.**

B. Tentative Subdivision Plat

With respect to the appeal of the Planning Commission's decision to approve the Deer Run Park Tentative Subdivision Plat (SUB08-00007), the City Council has the following options:

OPTION #1: Approve the proposed Tentative Subdivision Plat, subject to conditions from the December 4, 2008, Planning Commission Notice of Disposition (**see EXHIBIT I**), thereby upholding the Planning Commission's decision and approving the original request; or

OPTION #2: Deny the proposed Tentative Subdivision Plat, thereby reversing the Planning Commission's decision and supporting the appeal

OPTION #3: Approve the proposed Tentative Subdivision Plat, in a manner that requires a different set of conditions from those adopted by the Planning Commission.

From the facts presented in the November 7, 2008, Staff Report to the Planning Commission (**see EXHIBIT III**), as well as the facts presented in this January 7, 2009, Memorandum from Community Development Director Ken Gibb to the Mayor and City Council, Staff recommend that the City Council pursue Option #1, approving the Tentative Subdivision Plat request, and direct Staff to prepare Formal Findings in support of the City Council's decision.

Consistent with Option #1, the motion below is based upon the facts in the November 7, 2008, Staff Report to the Planning Commission that support the Staff recommendation to approve the Tentative Subdivision Plat. This motion is also based on the criteria, discussions, and conclusions contained within this January 7, 2009, Memorandum to the Mayor and City Council from the Community Development Director; and the reasons given by the City Council, as reflected in the meeting minutes, during their deliberations on this matter.

MOTION: **I move to approve the proposed Tentative Subdivision Plat, subject to conditions from the December 4, 2008, Planning Commission Notice of Disposition (see EXHIBIT I), and subject to adoption of Formal Findings and Conclusions.**

VII. EXHIBITS

- EXHIBIT I: Order 2008-098, Notice of Disposition for Deer Run Park Subdivision, Signed by the Planning Commission Chair on December 4, 2008

- EXHIBIT II: Appeal Letter, submitted by Appellants on December 16, 2008

- EXHIBIT III: Staff Report to the Planning Commission, November 7, 2008

- EXHIBIT IV: Planning Commission Minutes (November 19, 2008), including written testimony attachments submitted during the Public Hearing

- EXHIBIT V: Planning Commission Minutes (December 3, 2008), including written testimony and final written argument attachments submitted between November 24, 2008 and December 3, 2008

Review and Concur:

Jon S. Nelson
City Manager

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION

ORDER 2008 - 098

CASE: **Deer Run Park Subdivision**
(PLD08-00013 / SUB08-00007)

REQUEST: The proposal requests Conceptual & Detailed Development Plan and Tentative Plat approval for a nine-lot residential subdivision, to contain three groups of three attached single-family homes, served by a common driveway. The subdivision proposal also includes dedication of additional public right-of-way along the site's NW Ponderosa Avenue frontage and an open space tract of approximately 1.4 acres. The Planned Development request also includes requested variations to Land Development Code (LDC) standards.

APPLICANT: Creed Eckert
4360 NW Apple Tree Place - No 7
Corvallis, OR 97330

OWNERS: Wayde and Frankie Kent
2485 NE Strawberry Lane
Corvallis, OR 97330

LOCATION: The site is located at 5280 NW Ponderosa Avenue. The site is illustrated on the Benton County Assessor's Map # 11-5-21 CB, Tax Lot 500.

DECISION: The Corvallis Planning Commission conducted a public hearing on November 19, 2008. The public hearing was closed, and a request to hold the written record open until November 26, 2008, was granted by the Planning Commission. Written testimony was submitted on November 24, 2008, and November 26, 2008, and the applicant submitted a formal response to the testimony on December 3, 2008. The Planning Commission held deliberations on December 3, 2008, and decided to approve the requested Conceptual and Detailed Development Plan and Tentative Subdivision Plat with amendments to the conditions of approval and development related concerns, as described on **Attachment A** to this Notice of Disposition. The Planning Commission adopts the findings contained in the November 7, 2008, Planning Commission Staff Report, and the portions of the November 19, 2008, and December 3, 2008, Planning Commission minutes that demonstrate support for the Planning Commission's actions.

CITY COUNCIL STAFF REPORT
DEER RUN PARK SUBDIVISION
EXHIBIT I
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If you are an affected party and wish to appeal the Planning Commission's decision, appeals must be filed, in writing, with the City Recorder within 12 days from the date that the order is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.
5. Filing fee of $240.00.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

Karyn Bird, Chair
Corvallis Planning Commission

Signed this 4th day of December, 2008

Appeal Deadline: Tuesday, December 16, 2008, at 5 p.m.

CITY COUNCIL STAFF REPORT
DEER RUN PARK SUBDIVISION
EXHIBIT I
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Attachment A - Conditions of Approval and Detailed Development Plan Illustrations for cases PLD08-00013 & SUB08-00007

(Note: The Planning Commission modified the original Conditions of Approval. Changes are noted in **bold** text.)

Condition #	Condition Language
1	Consistency with Plans – Development shall comply with the narrative and plans identified in Attachments K & L of this Staff Report, except as modified by the conditions below, or unless a requested modification otherwise meets the criteria for a Minor Modification and/or a Subdivision Modification, as applicable. Such changes may be processed in accordance with Chapters 2.4 & 2.5 of the Land Development Code.
2	Adherence to Land Development Code standards - Where variations are not explicitly authorized by approval of this Detailed Development Plan, all development on the Deer Run Park subdivision site shall comply with applicable Land Development Code standards. Compliance shall be demonstrated at time of submittal for PIPC, Excavation and Grading, site development, and building permits.
3	Permissible Construction Period - Reconstruction of public improvements along the development's NW Ponderosa Avenue frontage shall not occur during periods of sustained precipitation. All construction associated with the reconstruction of the Ponderosa Avenue road base, public sidewalk, and slope south of the sidewalk shall occur between May 15 and October 15 in the year that construction commences. If the situation arises where construction must occur after October 15, the developer shall coordinate with the City and Benton County to ensure that acceptable wet-weather construction measures are in place prior to sustained precipitation.
4	Additional Geotechnical Requirements - Based on the project's geotechnical recommendations for removal of existing uncontrolled fill (see Attachment N), steeply-sloped topography, and the extent of earthwork associated with the Deer Run Park subdivision, the applicant shall adhere to the recommendations in the Geotechnical Investigation, prepared by Foundation Engineering, Inc., and dated June 21, 2007 (with follow-up Memorandum of December 26, 2007). The developer shall retain the services of a geotechnical engineer through all phases of construction, including grading and associated erosion control. Additionally, the applicant shall adhere to the requirements of LDC Sections 4.5.70.03 & 4.5.70.04 for building permit submittals.
5	Limitations on Number of Bedrooms - The number of bedrooms in each of the nine dwellings is limited, in order to control the vehicle parking demands for the development site, and to ensure a certain amount of "overflow parking" is provided for guests of the residents. A mix of four (4) two bedroom units, and five (5) three bedroom units is approved as part of this Conceptual & Detailed Development Plan. Construction of each dwelling, and the permissible number of bedrooms in each dwelling is to be on a first-come, first-serve basis. Any future modification to an individual dwelling that involves a change in the number of bedrooms shall adhere to the bedroom count limitation for the entire development site.

CITY COUNCIL STAFF REPORT
DEER RUN PARK SUBDIVISION
EXHIBIT I
Page 3 of 30

Condition #	Condition Language
6	Common Area Improvements - Timing of Installation - The common driveway, retaining walls, bike shelter, and all common area landscaping / irrigation located west, north, and east of the common driveway shall be installed prior to issuance of final certificate of occupancy for the first home.
7	Deed Restrictions - With submittal of the final plat, the developer shall include deed restriction documents, for staff review and approval. The deed restriction documents shall be recorded concurrently with the final plat, and a note shall be placed on the final plat indicating the existence of, and Benton County Records Number for, the deed restrictions. The deeds restrictions for each lot are as follows : *Riparian Corridor Protections* - Natural Resource Preservation Tract A is dedicated to the City of Corvallis. In addition to this area, the Highly Protected Riparian Corridor extends for twenty-five feet beyond the northerly boundary of Tract A. This forms the southerly twenty-five feet of each lot in the subdivision. Activities in the entire seventy-five foot wide Highly Protected Riparian Corridor are limited as noted in the Corvallis Land Development Code. *Bedroom Count Limitations* - The Deer Run Park subdivision is limited to a mix of four(4) two bedroom dwellings, and five (5) three bedroom dwellings. Construction of each dwelling, and the permissible number of bedrooms in each dwelling is to be on a first-come, first-serve basis. Any future modification to an individual dwelling that involves a change in the number of bedrooms shall adhere to the bedroom count limitation for the entire development site.
8	Bicycle Parking Required - Bicycle parking shall be provided within each unit and in the covered bicycle parking area, as noted in the application narrative and drawings. The common covered bicycle parking area shall be dimensioned to comply with LDC Section 4.1.70 and the City's standard bicycle rack detail # 503. Additionally, two bicycle parking spaces shall be provided inside each unit and shall comply with the dimensional standards in LDC Section 4.1.70.b.
9	Maximum Allowed Heights of Proposed Retaining Walls and Cuts / Fills - Except as recommended by the project's Geotechnical Engineer, to provide a suitable foundation for building pads and retaining walls, all cuts and fills shall be limited in height as noted on Attachment K (applicant's "Attachment C-1"), and shall be measured from existing contours to the finish grade.

Condition #	Condition Language
10	Heat Pumps and Other Mechanical Equipment - Any proposed mechanical equipment shall comply with the provisions of LDC Section 3.3.30.k. No variations to this standard are granted by approval of this Conceptual & Detailed Development Plan.
11	ROW Dedication/Easements - All proposed public and private easements and ROW dedications shall be shown on the final plat. Easements for water, sewer, and storm drainage shall be provided for facilities located outside the ROW. An environmental assessment for all land to be dedicated to the public must be completed in accordance with LDC Section 4.0.100.g.
12	Public Improvements - Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements by private contract (PIPC) from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Street signs and curb markings will be reviewed and approved with the PIPC plans. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80.
13	Northwest Ponderosa Avenue Improvements and ROW - With the final plat, a ROW dedication shall be granted which provides 23.5 feet of ROW from the existing centerline along the frontage of lots 1-9. All other areas shall provide a ROW dedication of 34 feet from centerline. Improvements to NW Ponderosa Avenue shall consist of two 11-foot travel lanes, two 6-foot bike lanes, curb and gutter on both sides, a 5-foot curbside sidewalk and a 1-foot flat area behind the sidewalk on the south side. Improvements shall be installed or secured per LDC section 4.0.20 prior to approval of the final plat.
14	Sidewalk Installation Timing - Per LDC section 4.0.30.a.3, installation of public sidewalks within the ROW along NW Ponderosa Avenue shall be completed with the public street improvements.

Condition #	Condition Language
15	Grading, Retaining Walls, and Fence Adjacent to NW Ponderosa Avenue - To accommodate the site plan, minimize slope, and reduce the ROW along NW Ponderosa Avenue, the slopes for a minimum distance of 9 feet south of the new ROW line shall be limited to a maximum of 2:1 , and transition to existing grade or terminate in an engineered retaining wall at the toe of the slope. Retaining walls adjacent to this slope shall not exceed 4 feet in height (from top of wall elevation at finished grade to bottom of wall elevation at finished grade). Where there are slopes in excess of 4:1 adjacent to the sidewalk, a 3-foot tall private fence shall be installed at the ROW line to provide pedestrian separation. The fence shall not be located within the vision clearance areas.
16	16-inch Water Line in NW Ponderosa Avenue - Per LDC section 4.0.20, prior to approval of the final plat, the applicant shall install a 16-inch waterline from the current location in NW Ponderosa Avenue (near the northeast corner of the property) along the entire length of the property's frontage on NW Ponderosa Avenue.
17	8-inch Sewer Line - Per LDC section 4.0.20, prior to approval of the final plat, the applicant shall install an 8-inch sewer line from the current location at the SE corner of the property to a manhole in NW Ponderosa Avenue at the west end of the property. All weather maintenance access shall be provided for facilities located outside the public ROW. **The alignment of the sewer and maintenance path shall consider impacts to the existing vegetation on the east property line. The maintenance path shall be centered over the sewer line.**
18	Water Quality Facility Design - As part of the PIPC plans the developer shall provide engineered calculations for storm water quality facilities demonstrating compliance with design criteria outlined in the LDC, Appendix F of the Storm Water Master Plan, and design criteria outlined in the King County Washington, Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not more than 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The water quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm, 0.9" 24-hr rainfall event with NRCS Type 1A distribution. The facility shall be designed to allow a 100-year storm event to pass through or a separate bypass provided.

Condition #	Condition Language
19	Stormwater Detention - Concurrent with development, stormwater detention shall be implemented. The storm water detention facilities shall be designed consistent with design criteria outlined in Appendix F of the Storm Water Master Plan, and design criteria outlined in the King County, Washington, Surface Water Design Manual, and shall be designed to capture and release run-off so the run-off rates from the site after development do not exceed the pre-developed conditions, based on the 2-year, 5-year, and 10-year, 24-hour design storms. The facility shall be designed to allow a 100-year storm event to pass through. Installation of the public storm drainage system will be subject to the PIPC plans permitting process.
20	Drainage Way Easement and Easement for water quality facility - Tract A shall be dedicated as shown on Attachment K for drainage way and riparian corridor purposes, per LDC section 4.13.70.02, and illustrated on the final plat. A public storm drainage easement for maintenance and access shall be provided in the 50 -75 foot riparian area to the extent of the public water quality facility located on Lots 1,2, and 3. The City shall not be responsible for maintenance outside any public drainage or water quality facility in the 50-75 foot riparian corridor.
21	Riparian Corridor Easement on Individual Lots - As required per LDC Section 4.13.50, a Riparian Corridor of 75-feet in width exists on the subject property. The applicant proposes to dedicate to the public, a 50-foot section of the 75-foot width as Protected Riparian Corridor. The remaining 25-feet of the Riparian Corridor will continue to have the protections noted in LDC Section 4.13.50. With submittal of the final plat, the applicant shall ensure that these protections are implemented, by recording a 25-foot deep Riparian Corridor Maintenance Easement, as proposed by the applicant, on the southern end of each of the nine lots. Dedication of this easement is necessary to ensure that all owners, current and future, are informed of the LDC Riparian Corridor protections. The easement shall be private and not dedicated to the City of Corvallis.
22	Private Storm Drainage - Installation of the private storm drainage system will be subject to permitting through the City's Development Services Division. Provisions meeting LDC section 4.0.70.f.2 shall be established prior to permitting these improvements.
23	Franchise Utility Easements - On the final plat, a minimum 7-foot utility easement shall be granted behind and adjacent to the ROW for franchise utility purposes.

Condition #	Condition Language
24	Franchise Utilities - Prior to issuance of public improvement permits, the applicant shall submit, as part of the public improvement plan set, an overall site utility plan that shows existing and proposed franchise utility locations, including vaults, poles and pedestals. The proposed franchise utilities shall conform to requirements outlined in the LDC section 4.0.100, including provision of appropriate utility easements. The applicant shall provide confirmation the franchise utilities have reviewed these plans prior to review by the City.
25 - a	Landscaping Construction and Maintenance – The following landscaping provisions shall apply to overall development of the site: Landscape Construction Documents– Concurrent with site improvements (excavation, grading, utilities, and PIPC plans, as applicable), the applicant shall submit for review and approval by the Development Services Division, landscape construction documents for this site, which contain a specific planting plan (including correct Latin and common plant names), construction plans, irrigation plans, details, and specifications for all required landscaped areas on the site. Plantings shall be provided as shown on Attachment K, except as modified by the additional conditions below. Where a particular plant or irrigation standard is not specifically mentioned below, the plans shall comply with LDC Section 4.2. All trees shall have at least a 1.5-inch trunk caliper size, as measured six inches above the finished grade, at the time of installation. Street tree plantings shall match planting standards adopted by the Urban Forester.

Condition #	Condition Language
25-b	Significant Tree Preservation Plan and Requirements - All significant vegetation located completely within the 75-foot Riparian Corridor and along the Riparian Corridor boundary where the trees' trunks are completely within the 75-foot Riparian Corridor, but where roots and branches overhang the boundary shall be preserved according to the standards in LDC Section 4.2.20.c, with the exception that excavation and grading necessary for the construction of public utilities and the private stormwater facility located in Tract A, Lot 1, Lot 2, and Lot 3 are permitted to occur within the specific tree Circles of Protection identified in Attachment K and L. Additionally, the five trees identified for protection, and located in the northeast corner of the site, shall be preserved according to the standards in LDC Section 4.2.20.c, except as expressly discussed in Attachment K and L. With submittal of excavation and grading permits, the applicant shall provide a tree preservation plan which clearly shows the limits of excavation and grading, required tree protection fencing, and the areas of the site where encroachments into the Circles of Protection have been specifically authorized per Attachment K and L. Excavation and grading activities shall not be authorized in areas adjacent to required tree protection, until the Development Services Division has approved the tree preservation plan and inspected the required tree protection fencing. All development activity occurring within the Circles of Protection shall be monitored by the project's arborist, and performed according to the arborist's report included in Attachment L (Applicant's "Attachment E"). All recommendations presented in the arborist's report shall be adhered to and monitored by Development Services Division staff throughout the construction process.
25 - c	Additional Plantings Required - In addition to the plantings illustrated on Attachment K, additional medium-canopy trees shall be provided at 30' on-center spacing along NW Ponderosa Avenue, a minimum of 10' to the south of the new public sidewalk , per LDC Section 4.2.30.a, within Tract A. Large-canopy trees are not required at this location due to the presence of overhead power lines. Additionally, the applicant shall provide additional parking area buffering shrubs and ground cover, between the east parking area and the east property line in order to comply with Chapter 4.2 parking area buffering requirements.

Condition #	Condition Language
25 - d	Inspections and Three Year Maintenance Guarantee - All landscaping and irrigation for the required street trees and common landscaping areas north, east and west of the common driveway shall be installed, inspected, and approved by the Development Services Division, prior to or concurrent with final inspections for site construction permits. All landscaping, including required pedestrian walkway trees as illustrated on Attachment K, shall be installed, inspected, and approved by the Development Services Division prior to issuance of final certificate of occupancy permits for each home. Prior to final acceptance of the installation of required landscaping for the required street trees and common landscaping areas north, east, and west of the common driveway, the applicant shall provide a three year maintenance bond or other financial assurance to the Development Services Division for review and approval. This financial assurance is to cover the required three year landscape maintenance period which begins at the time the landscape installation is approved by the City. This includes achieving the minimum 90 percent coverage specified by Code. Private landscaping and pedestrian walkway trees located south of the common driveway are not subject to the three-year maintenance bond requirements, but individual property owners shall maintain this required landscaping in accordance with LDC Section 4.2.20.b. Exceptions to the plantings shown on Attachment K may be administratively approved by the Development Services Division where, due to plant availability or performance issues, minor changes are warranted. Plant substitutions shall meet the LDC performance criteria and maintain at least the minimum plant density and plant size as specified in this Condition and on Attachment K.
25-e	Three-Year Maintenance Guarantee Release - The developer and/or Homeowner's Association shall provide a report to the Development Services Division just prior to the end of the three year maintenance period for each individual 3-Year Maintenance Bond initiated by this Detailed Development Plan, as prescribed in Section 4.2.20.a.3 of the LDC. The report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.

Condition #	Condition Language
26	Fire Department Water Service - Water distribution and hydrants shall be in-service prior to combustible construction above the level of the foundation.
27	Signs – The Deer Run Park subdivision may have one monument sign, to be located as shown on Attachment K. The design of the sign shall be conceptually similar to that shown in Attachment L (Applicant's Attachment "H"), and shall otherwise comply with the residential district sign standards noted in LDC Section 4.7.90.01.
28	Vision Clearance - Prior to issuance of construction permits, the applicant will need to verify with the City's Development Services Division, that all vision clearance standards, as adopted by the City Engineer, are maintained at the driveway intersection with NW Ponderosa Avenue.
29	Emergency Access / Fire Protection Options - Option # 1: The developer shall demonstrate prior to submittal of the final plat and site construction drawings, that the common driveway can be constructed both consistent with the proposal and according to applicable Fire Code and State building code requirements, and that pedestrian access for the Fire Department in between the dwellings and to the rear of the dwellings meets the requirements of the Fire Department, based on the height of the buildings. Option # 2: The developer shall provide a fire sprinkler system per NFPA Standard 13D in each of the dwellings / structures constructed on lots (as the developer has indicated they will do). If the developer chooses this option, a deed restriction listing the fire sprinkler requirement shall be recorded for each lot in the subdivision to alert future property owners of the fire protection requirements, and to indicate that the developer was unable to develop the site and common driveway in a way that complies with Corvallis Fire Code. A draft version of the deed restriction shall be submitted to the City for review and approval, prior to recording concurrent with the final plat.
30	Common Area Easements - With submittal of the final plat, a private reciprocal access, parking, landscaping, and utility easement(s) shall be dedicated to ensure that vehicle access is maintained within and between all lots that share the common driveway and parking areas, that an easement has been provided for all required private utilities where private utilities are located on lots which they do not serve, and that all common area landscaping is maintained and accessible to residents of the development.

Condition #	Condition Language
31	Final Plat Submittal Required - Except as supplemented by these conditions of approval, a Final Plat shall be submitted as outlined in LDC Section 2.4.40, to formalize City approval of the Tentative Subdivision Plat. The submittal shall be made to the Planning Division for review and final approval.
32	Electronic Version of Final Plat - Provide an electronic version (.dwg or .dxf file format) of the final plat, including all required revisions, at the time that the final version is routed through the City for signatures. The electronic file shall be referenced to the North American Datum 1927 (NAD 27 - Oregon North), and contain a minimum of two local (Corvallis and/or Benton County) control points.
33	Confirm Minimum Lot Width, Area, and Frontage - With submittal of the final plat, the applicant shall provide verification that all lots comply with minimum lot width, minimum lot area, and frontage standards of the RS-6 district and Chapter 4.4 of the LDC. Lot frontage and lot width shall be verified by providing dimensions on the final plat drawing at the appropriate locations for each lot.
34	Required Fences - Fences shall be provided as shown on the proposed Conceptual & Detailed Development Plan (Attachment K), and as described in the Narrative (Attachment L). **All fences adjacent to Ponderosa Avenue and the Highly Protected Riparian Corridor shall provide a small gap between the bottom of the fence and the ground of at least 1", for passage of small animals.**
35	**Pesticide / Herbicide Use - No pesticides including herbicides shall be used within the 25-ft. Riparian Corridor (on individual lots) if they contain statements within the product label that the product is hazardous to aquatic species. The applicant is required to place this restriction within the development's CC&Rs.**

Development Related Concerns:

1. Excavation and Grading Plans - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods, to the City's Development Services Department for review and approval.

2. Mailbox Locations - Mailbox locations shall be coordinated between the developer and the Post Office as part of the public improvements construction process.

3. Private Lights - The private lights shall not be located over City utilities. A separation of 10 feet shall be provided.

4. Other Permits - Prior to issuance of any construction permits, the applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) permit if construction activity will disturb, through clearing, grading, and/or excavation, one acre of the site. Additionally, any permits required by other agencies such as the Division of State Lands; Army Corps of Engineers; Railroads; County; or Oregon Department of Transportation, shall be approved and submitted to the City prior to issuance of any City permits.

5. Zone of Benefit Applications (ZOB) - The applicant may apply for a cost recovery for improvements that benefit other property owners adjacent to the improvements as outlined in Chapter 2.16 of the Corvallis Municipal Code. The applicant must submit a written request within one year from the acceptance of the public improvements.

6. Infrastructure Cost Recovery - Where it is determined that there will be Infrastructure Cost Recovery payments from past public improvements the developer shall pay their required share of the costs prior to receiving any building permits in accordance with Corvallis Municipal Code 2.18.040.

7. Streetscape Plan - As part of the public improvement plans, the applicant shall include a "streetscape" plan that incorporates the following features: composite utility plan; street lights; proposed driveway locations; vision clearance triangles for each intersection; street striping and signing (in conformance with the MUTCD); and proposed street tree locations.

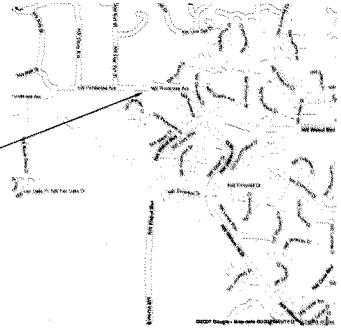
8. County Permits - Currently NW Ponderosa Avenue is under County Jurisdiction. Construction plans for NW Ponderosa Avenue will be subject to County Review and permitting.

9. Vision Clearance - The City's Off-Street Parking and Access Standards require that driveway accesses to arterial or collector streets have a vision clearance triangle of 25 feet maintained between an elevation of 2 feet and 8 feet above the driveways.

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
COVER SHEET

LEGEND

	PROPERTY LINE
	EASEMENT LINE
	ROAD CENTERLINE
	STAGE DELINEATION
	EDGE OF PAVEMENT
	EDGE OF SIDEWALK
—x—	WOOD SCREENING FENCE
PUE	PUBLIC UTILITY EASEMENT
ROW	RIGHT OF WAY
	SIDEWALK
PP	POWER POLE
MH	MANHOLE
FH	FIRE HYDRANT
WM	WATER METER
CO	SS CLEAN OUT
	TEMP. BENCH MARK
510	EXISTING TOPOGRAPHIC LINE
	WATER VALVE
	STREET LIGHT
	ARCHITECTURAL STREET LIGHT
	CURB INLET
	CATCH BASIN
EW	EXISTING WATER LINE
ESD	EXISTING STORM DRAIN
ESS	EXISTING SANITARY SEWER
	EXISTING ELECTRICAL LINE
EG	EXISTING GAS LINE
ET	EXISTING TELEPHONE
ECT	EXISTING CABLE T.V. LINE
W	WATER LINE
SD	STORM DRAIN
SS	SANITARY SEWER
PSD	PRIVATE STORM DRAIN
PSS	PRIVATE SANITARY SEWER
E	ELECTRICAL LINE
G	GAS LINE
T	TELEPHONE LINE
CT	CABLE T.V.



VICINITY MAP

PROJECT TEAM:

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(541) 752-3884

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SURVEYOR
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Philomath OR 97370
(541) 929-5500

EXHIBIT INDEX

0	COVER SHEET
EXHIBIT A.1	EXISTING CONDITIONS
EXHIBIT A.2	EXISTING SLOPES IN DEVELOPMENT AREA
EXHIBIT B	CONCEPTUAL & DETAILED DEVELOPMENT PLAN
EXHIBIT C.1	PROPOSED GRADING PLAN
EXHIBIT C.2	PONDEROSA AVE. STREET & STORM DRAIN PROFILES
EXHIBIT C.3	DRIVEWAY STREET & STORM PROFILES
EXHIBIT C.4	SITE CROSS SECTIONS
EXHIBIT C.5	PONDEROSA AVE. CROSS SECTIONS
EXHIBIT C.6	RETAINING WALL PROFILES
EXHIBIT C.7	SITE CROSS SECTION & INTERMEDIATE WALL PROFILES
EXHIBIT D	TENTATIVE SUBDIVISION PLAT
EXHIBIT E.1	EXISTING & PROPOSED UTILITY PLAN
EXHIBIT E.2	PROPOSED SANITARY SEWER PROFILE
EXHIBIT E.3	WATER QUALITY & STORM OUTFALL PROFILES
EXHIBIT F	GEOTECHNICAL INVESTIGATION REPORT
EXHIBIT G	NATURAL RESOURCE PRESERVATION PLAN
EXHIBIT H	LANDSCAPE & IRRIGATION PLAN

WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
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REVISIONS	DATE	BY
REVISIONS PER MARCH 4, 2008 SPC LETTER	6/17/08	PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Cover Sheet
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
60153PE
OREGON
JULY 13, 1982
PETER J. SEADERS
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
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CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5856

JOB #	FILE	DRAW
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NTS	10/6/08	

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1 OF 17 SHEETS

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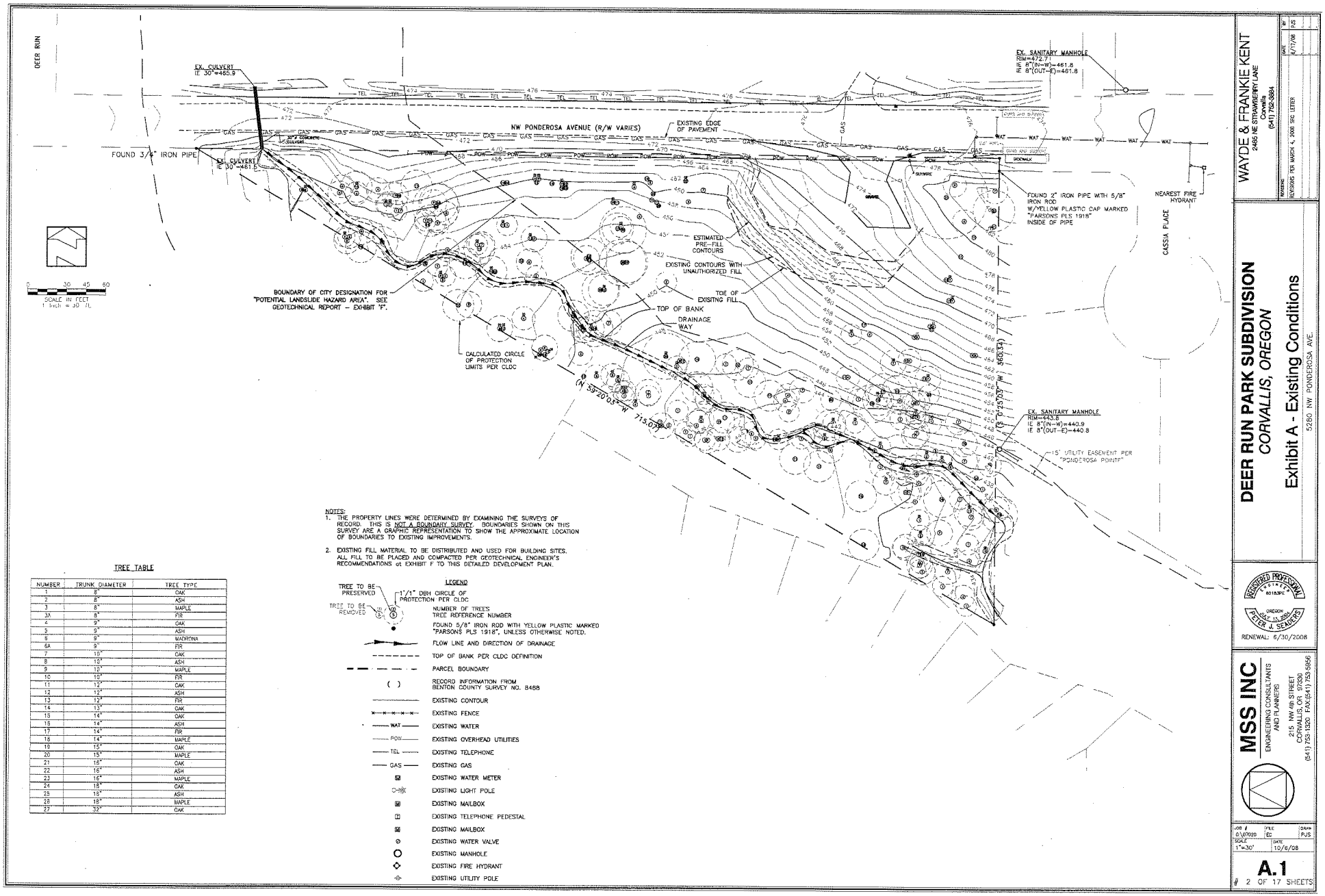

NOTES:

1. THE PROPERTY LINES WERE DETERMINED BY EXAMINING THE SURVEYS OF RECORD. THIS IS NOT A BOUNDARY SURVEY. BOUNDARIES SHOWN ON THIS SURVEY ARE A GRAPHIC REPRESENTATION TO SHOW THE APPROXIMATE LOCATION OF BOUNDARIES TO EXISTING IMPROVEMENTS.
2. EXISTING FILL MATERIAL TO BE DISTRIBUTED AND USED FOR BUILDING SITES. ALL FILL TO BE PLACED AND COMPACTED PER GEOTECHNICAL ENGINEER'S RECOMMENDATIONS at EXHIBIT F TO THIS DETAILED DEVELOPMENT PLAN.

TREE TABLE

NUMBER	TRUNK DIAMETER	TREE TYPE
1	8"	OAK
2	8"	ASH
3	8"	MAPLE
3A	8"	FIR
4	9"	OAK
5	9"	ASH
6	9"	MADRONA
6A	9"	FIR
7	10"	OAK
8	10"	ASH
9	10"	MAPLE
10	10"	FIR
11	12"	OAK
12	12"	ASH
13	12"	FIR
14	13"	OAK
15	14"	OAK
16	14"	ASH
17	14"	FIR
18	14"	MAPLE
19	15"	OAK
20	15"	MAPLE
21	16"	OAK
22	16"	ASH
23	16"	MAPLE
24	18"	OAK
25	18"	ASH
26	18"	MAPLE
27	32"	OAK

LEGEND

TREE TO BE PRESERVED
1'/1" DBH CIRCLE OF PROTECTION PER CLDC
TREE TO BE REMOVED
NUMBER OF TREES
TREE REFERENCE NUMBER
FOUND 5/8" IRON ROD WITH YELLOW PLASTIC MARKED "PARSONS PLS 1918", UNLESS OTHERWISE NOTED.
FLOW LINE AND DIRECTION OF DRAINAGE
TOP OF BANK PER CLDC DEFINITION
PARCEL BOUNDARY
( ) RECORD INFORMATION FROM BENTON COUNTY SURVEY NO. 8468
EXISTING CONTOUR
EXISTING FENCE
WAT EXISTING WATER
POW EXISTING OVERHEAD UTILITIES
TEL EXISTING TELEPHONE
GAS EXISTING GAS
EXISTING WATER METER
EXISTING LIGHT POLE
EXISTING MAILBOX
EXISTING TELEPHONE PEDESTAL
EXISTING MAILBOX
EXISTING WATER VALVE
EXISTING MANHOLE
EXISTING FIRE HYDRANT
EXISTING UTILITY POLE

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REVISIONS PER MARCH 4, 2008 SRC LETTER 6/17/08 PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit A - Existing Conditions
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER 80183PE OREGON JULY 15, 2000 PETER J. SEADERS
RENEWAL: 6/30/2008

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JOB # D:\07020 FILE EC DRAW PJS
SCALE 1"=30' DATE 10/6/08

A.1
2 OF 17 SHEETS

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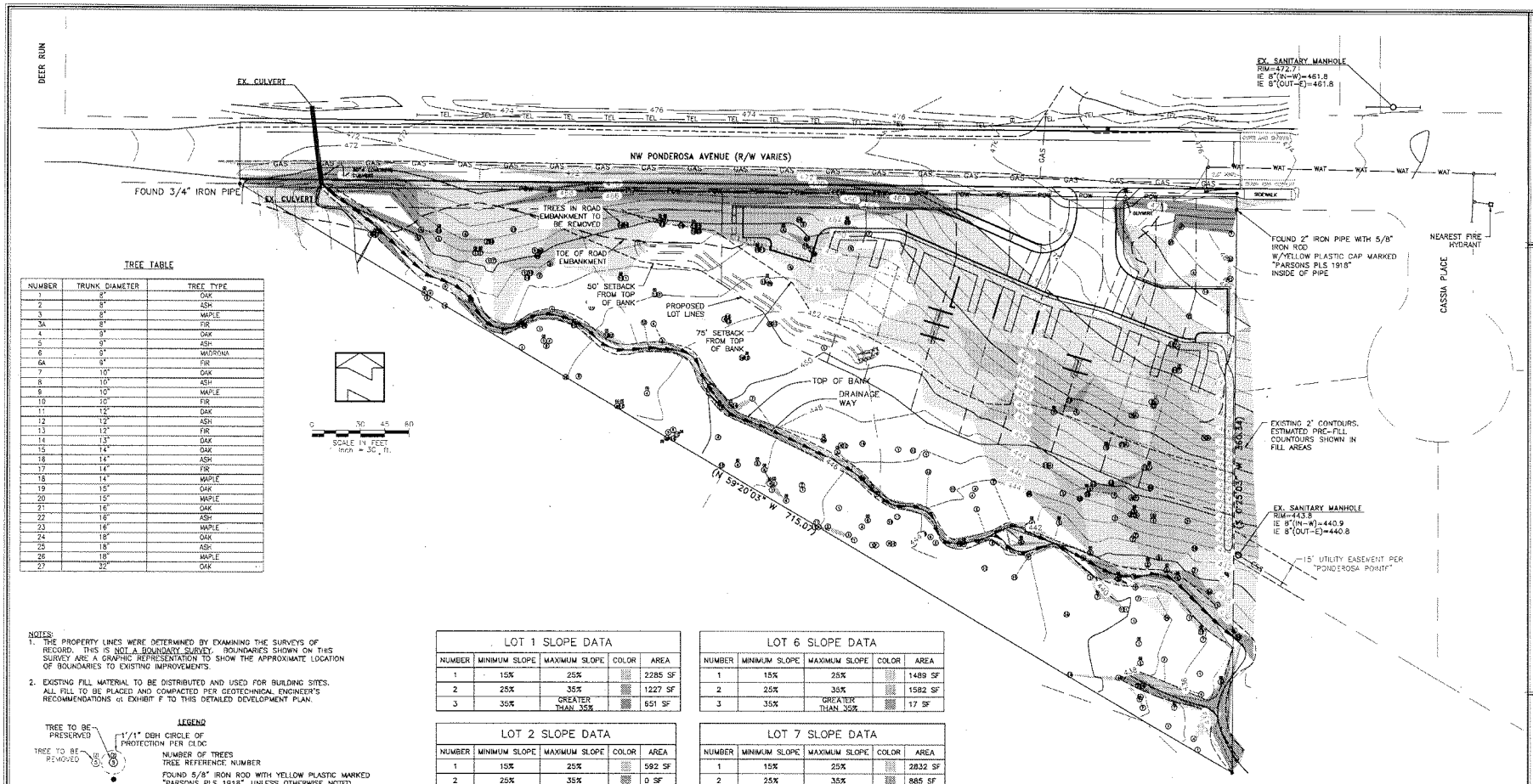

TREE TABLE

NUMBER	TRUNK DIAMETER	TREE TYPE
1	8"	OAK
2	8"	ASH
3	8"	MAPLE
3A	8"	FIR
4	9"	OAK
5	9"	ASH
6	9"	MADRONA
6A	9"	FIR
7	10"	OAK
8	10"	ASH
9	10"	MAPLE
10	10"	FIR
11	12"	OAK
12	12"	ASH
13	12"	FIR
14	13"	OAK
15	14"	OAK
16	14"	ASH
17	14"	FIR
18	14"	MAPLE
19	15"	OAK
20	15"	MAPLE
21	16"	OAK
22	16"	ASH
23	16"	MAPLE
24	18"	OAK
25	18"	ASH
26	18"	MAPLE
27	32"	OAK

NOTES:
1. THE PROPERTY LINES WERE DETERMINED BY EXAMINING THE SURVEYS OF RECORD. THIS IS NOT A BOUNDARY SURVEY. BOUNDARIES SHOWN ON THIS SURVEY ARE A GRAPHIC REPRESENTATION TO SHOW THE APPROXIMATE LOCATION OF BOUNDARIES TO EXISTING IMPROVEMENTS.
2. EXISTING FILL MATERIAL TO BE DISTRIBUTED AND USED FOR BUILDING SITES. ALL FILL TO BE PLACED AND COMPACTED PER GEOTECHNICAL ENGINEER'S RECOMMENDATIONS at EXHIBIT F TO THIS DETAILED DEVELOPMENT PLAN.

LEGEND

TREE TO BE PRESERVED — 1'/1" DBH CIRCLE OF PROTECTION PER CLDC
TREE TO BE REMOVED — NUMBER OF TREES; TREE REFERENCE NUMBER
FOUND 5/8" IRON ROD WITH YELLOW PLASTIC MARKED "PARSONS PLS 1918", UNLESS OTHERWISE NOTED.
FLOW LINE AND DIRECTION OF DRAINAGE
TOP OF BANK PER CLDC DEFINITION
PARCEL BOUNDARY
( ) RECORD INFORMATION FROM BENTON COUNTY SURVEY NO. 8488
EXISTING CONTOUR
EXISTING FENCE
WAT EXISTING WATER
POW EXISTING OVERHEAD UTILITIES
TEL EXISTING TELEPHONE
GAS EXISTING GAS
EXISTING WATER METER
EXISTING LIGHT POLE
EXISTING MAILBOX
EXISTING TELEPHONE PEDESTAL
EXISTING MAILBOX
EXISTING WATER VALVE
EXISTING MANHOLE
EXISTING FIRE HYDRANT
EXISTING UTILITY POLE

LOT 1 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		2285 SF
2	25%	35%		1227 SF
3	35%	GREATER THAN 35%		651 SF

LOT 2 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		592 SF
2	25%	35%		0 SF
3	35%	GREATER THAN 35%		303 SF

LOT 3 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		2548 SF
2	25%	35%		0 SF
3	35%	GREATER THAN 35%		282 SF

LOT 4 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		3762 SF
2	25%	35%		283 SF
3	35%	GREATER THAN 35%		21 SF

LOT 5 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		1926 SF
2	25%	35%		716 SF
3	35%	GREATER THAN 35%		0 SF

LOT 6 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		1489 SF
2	25%	35%		1582 SF
3	35%	GREATER THAN 35%		17 SF

LOT 7 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		2832 SF
2	25%	35%		885 SF
3	35%	GREATER THAN 35%		410 SF

LOT 8 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		2242 SF
2	25%	35%		972 SF
3	35%	GREATER THAN 35%		366 SF

LOT 9 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		1986 SF
2	25%	35%		3351 SF
3	35%	GREATER THAN 35%		391 SF

ROW & SLOPE EASMENT SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		3107 SF
2	25%	35%		1765 SF
3	35%	GREATER THAN 35%		3736 SF

WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
Corvallis
(541) 752-5504

REVISIONS	DATE	BY
REVISIONS PER MARCH 4, 2008 SRC LETTER	6/17/08	PJS
REVISIONS PER SEPT 4, 2008 SRC LETTER	10/9/08	PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit A - Existing Slopes in Development Area
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2007
PETER J. SEMENKO
RENEWAL: 6/30/2010

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1220 FAX:(541) 753-5866

JOB #	FILE	DRAWN
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SCALE	DATE	
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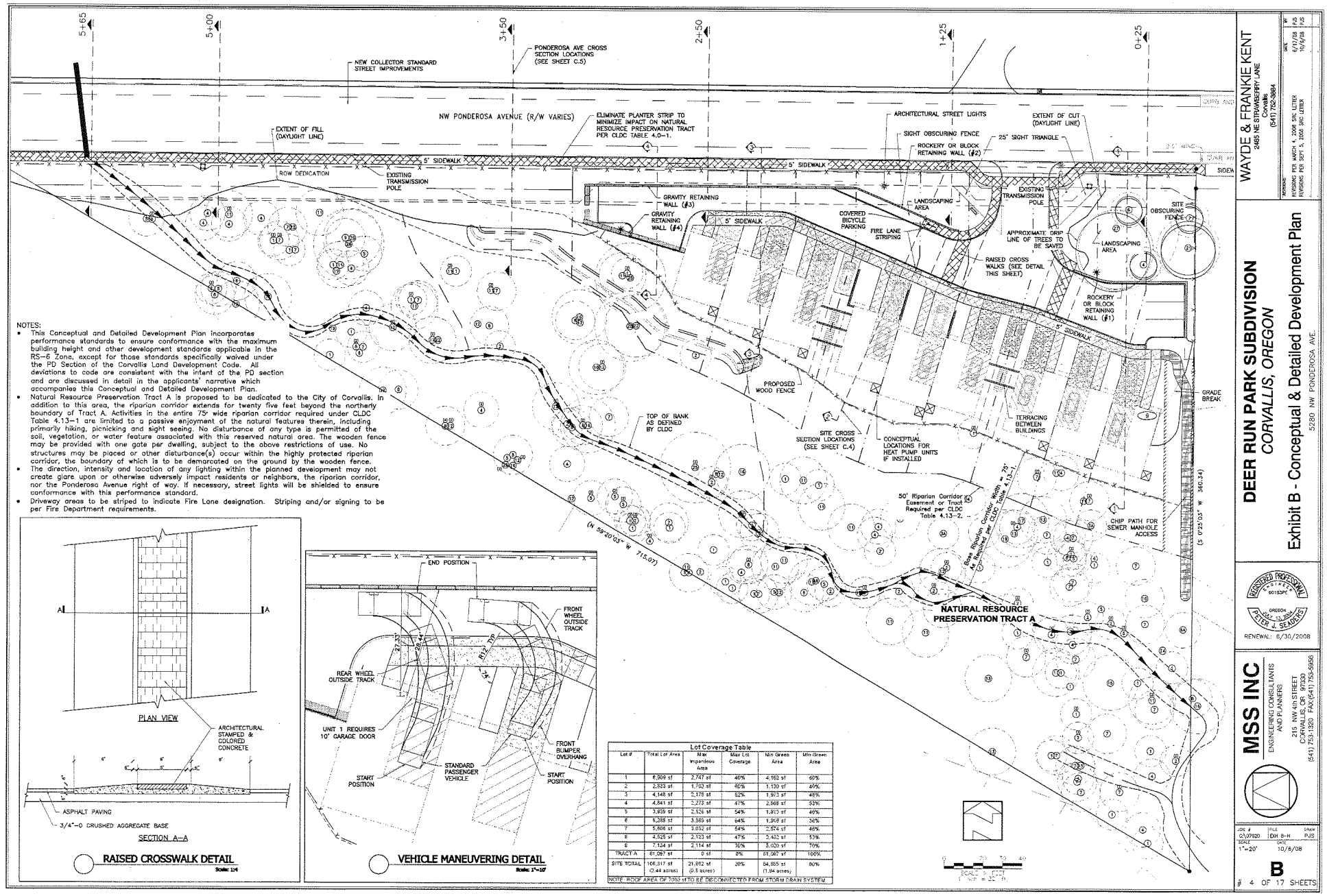

NOTES:

- This Conceptual and Detailed Development Plan incorporates performance standards to ensure conformance with the maximum building height and other development standards applicable in the RS-6 Zone, except for those standards specifically waived under the PD Section of the Corvallis Land Development Code. All deviations to code are consistent with the intent of the PD section and are discussed in detail in the applicants' narrative which accompanies this Conceptual and Detailed Development Plan.
- Natural Resource Preservation Tract A is proposed to be dedicated to the City of Corvallis. In addition to this area, the riparian corridor extends for twenty five feet beyond the northerly boundary of Tract A. Activities in the entire 75' wide riparian corridor required under CLDC Table 4.13-1 are limited to a passive enjoyment of the natural features therein, including primarily hiking, picnicking and sight seeing. No disturbance of any type is permitted of the soil, vegetation, or water feature associated with this reserved natural area. The wooden fence may be provided with one gate per dwelling, subject to the above restrictions of use. No structures may be placed or other disturbance(s) occur within the highly protected riparian corridor, the boundary of which is to be demarcated on the ground by the wooden fence.
- The direction, intensity and location of any lighting within the planned development may not create glare upon or otherwise adversely impact residents or neighbors, the riparian corridor, nor the Ponderosa Avenue right of way. If necessary, street lights will be shielded to ensure conformance with this performance standard.
- Driveway areas to be striped to indicate Fire Lane designation. Striping and/or signing to be per Fire Department requirements.

RAISED CROSSWALK DETAIL

Scale: 1:4

VEHICLE MANEUVERING DETAIL

Scale: 1"=10'

Lot Coverage Table

Lot #	Total Lot Area	Max Impervious Area	Max Lot Coverage	Min Green Area	Min Green Area
1	6,909 sf	2,747 sf	40%	4,162 sf	60%
2	2,823 sf	1,703 sf	60%	1,120 sf	40%
3	4,148 sf	2,176 sf	52%	1,973 sf	48%
4	4,841 sf	2,273 sf	47%	2,568 sf	53%
5	3,939 sf	2,126 sf	54%	1,813 sf	46%
6	5,285 sf	3,389 sf	64%	1,918 sf	36%
7	5,806 sf	3,032 sf	54%	2,774 sf	48%
8	4,525 sf	2,123 sf	47%	2,402 sf	53%
9	7,134 sf	2,114 sf	30%	5,020 sf	70%
TRACT A	61,097 sf	0 sf	0%	61,097 sf	100%
SITE TOTAL	106,317 sf (2.44 acres)	21,882 sf (0.5 acres)	20%	84,855 sf (1.94 acres)	80%

NOTE: ROOF AREA OF 7,000 sf TO BE DISCONNECTED FROM STORM DRAIN SYSTEM

WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
CORVALLIS, OR 97330
(541) 752-3884

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DEER RUN PARK SUBDIVISION

CORVALLIS, OREGON

Exhibit B - Conceptual & Detailed Development Plan

5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER — OREGON — JULY 13, 2004 — PETER J. SEARLES

RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1220 FAX (541) 753-5956

JOB #	FILE	DRAWN
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4 OF 17 SHEETS

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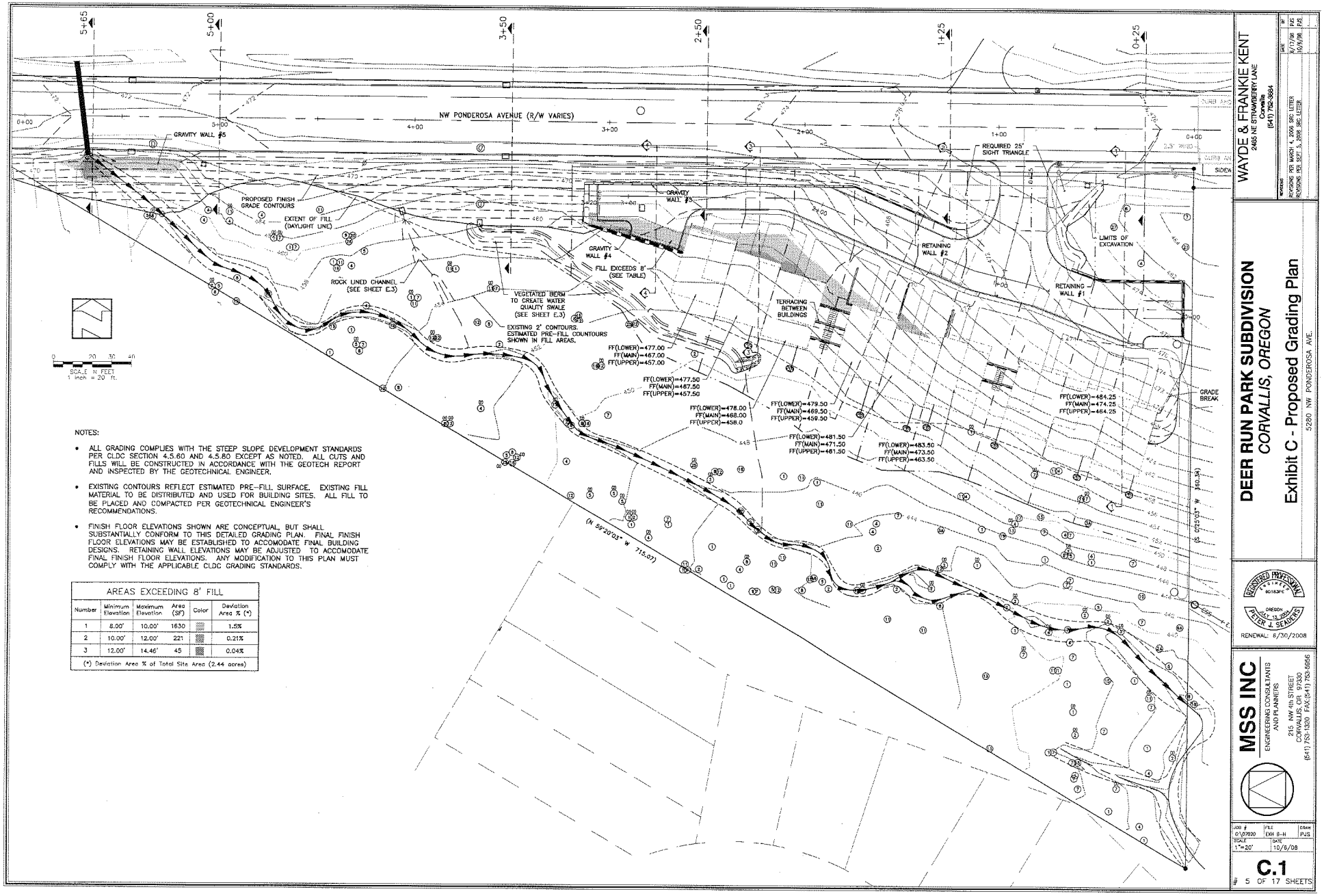

NOTES:

- ALL GRADING COMPLIES WITH THE STEEP SLOPE DEVELOPMENT STANDARDS PER CLDC SECTION 4.5.60 AND 4.5.80 EXCEPT AS NOTED. ALL CUTS AND FILLS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE GEOTECH REPORT AND INSPECTED BY THE GEOTECHNICAL ENGINEER.
- EXISTING CONTOURS REFLECT ESTIMATED PRE-FILL SURFACE. EXISTING FILL MATERIAL TO BE DISTRIBUTED AND USED FOR BUILDING SITES. ALL FILL TO BE PLACED AND COMPACTED PER GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.
- FINISH FLOOR ELEVATIONS SHOWN ARE CONCEPTUAL, BUT SHALL SUBSTANTIALLY CONFORM TO THIS DETAILED GRADING PLAN. FINAL FINISH FLOOR ELEVATIONS MAY BE ESTABLISHED TO ACCOMODATE FINAL BUILDING DESIGNS. RETAINING WALL ELEVATIONS MAY BE ADJUSTED TO ACCOMODATE FINAL FINISH FLOOR ELEVATIONS. ANY MODIFICATION TO THIS PLAN MUST COMPLY WITH THE APPLICABLE CLDC GRADING STANDARDS.

AREAS EXCEEDING 8' FILL

Number	Minimum Elevation	Maximum Elevation	Area (SF)	Color	Deviation Area % (*)
1	8.00'	10.00'	1630		1.5%
2	10.00'	12.00'	221		0.21%
3	12.00'	14.46'	45		0.04%

(*) Deviation Area % of Total Site Area (2.44 acres)

WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
Corvallis
(541) 752-3884

REVISIONS PER MARCH 4, 2008 SRC LETTER 6/17/08 PJS
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DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit C - Proposed Grading Plan
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER 60183PE OREGON JULY 13, 2004 PETER J. SEADERS
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5956

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SCALE 1"=20' | DATE 10/6/08

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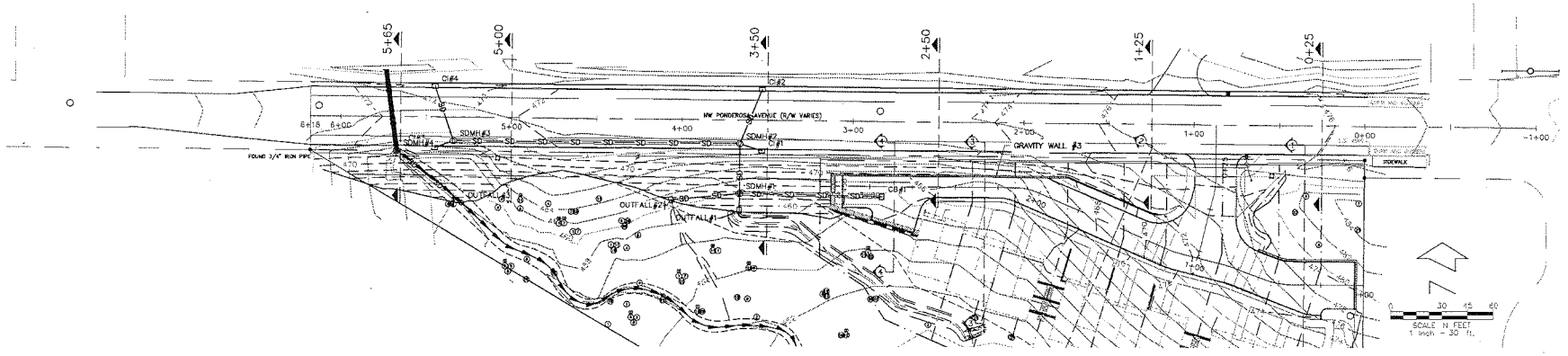

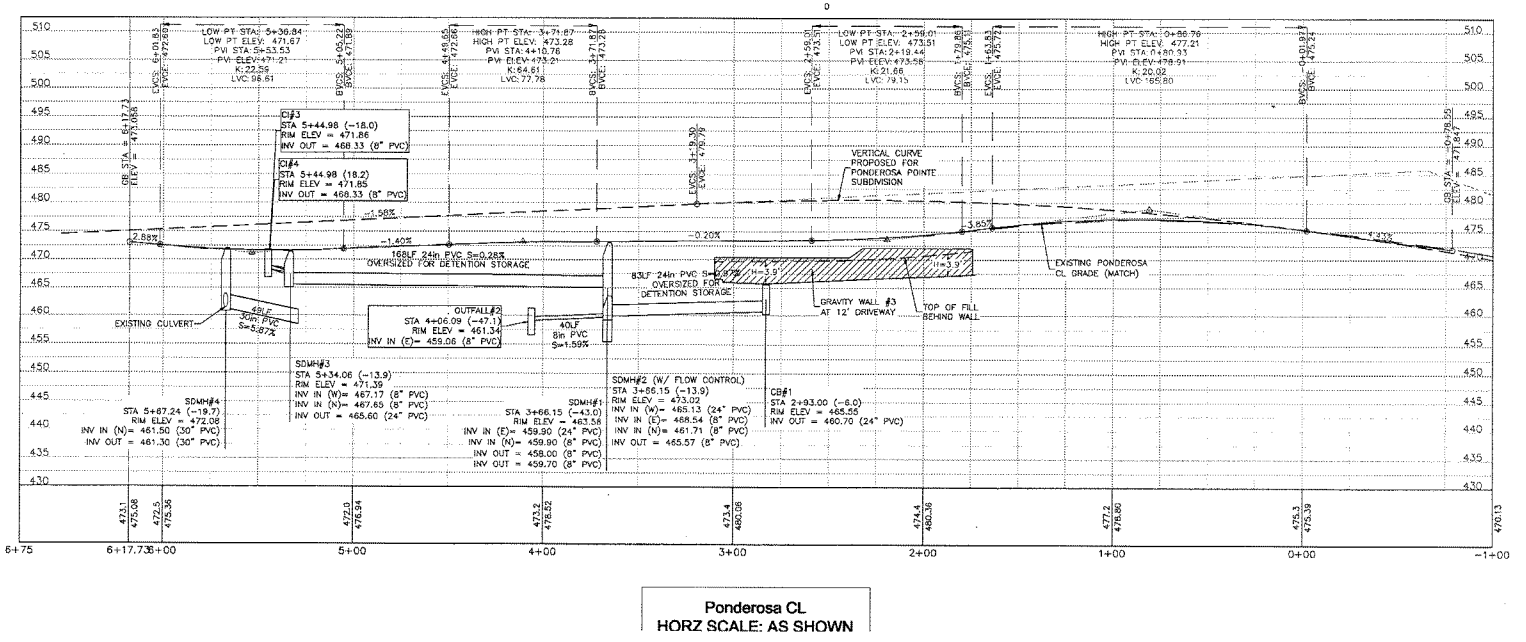

Ponderosa CL
HORZ SCALE: AS SHOWN

WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
CORVALLIS, OR 97330
(541) 752-3694

NO	REVISIONS	BY	DATE
	REVISIONS PER MARCH 4, 2008 SRC LETTER	PJS	6/17/08
	REVISIONS PER SEPT. 5, 2008 SRC LETTER	PJS	10/6/08

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit C - Ponderosa Ave. Street & Storm Drain Profiles
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2004
PETER J. SEWERS
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX (541) 753-5955

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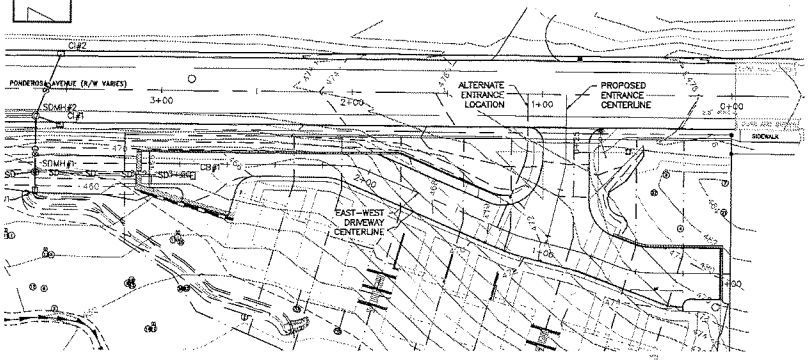
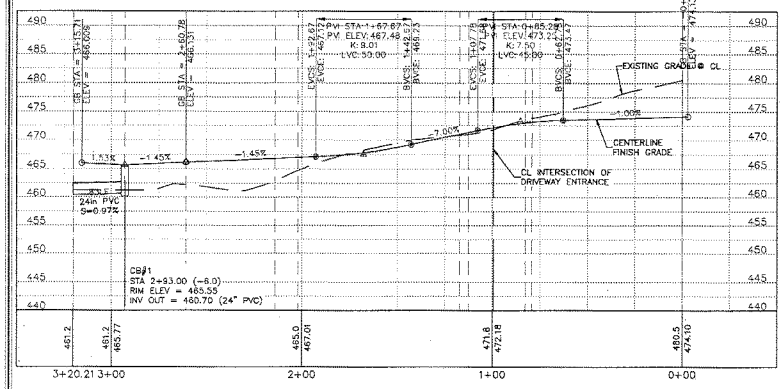
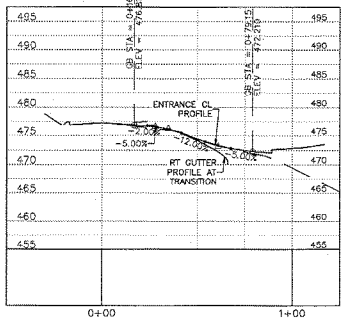




EAST-WEST DRIVEWAY CL PROFILE
HORZ SCALE: AS SHOWN
VERT SCALE FACTOR: 3.0



DRIVEWAY ENTRANCE PROFILE
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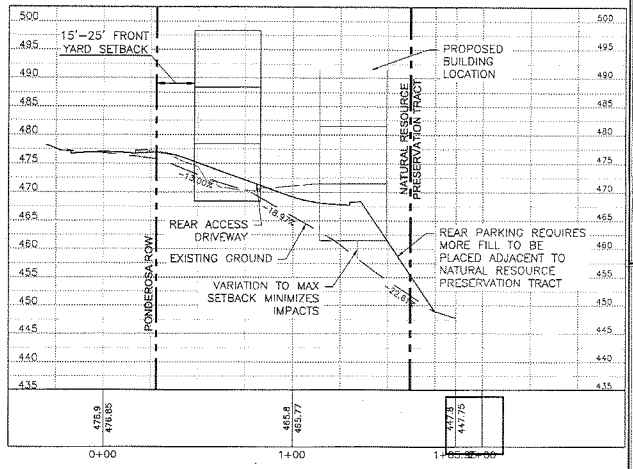

MAX FRONTYARD SETBACK ANALYSIS
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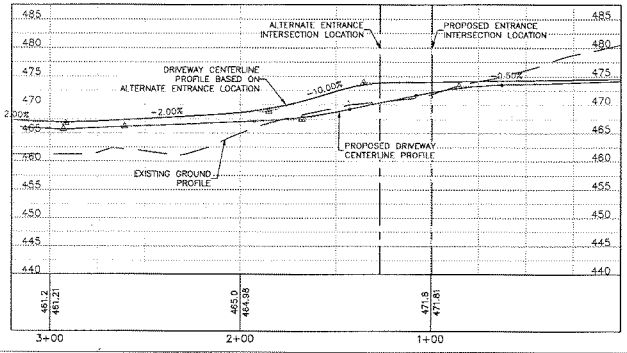
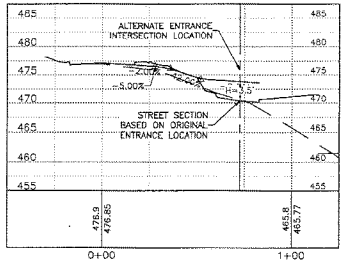


ALTERNATE EAST-WEST DRIVEWAY CL PROFILE
HORZ SCALE: AS SHOWN
VERT SCALE FACTOR: 3.0

NOTE:
ALTERNATE LOCATION PROPOSED IN THE MARCH 4, 2008 SRC LETTER DOES NOT PROVIDE ADEQUATE LENGTH TO CREATE SMOOTH STREET TRANSITIONS. ALTERNATE LOCATION WOULD REQUIRE RAISING THE GRADE OVER 3' AT THE INTERSECTION. THIS WOULD REQUIRE SIGNIFICANTLY INCREASING THE TOTAL FILL ON SITE.



ALTERNATE ENTRANCE PROFILE
SCALE: AS SHOWN
VERT FACTOR: 3.0

SCALE IN FEET
1 inch = 30 ft.

WAYDE & FRANKIE KENT
2465 NE STHAMBERRY LANE
CORVALLIS, OR 97330
(541) 752-3884

MARK	REVISIONS	BY	DATE
1	REVISIONS PER MARCH 4, 2008 SRC LETTER	PJS	4/17/08
2	REVISIONS PER SEPT. 5, 2008 SRC LETTER	PJS	10/6/08

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit C - Driveway Street & Storm Profiles
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 2005
PETER J. SEMLER
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX: (541) 753-5846

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7 OF 17 SHEETS

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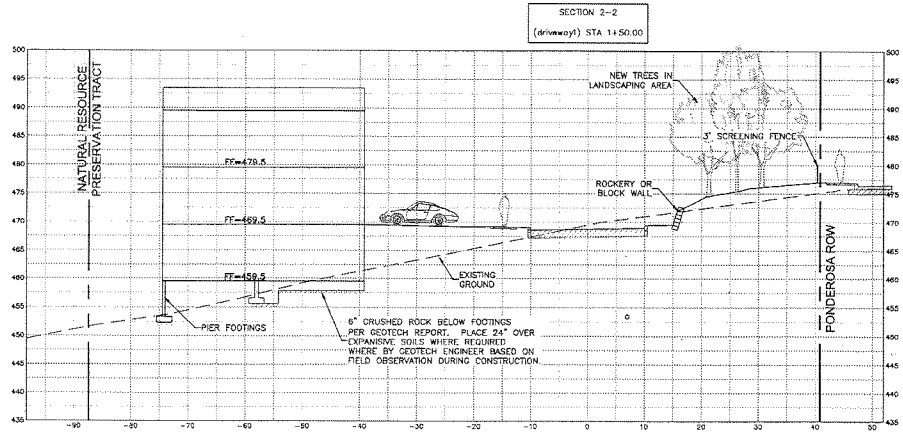

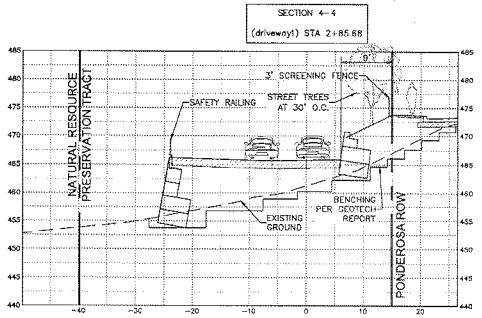

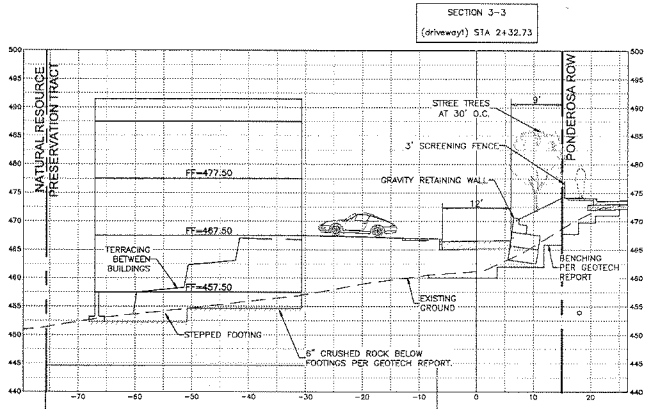

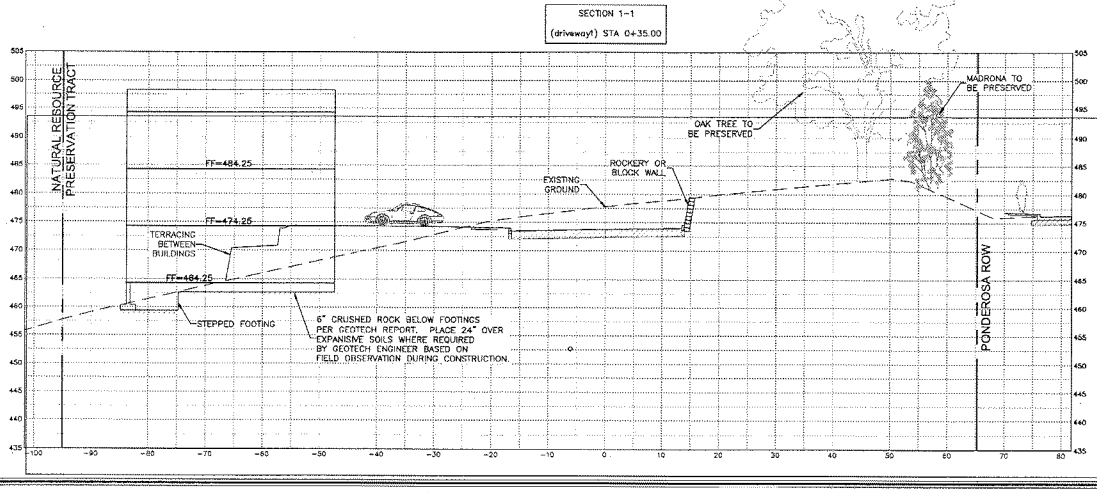

NOTES:

- ALL EXISTING GRADES SHOWN ARE BASED ON ESTIMATED PRE-FILL CONTOURS.
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SCALE IN FEET
1 inch = 10' ft.

WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
(541) 752-9864

NO.	REVISIONS	DATE	BY
1	REVISIONS PER MARCH 4, 2008 SRC LETTER	8/11/08	PJS
2	REVISIONS PER SEPT. 5, 2008 SRC LETTER	10/6/08	PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit C - Site Cross Sections
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
60183PE
OREGON
JULY 13, 2004
PETER J. SEALEY
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1620 FAX (541) 753-5956

JOB #	FILE	DRWN
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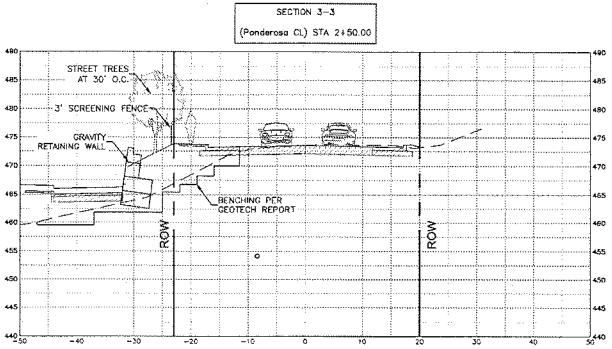

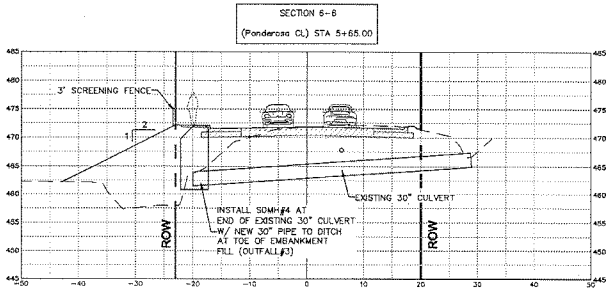

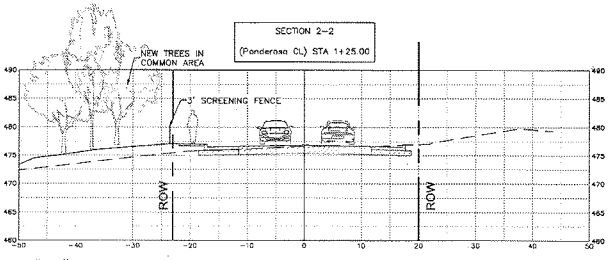

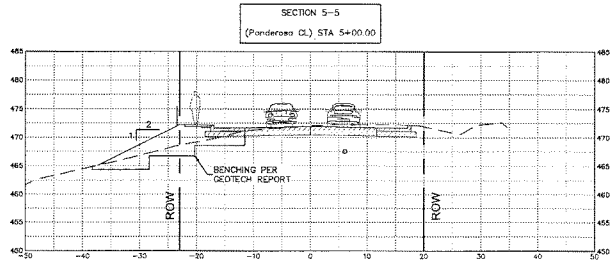

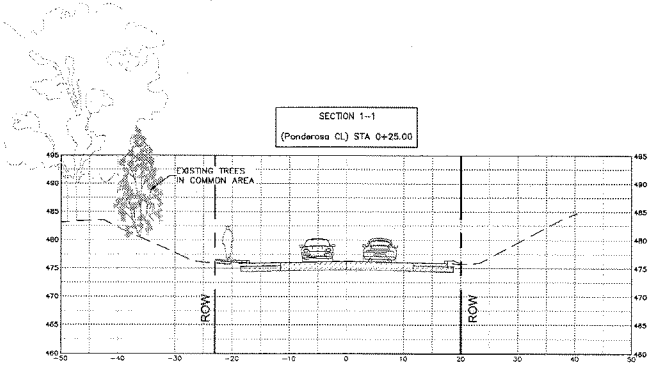

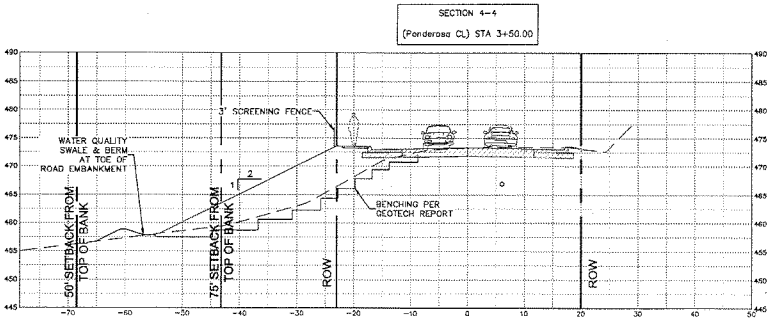

NOTES:

- ALL EXISTING GRADES SHOWN ARE BASED ON ESTIMATED PRE-FILL CONTOURS.
- ALL GRADING COMPLIES WITH THE STEEP SLOPE DEVELOPMENT STANDARDS PER CLDC SECTION 4.5.60 AND 4.5.80 EXCEPT AS NOTED. ALL CUTS AND FILLS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE GEOTECH REPORT AND INSPECTED BY THE GEOTECHNICAL ENGINEER.
- EXISTING FILL MATERIAL TO BE DISTRIBUTED AND USED FOR BUILDING SITES. ALL FILL TO BE PLACED AND COMPACTED PER GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.
- FINISH FLOOR ELEVATIONS SHOWN ARE CONCEPTUAL, BUT SHALL SUBSTANTIALLY CONFORM TO THIS DETAILED GRADING PLAN. FINAL FINISH FLOOR ELEVATIONS MAY BE ESTABLISHED TO ACCOMODATE FINAL BUILDING DESIGNS. RETAINING WALL ELEVATIONS MAY BE ADJUSTED TO ACCOMODATE FINAL FINISH FLOOR ELEVATIONS. ANY MODIFICATION TO THIS PLAN MUST COMPLY WITH THE APPLICABLE CLDC GRADING STANDARDS.

SCALE IN FEET
1 Inch = 10 Ft.

WAYDE & FRANKIE KENT
2465 NE STEWARDSHIP LANE
CORVALLIS, OR 97330
(541) 752-3884

REVISIONS	DATE	BY
REVISIONS PER MARCH 4, 2008 SRC LETTER	6/17/08	PJS
REVISIONS PER SEPT 5, 2008 SRC LETTER	10/6/08	PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON

Exhibit C - Ponderosa Ave. Cross Sections

5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2004
PETER J. SEWERS
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX (541) 753-5955

JOB #	FILE	DRAW
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SCALE	DATE	
1"=20'	10/6/08	

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9 OF 17 SHEETS

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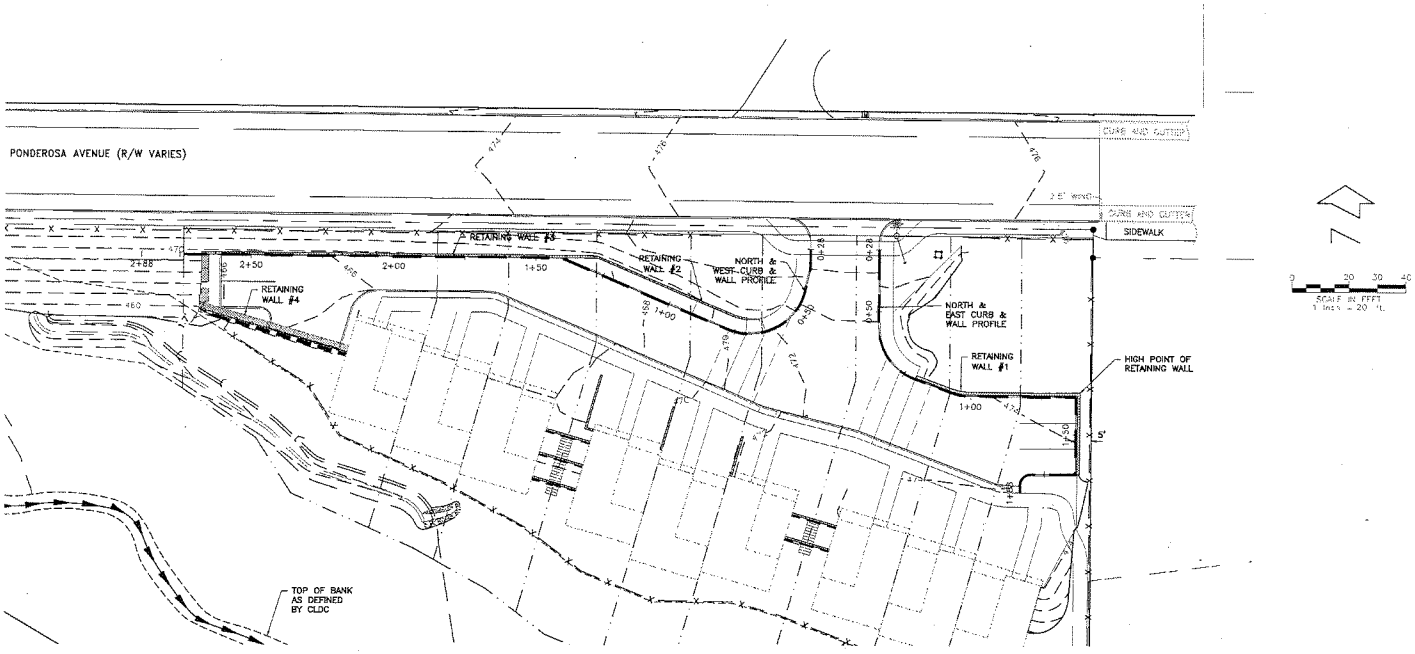
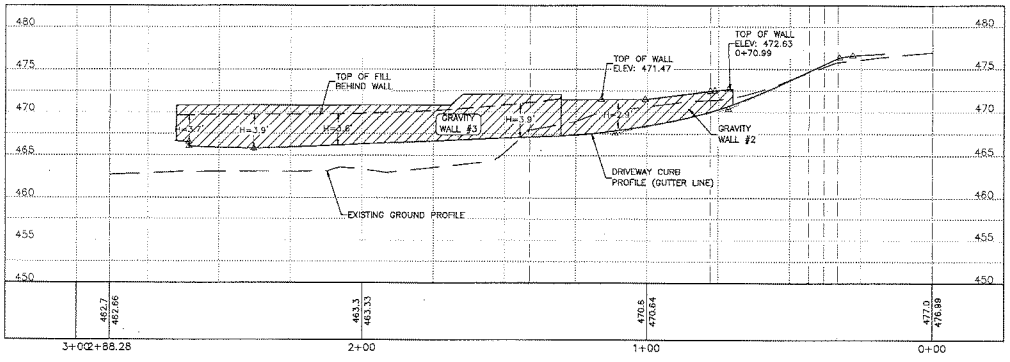
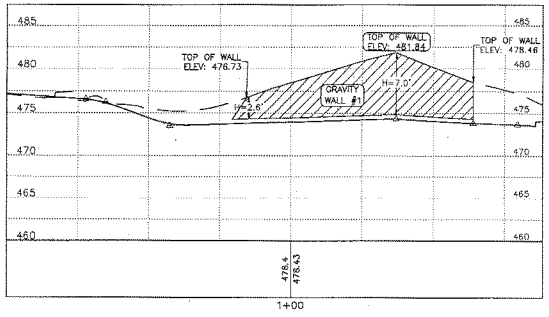




NORTH & WEST CURB & WALL PROFILES
HORZ SCALE: AS SHOWN
VERT SCALE FACTOR: 3.0



NORTH & EAST CURB & WALL PROFILES
SCALE: AS SHOWN
VERT FACTOR: 3.0

WAYDE & FRANKIE KENT
2465 NE STRAWBERRY LANE
Corvallis
(541) 752-3884

MARK	REMARKS	DATE	BY
	REVISIONS PER MARCH 1, 2008 SRC LETTER	6/17/08	PJS
	REVISIONS PER SEPT. 5, 2008 SRC LETTER	10/6/08	PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit C - Retaining Wall Profiles
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2004
PETER J. SEAVERS
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX (541) 753-6956

JOB #	FILE	DRWN
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SCALE	DATE	
1"=20'	10/6/08	

C.6
10 OF 17 SHEETS

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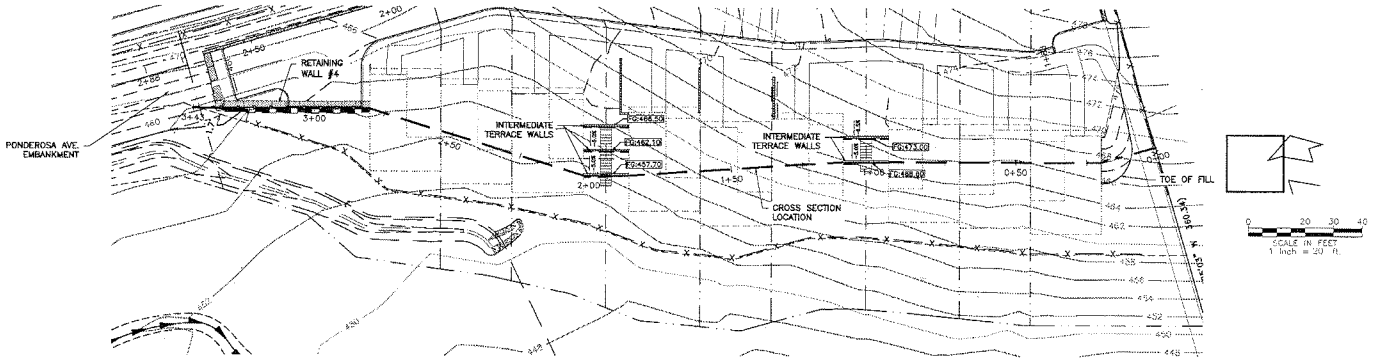

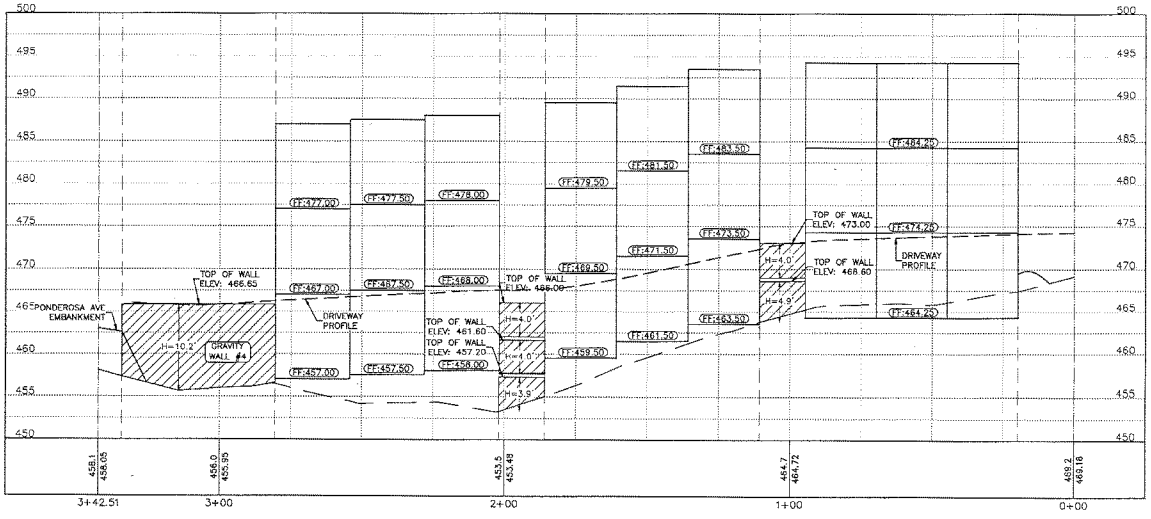

Site Cross Section of Buildings & Intermediate Retaining Walls
HORZ SCALE: AS SHOWN
VERT SCALE FACTOR: 3.0

WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
Corvallis
(541) 752-3884

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit C - Site Cross Section & Intermediate Wall Profiles
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2004
PETER J. SEADERS
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5956

JOB # 0:\07020 | FILE EXH B-H | DRAW PJS
SCALE 1"=20' | DATE 10/6/08

C.7
11 OF 17 SHEETS

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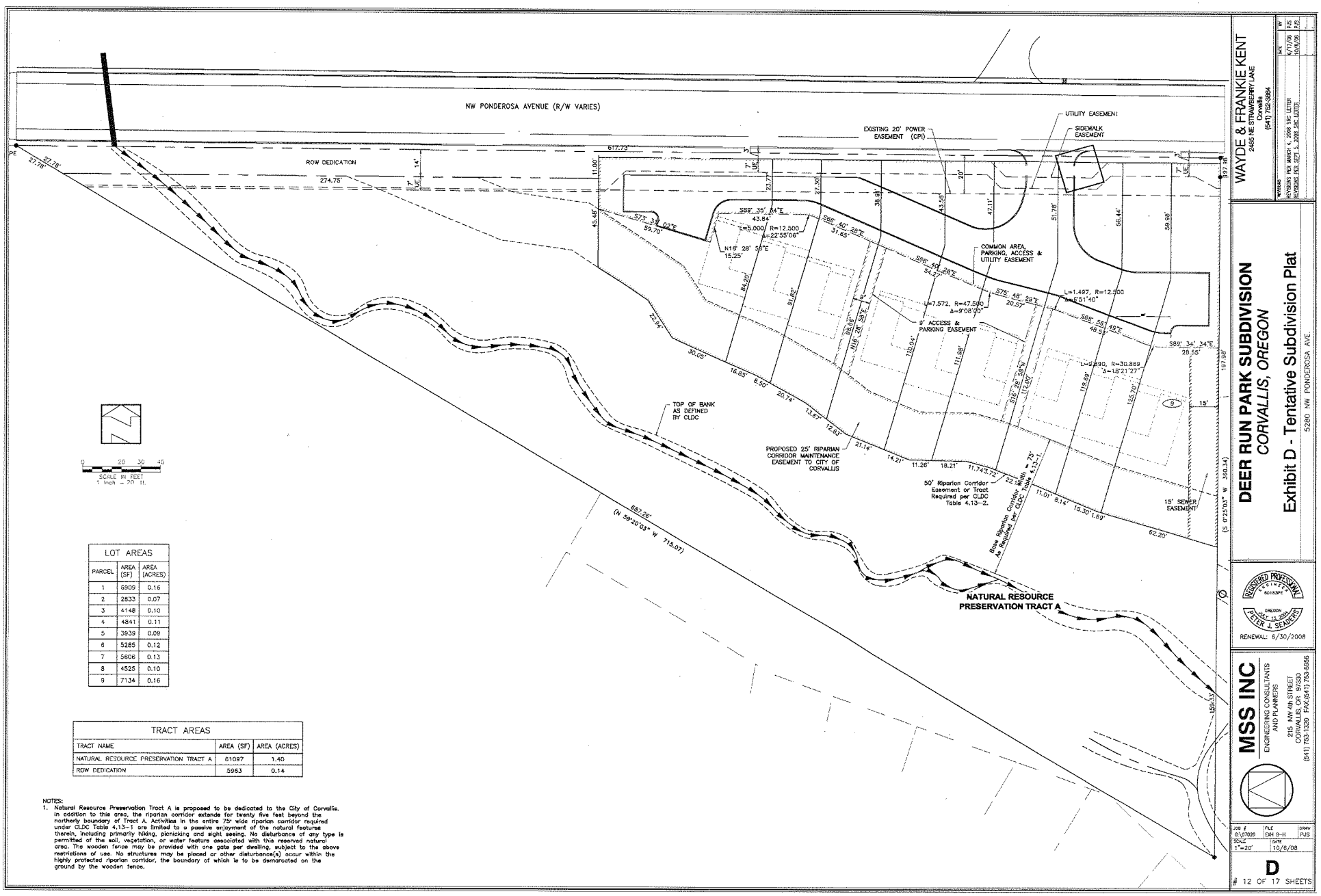

LOT AREAS		
PARCEL	AREA (SF)	AREA (ACRES)
1	6909	0.16
2	2833	0.07
3	4148	0.10
4	4841	0.11
5	3939	0.09
6	5285	0.12
7	5606	0.13
8	4525	0.10
9	7134	0.16

TRACT AREAS		
TRACT NAME	AREA (SF)	AREA (ACRES)
NATURAL RESOURCE PRESERVATION TRACT A	61097	1.40
ROW DEDICATION	5963	0.14

NOTES:
1. Natural Resource Preservation Tract A is proposed to be dedicated to the City of Corvallis. In addition to this area, the riparian corridor extends for twenty five feet beyond the northerly boundary of Tract A. Activities in the entire 75' wide riparian corridor required under CLDC Table 4.13-1 are limited to a passive enjoyment of the natural features therein, including primarily hiking, picnicking and sight seeing. No disturbance of any type is permitted of the soil, vegetation, or water feature associated with this reserved natural area. The wooden fence may be provided with one gate per dwelling, subject to the above restrictions of use. No structures may be placed or other disturbance(s) occur within the highly protected riparian corridor, the boundary of which is to be demarcated on the ground by the wooden fence.

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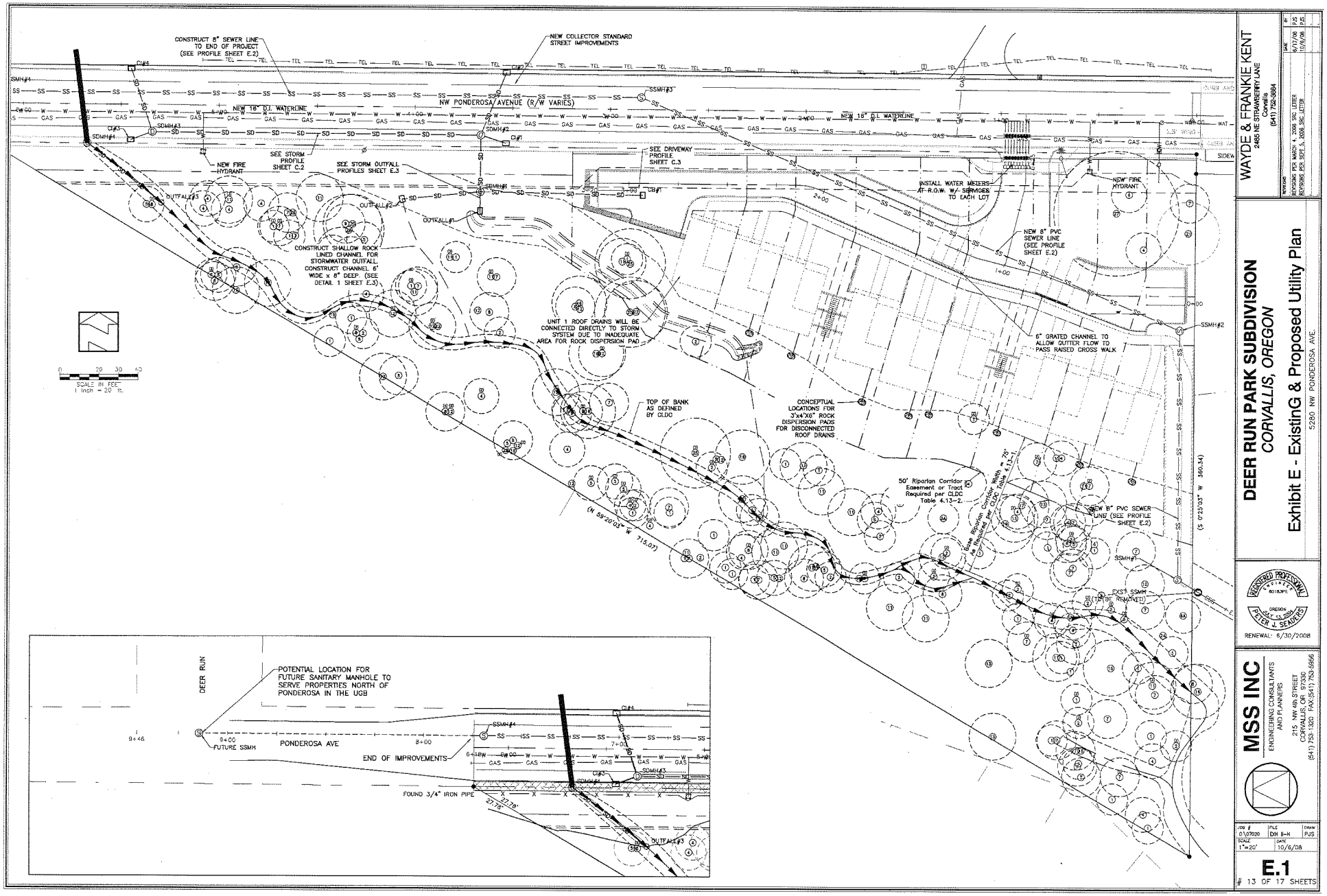

WAYDE & FRANKIE KENT
2465 NE STRAWBERRY LANE
Corvallis
(541) 752-3884

REVISIONS	DATE	BY
REVISIONS PER MARCH 4, 2008 SRC LETTER	6/17/08	PJS
REVISIONS PER SEPT. 5, 2008 SRC LETTER	10/6/08	PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit E - ExistinG & Proposed Utility Plan
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
PETER J. SEWERS
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5866

JOB #	FILE	DRAWN
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SCALE	DATE	
1"=20'	10/6/08	

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13 OF 17 SHEETS

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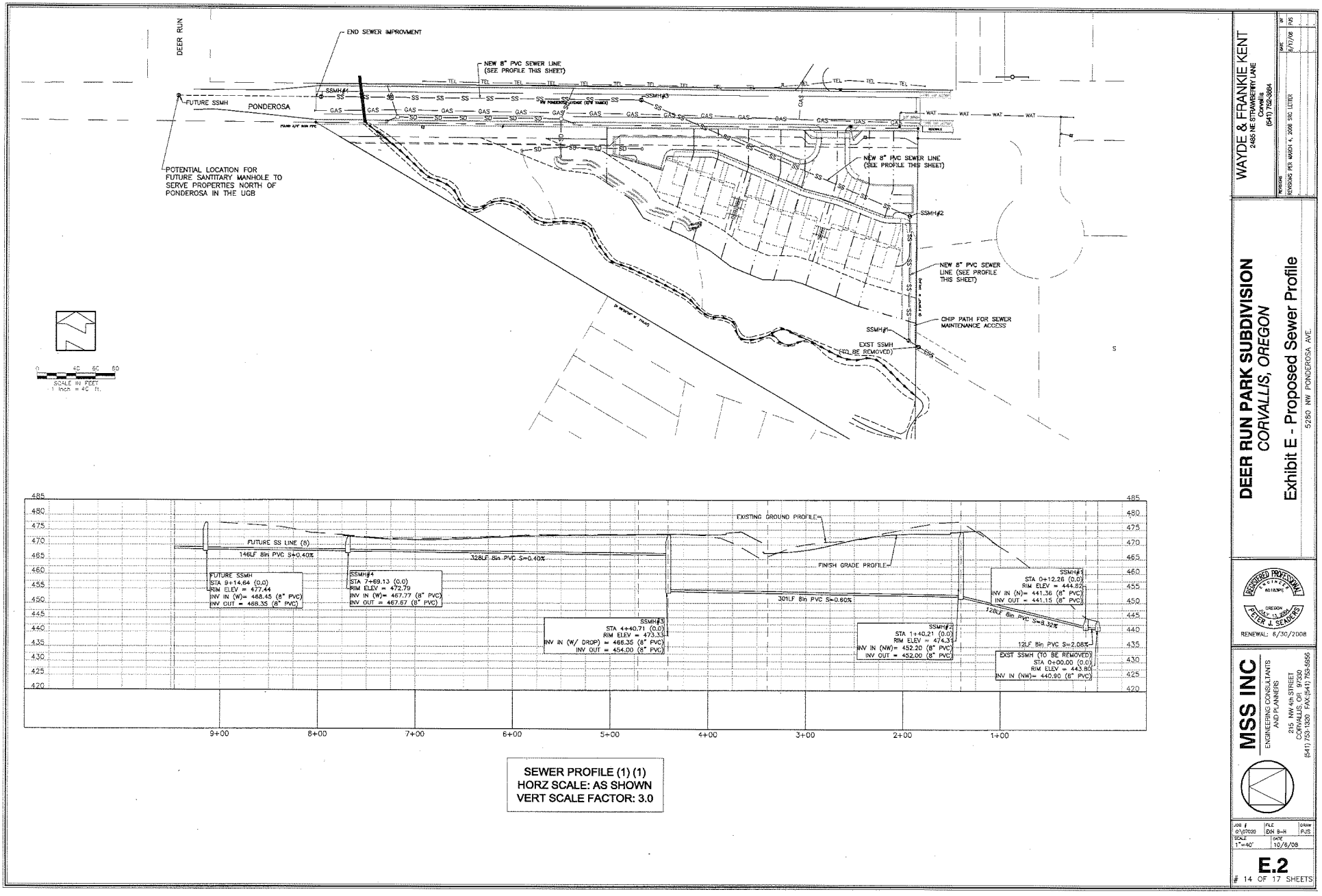

DEER RUN
END SEWER IMPROVMENT
NEW 8" PVC SEWER LINE (SEE PROFILE THIS SHEET)
FUTURE SSMH
PONDEROSA
POTENTIAL LOCATION FOR FUTURE SANTITARY MANHOLE TO SERVE PROPERTIES NORTH OF PONDEROSA IN THE UGB
NEW 8" PVC SEWER LINE (SEE PROFILE THIS SHEET)
SSMH#2
NEW 8" PVC SEWER LINE (SEE PROFILE THIS SHEET)
CHIP PATH FOR SEWER MAINTENANCE ACCESS
SSMH#1
EXST SSMH (TO BE REMOVED)
SCALE IN FEET
1 inch = 40 ft.
EXISTING GROUND PROFILE
FINISH GRADE PROFILE
FUTURE SS LINE (8)
146LF 8in PVC S=0.40%
328LF 8in PVC S=0.40%
301LF 8in PVC S=0.60%
128LF 8in PVC S=8.32%
12LF 8in PVC S=2.08%
FUTURE SSMH
STA 9+14.64 (0.0)
RIM ELEV = 477.44
INV IN (W)= 468.45 (8" PVC)
INV OUT = 468.35 (8" PVC)
SSMH#4
STA 7+69.13 (0.0)
RIM ELEV = 472.79
INV IN (W)= 467.77 (8" PVC)
INV OUT = 467.67 (8" PVC)
SSMH#3
STA 4+40.71 (0.0)
RIM ELEV = 473.33
INV IN (W/ DROP) = 466.35 (8" PVC)
INV OUT = 454.00 (8" PVC)
SSMH#2
STA 1+40.21 (0.0)
RIM ELEV = 474.31
INV IN (NW)= 452.20 (8" PVC)
INV OUT = 452.00 (8" PVC)
SSMH#1
STA 0+12.26 (0.0)
RIM ELEV = 444.82
INV IN (N)= 441.36 (8" PVC)
INV OUT = 441.15 (8" PVC)
EXST SSMH (TO BE REMOVED)
STA 0+00.00 (0.0)
RIM ELEV = 443.80
INV IN (NW)= 440.90 (8" PVC)
9+00
8+00
7+00
6+00
5+00
4+00
3+00
2+00
1+00
SEWER PROFILE (1) (1)
HORZ SCALE: AS SHOWN
VERT SCALE FACTOR: 3.0
WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
Corvallis
(541) 752-3884
REVISIONS PER MARCH 4, 2008 SRC LETTER
DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit E - Proposed Sewer Profile
5280 NW PONDEROSA AVE.
REGISTERED PROFESSIONAL ENGINEER
OREGON
PETER J. SEADERS
RENEWAL: 6/30/2008
MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5956
JOB # G:\07020
FILE EXH B-H
DRAW PJS
SCALE 1"=40'
DATE 10/6/08
E.2
14 OF 17 SHEETS
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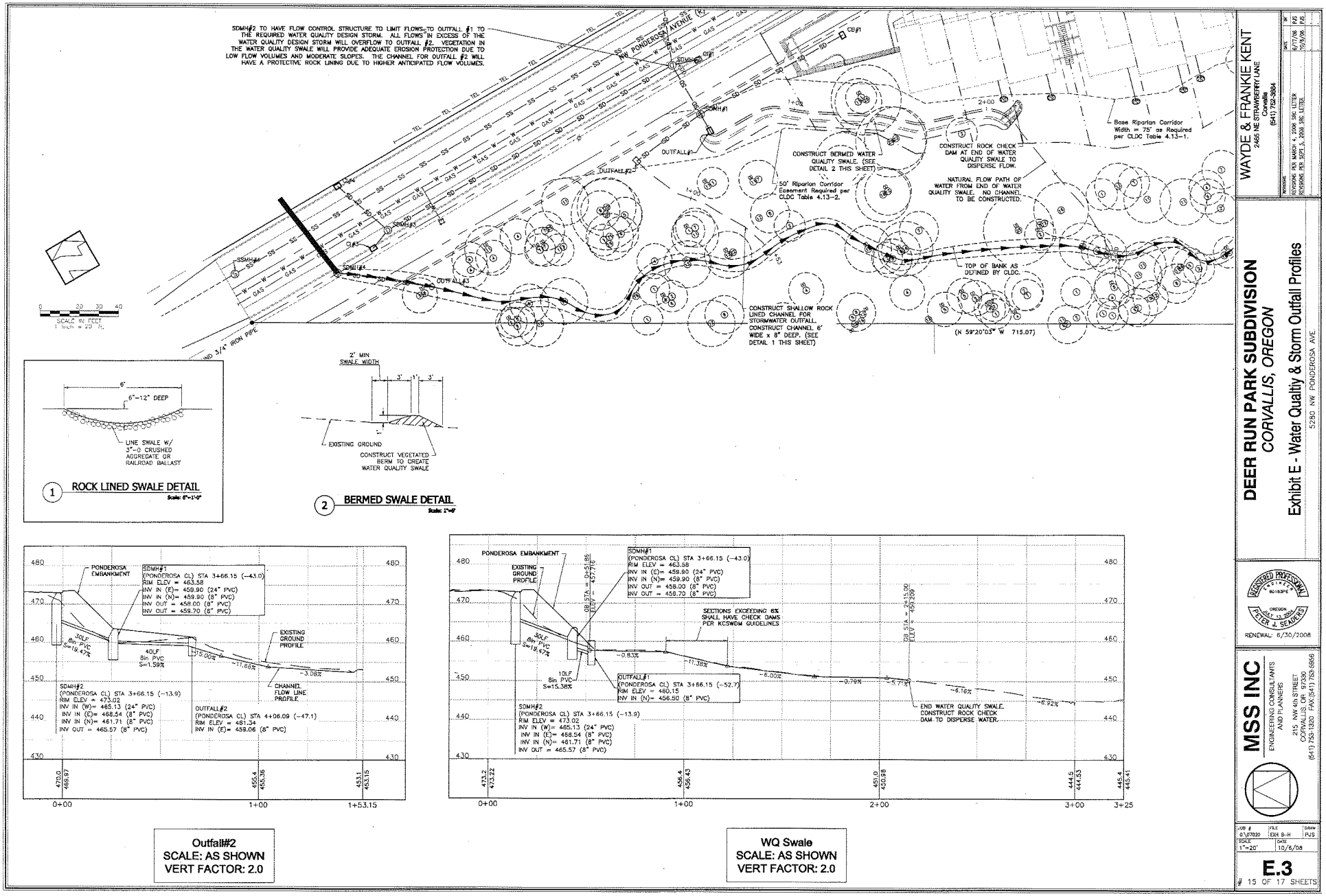

Outfall#2
SCALE: AS SHOWN
VERT FACTOR: 2.0

WQ Swale
SCALE: AS SHOWN
VERT FACTOR: 2.0

WAYDE & FRANKIE KENT
2465 NE STRAWBERRY LANE
CORVALLIS, OR 97330
(541) 752-3884

REVISIONS	BY	DATE	JOB #
REVISIONS PER MARCH 4, 2008 SRC LETTER	PJS	3/17/08	07020
REVISIONS PER SEPT 5, 2008 SRC LETTER	PJS	10/3/08	

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit E - Water Quality & Storm Outfall Profiles
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2004
PETER J. SCHEERER
80183PE
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1220 FAX: (541) 753-6956

JOB #	FILE	DRAWN
07020	EXH B-H	PJS
SCALE	DATE	
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E.3
15 OF 17 SHEETS

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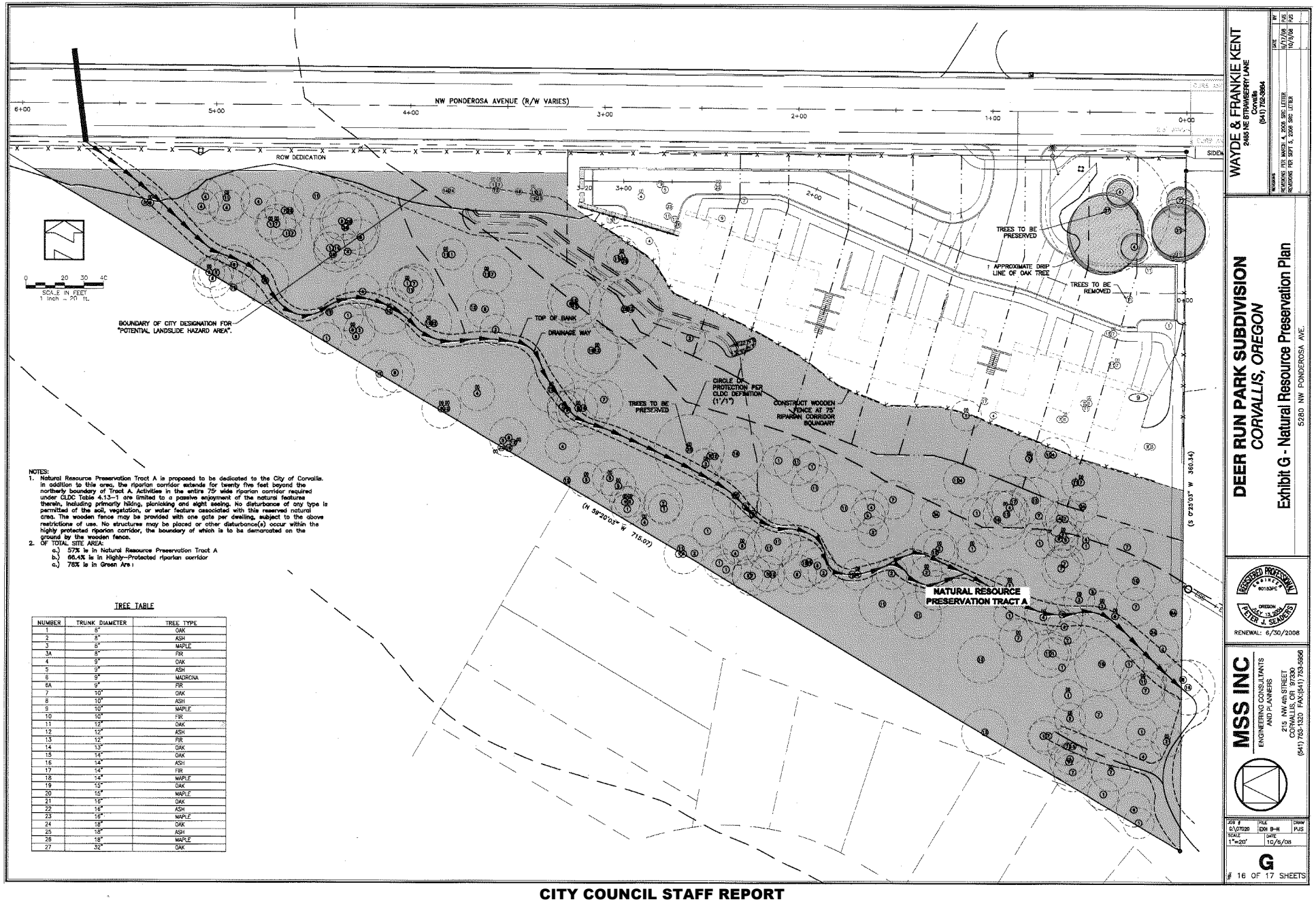

NOTES:
1. Natural Resource Preservation Tract A is proposed to be dedicated to the City of Corvallis. In addition to this area, the riparian corridor extends for twenty five feet beyond the northerly boundary of Tract A. Activities in the entire 75' wide riparian corridor required under CLDC Table 4.13-1 are limited to a passive enjoyment of the natural features therein. Including primarily hiking, picnicking and sight seeing. No disturbance of any type is permitted of the soil, vegetation, or water feature associated with this reserved natural area. The wooden fence may be provided with one gate per dwelling, subject to the above restrictions of use. No structures may be placed or other disturbance(s) occur within the highly protected riparian corridor, the boundary of which is to be demarcated on the ground by the wooden fence.
2. OF TOTAL SITE AREA:
   a.) 57% is in Natural Resource Preservation Tract A
   b.) 66.4% is in Highly-Protected riparian corridor
   c.) 78% is in Green Are i

TREE TABLE

NUMBER	TRUNK DIAMETER	TREE TYPE
1	8"	OAK
2	8"	ASH
3	8"	MAPLE
3A	8"	FIR
4	9"	OAK
5	9"	ASH
6	9"	MADRONA
6A	9"	FIR
7	10"	OAK
8	10"	ASH
9	10"	MAPLE
10	10"	FIR
11	12"	OAK
12	12"	ASH
13	12"	FIR
14	13"	OAK
15	14"	OAK
16	14"	ASH
17	14"	FIR
18	14"	MAPLE
19	15"	OAK
20	15"	MAPLE
21	16"	OAK
22	16"	ASH
23	16"	MAPLE
24	18"	OAK
25	18"	ASH
26	18"	MAPLE
27	32"	OAK

WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
Corvallis
(541) 752-3884

REVISIONS	DATE	BY
REVISIONS PER MARCH 4, 2008 SRC LETTER	5/17/08	PJS
REVISIONS PER SEPT 5, 2008 SRC LETTER	10/9/08	PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit G - Natural Resource Preservation Plan
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
80183PE
OREGON
JULY 13, 1984
PETER J. SEAGERS
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5956

JOB #	FILE	DRAWN
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SCALE	DATE	
1"=20'	10/9/08	

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16 OF 17 SHEETS

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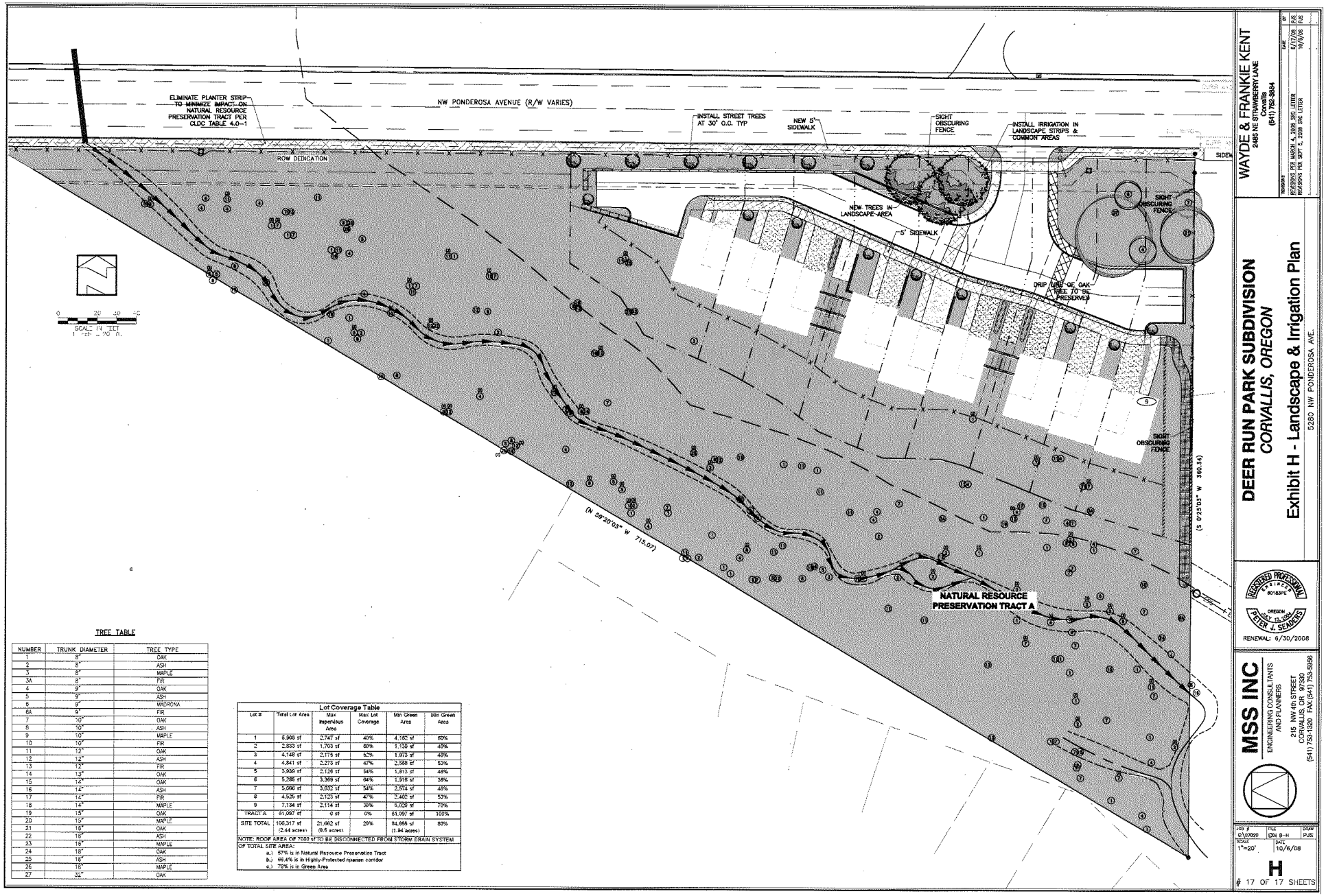

TREE TABLE

NUMBER	TRUNK DIAMETER	TREE TYPE
1	8"	OAK
2	8"	ASH
3	8"	MAPLE
3A	8"	FIR
4	9"	OAK
5	9"	ASH
6	9"	MADRONA
6A	9"	FIR
7	10"	OAK
8	10"	ASH
9	10"	MAPLE
10	10"	FIR
11	12"	OAK
12	12"	ASH
13	12"	FIR
14	13"	OAK
15	14"	OAK
16	14"	ASH
17	14"	FIR
18	14"	MAPLE
19	15"	OAK
20	15"	MAPLE
21	16"	OAK
22	16"	ASH
23	16"	MAPLE
24	18"	OAK
25	18"	ASH
26	18"	MAPLE
27	32"	OAK

Lot Coverage Table

Lot #	Total Lot Area	Max Impervious Area	Max Lot Coverage	Min Green Area	Min Green Area
1	6,909 sf	2,747 sf	40%	4,162 sf	60%
2	2,833 sf	1,703 sf	60%	1,130 sf	40%
3	4,148 sf	2,175 sf	52%	1,973 sf	48%
4	4,841 sf	2,273 sf	47%	2,568 sf	53%
5	3,939 sf	2,126 sf	54%	1,813 sf	46%
6	5,286 sf	3,369 sf	64%	1,916 sf	36%
7	5,006 sf	3,032 sf	54%	2,574 sf	46%
8	4,525 sf	2,123 sf	47%	2,402 sf	53%
9	7,134 sf	2,114 sf	30%	5,020 sf	70%
TRACT A	61,097 sf	0 sf	0%	61,097 sf	100%
SITE TOTAL	106,317 sf (2.44 acres)	21,662 sf (0.5 acres)	20%	84,655 sf (1.94 acres)	80%

NOTE: ROOF AREA OF 7000 sf TO BE DISCONNECTED FROM STORM DRAIN SYSTEM OF TOTAL SITE AREA:

a.) 57% is in Natural Resource Preservation Tract
b.) 66.4% is in Highly-Protected riparian corridor
c.) 78% is in Green Area

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WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
Corvallis
(541) 752-3884

REVISIONS	DATE	BY
REVISIONS PER MARCH 4, 2008 SRC LETTER	6/17/08	PJS
REVISIONS PER SEPT 5, 2008 SRC LETTER	10/6/08	PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit H - Landscape & Irrigation Plan
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER 80183PE OREGON JULY 13, 2004 PETER J. SEADERS
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5956

JOB #	FILE	DRAW
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SCALE 1"=20'	DATE 10/6/08	

H
17 OF 17 SHEETS

December 16, 2008
TO: Members of the Corvallis City Council and Mayor
RE: Appeal of decision of the Corvallis Planning Commission

I am appealing to the Corvallis City Council the decision of approval by the Corvallis Planning Commission for the "Deer Run Park Subdivision (PLD08-00013 / SUB08-00007). As a City resident, I recommend the City Council deny this development request as being inconsistent with the Land Development Code, with impacts to safety and to the environment.

2.19.30.05 – Filing Requirements
a. Name and address of the appellant.

Liz Frenkel, 4954 SW Hollyhock Circle, Corvallis, OR 97330

b. Reference to the subject development and case number, if any.

Deer Run Park Subdivision (PLD08-00013 / SUB08-00007)
Application for a Major Modification to a Conceptual and Detailed Development Plan and Tentative Subdivision Plat. (PD-93-3)
Order 2008-098

c. Statement of the specific grounds for the Appeal, stated in terms of specific review criteria applicable to the case.

Some Examples (but not limited to) of approved variations not consistent with Land Development Code Standards

4.5.80.04	Grading Standards – 6,5000 sq. ft. limit, Cut and Fill
4.2.30.a.3	Pedestrian Standards
3.3.30.e.2	Usable Yards
4.5.70	Site Assessment and Geotechnical Report Requirements

d. Statement of the appellant's standing to appeal as an affected party.
2.19.30.03 – Standing
"affected parties shall include any of the following:
b. "Any person who testified orally or in writing …."

I testified both orally (11/19/08) and by letter (11/19/08) before the City Planning Commission regarding this application.

e. Filing Fee – Attached Check for $240.00

Elizabeth L. Frenkel 12/16/08
Signature Date

RECEIVED
DEC 16 2008
Community Development
Planning Division
4:20 pm

RECEIVED
DEC 16 2008
TIME 4:10 pm
CITY RECORDER'S OFFICE

CITY COUNCIL STAFF REPORT
DEER RUN PARK SUBDIVISION
EXHIBIT II
Page 1 of 2

December 16, 2008
TO: Members of the Corvallis City Council and Mayor
RE: Appeal of decision of the Corvallis Planning Commission

I am appealing to the Corvallis City Council the decision of approval by the Corvallis Planning Commission for the "Deer Run Park Subdivision (PLD08-00013 / SUB08-00007). As neighbor, I recommend the City Council deny this development request as being inconsistent with the Land Development Code, with impacts to safety and to the environment.

2.19.30.05 – Filing Requirements
a. Name and address of the appellant.

Michael Papadopoulos, 5370 NW Lawrence Avenue, Corvallis, OR 97330

b. Reference to the subject development and case number, if any.

Deer Run Park Subdivision (PLD08-00013 / SUB08-00007)
Application for a Major Modification to a Conceptual and Detailed Development Plan and Tentative Subdivision Plat. (PD-93-3)
Order 2008-098

c. Statement of the specific grounds for the Appeal, stated in terms of specific review criteria applicable to the case.

An Example (but not limited to) of approved variations not consistent with Land Development Code Standards
4.5.70 Site Assessment and Geotechnical Report Requirements

d. Statement of the appellant's standing to appeal as an affected party.
2.19.30.03 – Standing
"affected parties shall include any of the following:
b. "Any person who testified orally or in writing …."

I testified both orally (11/19/08) and by letter (11/19/08) before the City Planning Commission regarding this application.

e. Filing Fee –

Michael Papadopoulos Dec. 16 '08
Signature Date

RECEIVED
DEC 16 2008
Community Development
Planning Division
4:20pm JE

RECEIVED
DEC 16 2008
TIME 4:10pm
CITY RECORDER'S OFFICE

CITY COUNCIL STAFF REPORT
DEER RUN PARK SUBDIVISION
EXHIBIT II
Page 2 of 2

Corvallis Planning Division
Staff Report to the Planning Commission
PC Hearing: November 19, 2008
Report to Copier: November 7, 2008
Staff: Jason Yaich, Associate Planner

TOPIC: Review of an Application for a Conceptual & Detailed Development Plan and Tentative Subdivision Plat

CASE: **Deer Run Park Subdivision**
(PLD08-00013, SUB08-00007)

REQUEST: The proposal requests Conceptual & Detailed Development Plan and Tentative Plat approval for a nine-lot residential subdivision, to contain three groups of three attached single-family homes, served by a common driveway. The subdivision proposal also includes dedication of additional public right-of-way along the site's NW Ponderosa Avenue frontage and an open space tract of approximately 1.4 acres. The Planned Development request also includes requested variations to Land Development Code (LDC) standards.

APPLICANT: Creed Eckert
4360 NW Apple Tree Place - No 7
Corvallis, OR 97330

OWNERS: Wayde and Frankie Kent
2485 NE Strawberry Lane
Corvallis, OR 97330

LOCATION: The site is located at 5280 NW Ponderosa Avenue. The site is illustrated on the Benton County Assessor's Map # 11-5-21 CB, Tax Lot 500.

LOT SIZES: Proposed: Nine residential lots and open space tract; range in size from 0.41 acre to 1.77 acres
Parent parcel size: 2.55 acres

COMPREHENSIVE PLAN DESIGNATION: LD (Residential - Low Density)

ZONE: PD(RS-6) - (Low Density Residential with a Planned Development Overlay)

PUBLIC COMMENT: As of November 7, 2008, no public comment has been received.

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ATTACHMENTS:

A. Comprehensive Plan Map
B. Zone Map
C. Existing Conditions Map
D. Existing Conditions Map (Close-Up View)
E. Natural Hazards Map - Landslide
F. Natural Hazards Map - Slope
G. Natural Resources Map
H. Staff-identified Applicable Review Criteria
I. A-84-1 / DC-84-3 (South Annexation) - Order # 84-38 and Conditions of Approval
J. PD-93-3 (Cauthorn Development) - Order # 93-45 (CC) & Order # 93-38 (PC), Conditions of Approval, and Site Plans
K. Proposed Conceptual and Detailed Development Plan & Tentative Subdivision Plat
L. Narrative and Applicant's Narrative Attachments
M. Exhibit I - Engineering Supplement from MSS Inc., dated October 3, 2008
N. Geotechnical Report from Foundation Engineering Inc.(includes original June 21, 2007 report and updated memo of December 26, 2007)
O. Memo from Consumers Power Inc., dated July 1, 2008
P. Memo from Allied Waste, dated August 7, 2008

SITE & VICINITY

The subject 2.55 acre property is located at 5280 NW Ponderosa Avenue. The site is currently undeveloped, with the exception of fill dirt that was placed in the northeast corner of the property during the 1990s.

The site abuts developed residential areas of varying density to the north, across NW Ponderosa Drive, and to the east (Ponderosa Point subdivision) (**see Vicinity Map**). The area south and southeast of the site is a protected Riparian Corridor. The Suncrest development is located south of the Riparian Corridor.

The Comprehensive Plan Map designates the subject property as LD (Residential - Low Density). The site is bounded by the same LD designation on all sides for a minimum of 800 feet (**see Attachment A**).

The site is zoned PD(RS-6) (Low Density Residential with a Planned Development Overlay). The property to the west and south of the site is also zoned PD(RS-6). The site is bounded on the east by the RS-3.5 (Low Density Residential) district (**see Attachment B**). The properties immediately to the north of the site, across NW Ponderosa Avenue, are located in Benton County.

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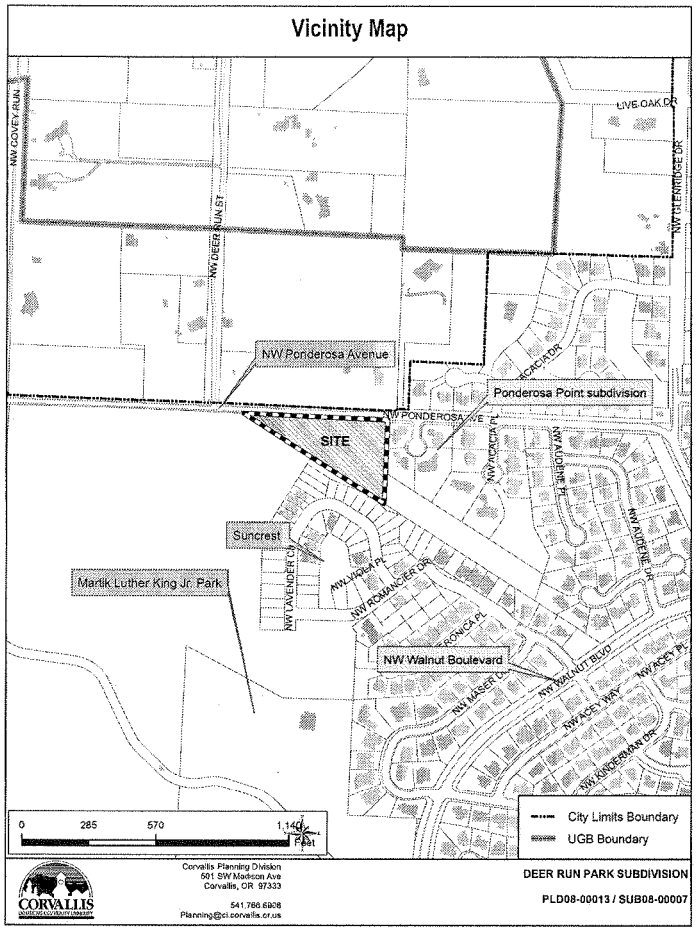
There are both mapped Natural Resources and Natural Hazards on the subject property.



The mapped Natural Hazards on the property consist of landslide hazards (**see Attachment E**) and slope hazards (**see Attachment F**). The site contains a mapped landslide debris runout area, and is located in the 500' buffer area for landslides (due to the on-site mapped landslide debris runout and because the site is approximately 415' to the southwest of a mapped moderate landslide feature).

The site contains mapped slopes between 10 and 35%. Some of the sloped areas are attributed to fill dirt that was placed on the property in the 1990s in the northeast corner of the property, and due to construction of the road bank for NW Ponderosa Avenue.

The mapped Natural Resources on the property consist of a Highly Protected Riparian Corridor (**see Attachment G**).

PREVIOUS LAND USE APPROVALS

1983 (**A-82-6, DC-82-11, PDM-83-2**) - Annexation request and associated District Change and Planned Development. The Annexation request was rejected by the voters, and the associated District Change and Planned Development were nullified due to failure of the Annexation measure.

1984 (**A-84-1 / DC-84-3**) - The subject property and surrounding 141 acres were annexed into Corvallis city limits (**Ordinance # 84-132**). An RD-6 (Low Density Residential) and Planned Development Overlay zones were applied to the property through case DC-84-3, which contained specific conditions of approval (**see Attachment I**). The general land use plan included as part of the 1984 approval is not classified as a Conceptual or Detailed Development Plan in the way such plans are defined today. Therefore, the current application is not bound to the 1984 general land use plan. The current proposed housing density is consistent with the density conceptualized in the 1984 approval. The general concepts of utilizing the Planned Development approval process to consider compatibility factors,

and using transfer of density to protect natural resources were discussed in the 1984 approval.

1993 (**PD-93-3**) - Cauthorn Planned Development proposal - Applicant requested to construct one single-family dwelling on the subject property. The proposal was approved by the Planning Commission and City Council. The applicant filed an application for a building permit, based on the subject Planned Development approval, but allowed the permit application to expire and never constructed the home (**see Attachment J**). The previously approved Conceptual & Detailed Development Plan has expired.

1994-2006 (**EXC94-00001 / EXC99-00018 / EXC01-00018 / EXC06-00087 / VIO98-00731 / VIO06-00138**) - Applicant applied for excavation and grading permit to place 200 cu. yds. of fill dirt on subject property in 1994. The fill dirt was placed on the property. However, the inspection failed because the way in which the fill was placed and the content of the fill is considered to be unsuitable for building construction. Additional fill was placed on the property over the subsequent 12 years without approvals from the City. During this time a series of Violations and Excavation & Grading Permits related to the continuing placement of fill were processed by the City. As of the date of this staff report, no portion of the fill placed on the site since 1994 has been sanctioned for construction of buildings.

2007 (**PLD07-00008 / SUB07-00004)** - An application was filed for a Detailed Development Plan and Tentative Subdivision Plat. The design of the proposal was modified, and ultimately the application expired.

2008 (**PLD08-00002 / SUB08-00002)** - An application was filed for a Detailed Development Plan and Tentative Subdivision Plat. The design of the proposal was modified, and ultimately the application expired. The final design was retained for this case (PLD08-00013 / SUB08-00007).

BACKGROUND

The 1984 Annexation approval included application of a blanket Planned Development Overlay on the subject property. Conditions of approval were included as part of the 1984 approval. The 1984 approval did not include elements of a Conceptual and/or Detailed Development Plan.

The 1993 Planned Development approved the location of a single-family residence for the northeast corner of the property and dedication of the remainder of the property as a drainageway tract. The owner at the time applied for construction of a single-family home and a related excavation and grading permit to allow fill dirt to be placed for construction of the home. The excavation and grading work was completed. However, the building permit was never finalized, the fill dirt was not approved for building construction, and the site remains vacant.

Additional fill dirt was placed on the property, without approved excavation and grading permits in 1998 and 2006. Because the fill was placed without final City approvals, it is uncertain whether or not the fill is consistent with grading approved as part of the 1993 Planned Development approval. The City monitored these events through a series of Violation cases. At one point, the former owner of the property was fined by the City for failing to acquire the appropriate permits and for failing to take corrective action. Because the fill was never officially sanctioned for development activities related to the 1993 Planned Development approval, the 1993 approval has expired.

The property changed ownership in 2003. A 2006 Violation related to additional fill activities triggered discussions between the current property owner and City staff. This led to the current Conceptual & Detailed Development Plan request.

PROPOSALS :

The applicant is requesting approval of two land use actions, as follows :

1. **CONCEPTUAL & DETAILED DEVELOPMENT PLAN (PART I)**
   The applicant requests Conceptual and Detailed Development Plan approval to excavate and grade the site, and construct utility and driveway infrastructure in preparation for development of nine residential lots. The applicant proposes three groups of three attached single-family homes each (total of nine dwelling units), all to be served by a common driveway with access from NW Ponderosa Avenue.

   The applicant is also proposing to dedicate to the public, a 1.4 acre drainageway and riparian corridor tract. The applicant is requesting to defer detailed analysis of the architecture of the attached single-family homes to time of building permit. However, the applicant has submitted conceptual floor plans in order to illustrate how the functional spaces of the homes' interiors relate to the proposed site plan, and to ensure that the RS-6 district development standards can be satisfied, except where specific variations are requested as part of the Conceptual and Detailed Development Plan request. The applicant proposes variations to specific LDC standards, which are discussed below.

2. **TENTATIVE SUBDIVISION PLAT APPROVAL (PART II)**
   The applicant is requesting approval of a nine-lot tentative subdivision plat.

STAFF REPORT FORMAT, ANALYSES, AND REQUIRED ACTION

Deer Run Park subdivision is a Planned Development and all deviations from LDC standards are subject to applicable LDC Chapters, as well as Policies of the Corvallis Comprehensive Plan.

There are two land use actions to consider in this application as described in the Proposals above. **Part I** of this staff report will consider the Conceptual & Detailed Development Plan, including site plan elements and requested LDC variations, and **Part II** will discuss

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the proposed tentative Subdivision plat. Discussion will be based on the merits of the application relative to applicable Comprehensive Plan policies and LDC standards. The Planning Commission may decide to approve, modify, or deny the applicant's request regarding any or all of the land use actions proposed in the application. **Part III** of this staff report lists staff conclusions and recommendations to the Planning Commission.

PART I

CONCEPTUAL & DETAILED DEVELOPMENT PLAN

A. BACKGROUND

Previous Approvals

A Planned Development Overlay was applied to the property, through approval of the 1984 Annexation and Zone designation. The 1984 Planned Development Overlay designation did not include a Conceptual and/or Detailed Development Plan. A subsequent Planned Development approval occurred in 1993 related to construction of a single-family home on the property. The 1993 approval has expired. Therefore, the current proposal should be reviewed as a new Conceptual and Detailed Development Plan. However, the 1984 Zone designation approval included conditions of approval (**see Attachment I - Page 2 of 2**), which should be discussed.

Conditions of Approval from Case DC-84-3

As discussed above, the subject property has Planned Development overlay, based on approval of case DC-84-3. The current proposal includes nine dwelling units, and a drainageway / open space tract dedication.

The 1984 approval included four conditions of approval (**see Attachment I - page 2 of 2**). A discussion of the individual conditions, and their relationship to the current proposal, is as follows :

1. Condition # 1 specifies dedication and maintenance of the drainageway tract. The general intent of this condition is proposed to be implemented with the current proposal, although it is updated based on the 2006 LDC provisions for drainageway easements and protected riparian corridors. Refer to the Conceptual & Detailed Development Plan discussion (under Natural Features review criteria) below.
2. Condition # 2 requires that NW Ponderosa Avenue be improved to City standards with development of the site. As noted below, the developer is proposing to modify current LDC standards for Collector street improvements. Therefore, this condition of approval is proposed to be modified or superceded by the current proposal.
3. Condition # 3 addresses waterline extension and looping requirements. This condition is generally satisfied by the proposed Conceptual & Detailed Development plan, either as proposed or conditioned.
4. Condition # 4 refers to requirements for extension of a public sewer line. This condition is generally satisfied by the proposed Conceptual & Detailed Development plan, either as proposed or conditioned.

The current proposal is generally consistent with the 1984 conditions of approval, with the exception of Condition # 2, relating to improvements to NW Ponderosa Avenue. Based on the Major Modification review criteria discussion noted above, and changes to the Condition of Approval # 2, the request constitutes a Major Modification. However, since

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there is no related Conceptual & Detailed Development Plan, the changes are specifically related to the 1984 conditions of approval, and the changes that have occurred in the underlying base zone.

The proposed Conceptual and Detailed Development Plan is to be reviewed according to the review criteria for Conceptual and Detailed Development Plans (LDC Section 2.5.50.04).

B. CONCEPTUAL & DETAILED DEVELOPMENT PLAN CRITERIA DISCUSSION

The Conceptual and Detailed Development Plan request is subject to the review criteria in LDC Section 2.5.50.04. Where the proposed Conceptual & Detailed Development Plan is consistent with LDC provisions, discussion is minimized. The applicant is proposing variations to specific Land Development Code standards. Discussion concerning the specific LDC variations is more extensive, as noted below.

Applicable LDC review criteria for Conceptual & Detailed Development Plans

LDC Section 2.5.50.04 - Review Criteria for Determining Compliance with Conceptual Development Plan

Request for approval of a Detailed Development Plan shall be reviewed to determine whether it is in compliance with the Conceptual Development Plan. The Detailed Development Plan shall be deemed to be in conformance with the Conceptual Development Plan and may be approved provided it is consistent with the review criteria in Section 2.5.40.04 above, provides a clear and objective set of development standards for residential Detailed Development Plans (considering the Detailed Development Plan proposal, required adherence to this Code, and Conditions of Approval), and does not involve any of the factors that constitute a major change in the Planned Development. See Section 2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification.

There is no Active Conceptual or Detailed Development Plan on the subject property, therefore the Major Modification review criteria do not apply. As previously discussed, the 1984 Zone approval included Conditions of Approval, which is something of an oddity. Typically Conditions of Approval are not applied to Zone Changes. The review criteria in Section 2.5.40.04, and a discussion of the proposal's consistency with the criteria, are as follows:

LDC Section 2.5.40.04 - Review Criteria

Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

Per LDC Section 2.5.20, the purposes of a Planned Development are as follows :

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Section 2.5.20 - PURPOSES
Planned Development review procedures are established in this Chapter for the following purposes:
a. Promote flexibility in design and permit diversification in location of structures;
b. Promote efficient use of land and energy, and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;
c. Preserve, to the greatest extent possible, existing Significant Natural Features and landscape features and amenities, and use such features in a harmonious fashion;
d. Provide for more usable and suitably located pedestrian and/or recreational facilities and other public and/or common facilities than would otherwise be provided under conventional land development procedures;
e. Combine and coordinate architectural styles, building forms, and building relationships within the Planned Development;
f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;
g. Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures; and
h. Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.

Where applicable to the specific review criteria in Section 2.5.40.04, additional discussion will be provided concerning how the proposal is or is not consistent with the Purposes of LDC Section 2.5.20.

Compatibility Criteria

a. Compatibility Factors -

Since the applicant is proposing variations to specific LDC standards, additional criteria in the form of Comprehensive Plan Policies may be considered per LDC Section 2.5.40.04, when reviewing the variation requests. Additional applicable Comprehensive Plan Policies are noted here :

Applicable Comprehensive Plan Policies - Compatibility

3.2.1 The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:
A. Preservation of significant open space and natural features;
B. Efficient use of land;
C. Efficient use of energy and other resources;
D. Compact urban form;
E. Efficient provision of transportation and other public services; and
F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

3.2.7 All special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan changes, and district changes shall be reviewed to assure compatibility with less intensive uses and

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potential uses on surrounding lands. Impacts of the following factors shall be considered:

A. Basic site design (i.e., the organization of uses on a site and its relationship to neighboring properties);
B. Visual elements (i.e., scale, structural design and form, materials, etc.);
C. Noise attenuation;
D. Odors and emissions;
E. Lighting;
F. Signage;
G. Landscaping for buffering and screening;
H. Transportation facilities; and
I. Traffic and off-site parking impacts.

The compatibility criteria noted in Comprehensive Plan Policy 3.2.7 above, are mirrored in the Conceptual Development Plan review criteria, LDC Section 2.5.40.04.a.2 through 2.5.40.04.a.10. These are discussed in greater detail below. LDC Section 2.5.40.04.a.1 is as follows :

1. Compensating benefits for the variations being requested;

Except where noted in Table A below, the development is fully consistent with the RS-6 zone, in terms of permitted uses noted in LDC Section 3.3.20 and the development standards identified in LDC Sections 3.3.30 through 3.3.50. The proposal is also consistent with all applicable Pedestrian Oriented Design Standards (PODS) as required per LDC Section 3.3.60, and as listed in LDC Section 4.10.60, except where specific variations are requested in Table A below.

For each variation requested in Table A, a detailed discussion follows regarding the specific variation request and whether or not compensating benefits have been provided to justify approval of the variation.

Additionally, a brief discussion of how the proposal complies with RS-6 development standards follows the variations discussion.

It should be noted that the narrative includes a table of requested LDC variations, as well as written descriptions of the variation requests and noted compensating benefits. Not all of the requested variations noted in the applicant's written narrative are illustrated in the applicant's variations table. Table A below attempts to clarify this by listing all noted exceptions.

TABLE A:
Proposed LDC Variations & Compensating Benefits

LDC Standard	Proposed Variation	Compensating Benefit
LDC Section 3.3.30.e.3.b - Side Yard Setback for Single Attached Units 8 feet.	The proposed Conceptual & Detailed Development Plan indicates that the side yard opposite the zero-lot line for Lots 3,4,6, and 7 will be 7'-6".	In support of this variance, the Conceptual & Detailed Development Plan provides for increasing the rear yards / Usable Yard from 15 feet to 25 feet or more, and additional Green Area beyond the LDC required minimums, for all lots except Lot 6. Additional benefit has been provided in the form of common landscaping areas in the fronts of Lots 4,5,7,8, and 9.
LDC Sections 3.3.30.I and 3.3.40.a - Maximum Lot Coverage / Minimum Green Area 3.3.30.I - 60 percent maximum 3.3.40.a - 40 percent minimum	The applicant proposes a Lot Coverage on Lot 6 of 64%. The applicant proposes a Green Area on Lot 6 of 36%.	In support of this variance, the Conceptual & Detailed Development Plan provides for increasing the rear yards / Usable Yard from 15 feet to 25 feet or more, and additional Green Area beyond the LDC required minimums, for all lots except Lot 6. Additional benefit has been provided in the form of common landscaping areas in the fronts of Lots 4,5,7,8, and 9.
LDC Section 3.3.30.e.2 - 15-Ft. Usable Yard is required either on the side or rear of each unit	The applicant is proposing to provide the required Usable Yard in the rear of each unit, but wishes to acknowledge that the Usable Yard will be limited in terms of the use of the space, based on the same protections that apply to the Riparian Corridor.	In support of this variance, the proposed Usable Yard is 25 feet in depth or greater, as opposed to the minimum 15 feet. The applicant also indicates that by allowing gates to be placed in the rear yard fence, residents may desire such restrictions on the use of the Usable Yard to preserve the natural aspects of the drainageway so as to use the space for passive recreation. At least 100% more Green Area on townhouse lots.

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LDC Standard	Proposed Variation	Compensating Benefit
LDC Section 4.10.60.01.a.3 & 4.10.60.02.a.1- Location of Vehicle Parking & Circulation Areas *"Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, except for driveway parking associated with single family development."* *"Parking lots shall be placed to the rear of buildings..."*	The proposed common driveway provides vehicular circulation for all nine lots, and is located between the buildings and NW Ponderosa Avenue. Five parking spots, located in two bays at the west and east ends of the common driveway, are located between the dwellings and NW Ponderosa Avenue.	The applicant has submitted supplemental cross-section studies, which illustrate the differences between locating parking in front of the dwellings, as opposed to locating the parking in the rear. Due to topography issues, the requirement to comply with City standards for driveway slope, and to fully protect the Riparian Corridor, the applicant indicates that the compensating benefits of providing the parking on the north side of the dwellings outweigh trying to locate the parking to the rear of the dwellings. Swapping the locations of the parking and dwellings allows the limits of grading to be moved further north (between 25' and 40') of the 75-foot Riparian Corridor line.
LDC Sections 3.3.30.e.1 and 4.10.60.01.b - Maximum Front Yard Setback *3.3.30.e.1 - 25' maximum front yard setback* *4.10.60.01.b - "On sites with 100 ft. or more of public...street frontage, at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone...For sites with less than 100 ft. of public...street frontage, at least 40 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone..."*	*The applicant requests to allow all nine dwellings to be located further from the front property line than the maximum 25' setback.*	Compensating benefits are greater protection of the Riparian Corridor from the effects of fill necessary to support vehicle driveway and parking areas. Setting the dwellings further from NW Ponderosa Avenue means that they will be constructed at a lower elevation, leaving a smaller visual presence from the street, and providing additional buffer from road noise for the occupants of the dwellings. Additional Green Area provided on all interior townhouse lots.

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LDC Standard	Proposed Variation	Compensating Benefit
LDC Section 4.7.90.01.b- Signs in Residential Districts "b. Special Instructions - 1. Attached signs shall not extend above eaves. 2. Unless specified below, signs shall be limited to one frontage. 3. Where a primary frontage exceeds 100 ft.: a) Permanent monument signs are allowed - minimum setback is five ft.; b) Maximum height for temporary and monument signs is six ft.; c) Maximum Sign Area is 16 sq. ft.; and d) Illuminated signs are permitted."	The applicant proposes a sign containing approximately 20 square feet, and proposes to locate the sign on Lot 6, which does not have more than 100 feet of primary frontage. The applicant is requesting use of the sign standards applicable in the MUR district, which has a maximum allowable area of 32 sq. ft.	*The applicant indicates the need to request a variation to this standard (see Pages 73 and 74 of the applicant's narrative), based on the proposed sign design. However, no compensating benefits have been proposed by the applicant. The applicant cites LDC Section 4.7.90.09.b as the applicable review criteria for a variation to a sign code standard, which does not reference the compensating benefits criteria of LDC Section 2.5.40.04.a.1. While it is not clear that 2.5.40.04.a.1, staff finds that the applicant has not provided reasonable justification for the sign variation request in terms of the square footage of the sign, but finds that the proposed location is acceptable since the overall development includes Tract A, which does contain more than 100 feet of frontage. Staff recommends that the request to vary sign square footage be denied, but that the applicant be allowed to locate a sign which complies with residential district standards at the location proposed.*

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LDC Standard	Proposed Variation	Compensating Benefit
LDC Section 4.2.30.a.3 & 4.10.60.06.f - Pedestrian Walkway Landscaping and Vehicle Circulation Separation Requirements "Along sidewalks and multi-use paths not located along streets, a minimum five ft.-wide landscaping buffer is required on either side of the facility. Examples of sidewalks and multi-use paths not located along streets include pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. Within these buffers, trees 4.2 - 5 LDC December 31, 2006 shall be planted at least every 30 ft., or as determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees;" "Where internal sidewalks parallel and abut a vehicular circulation area, sidewalks shall be raised a minimum of six in., or shall be separated from the vehicular circulation area by a minimum six-in. raised curb. In addition to this requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, shall be provided to enhance the separation of vehicular from pedestrian facilities."	The Conceptual & Detailed Development Plan indicates that the required landscape buffer and associated trees will only be provided on the south side of the proposed common sidewalk.	The applicant indicates that by not providing the additional five foot landscape buffer on the north side of the proposed common sidewalk, development activity can be further minimized on the site in order to provide additional protections for the Riparian Corridor. Additionally, while in most cases, space exists on the individual lots to allow moving the sidewalk south to create the five foot landscape buffer, the result would be a reduced usable front yard area for each unit. In balancing the objectives of the LDC, and given the limited amount of vehicle and pedestrian traffic associated with nine dwelling units, compensating benefits have been justified for the variations.

LDC Standard	Proposed Variation	Compensating Benefit
LDC Section 4.5.80.04.c.3.a - Mass Grading Limitations 6,500 sq. ft. limit	*The applicant is requesting a variation to this standard for Lot 9. Lot 9 is 7,134 sq. ft. in area. The limit on grading is 6,500 sq. ft. However, based on the applicant's proposed Conceptual & Detailed Development Plan, there is no need for a variation for Lot 9, since it appears that the graded area falls below the 6,500 sq. ft. limit.*	*Refer to the discussion under LDC criterion 2.5.40.04.a.14 and 2.5.40.04.b below.*
LDC Sections 4.5.80.04.c.1, 4.5.80.04.d.1, and 4.5.80.04.e - Eight-Ft. Standard and Terracing	*The applicant is requesting to vary this standard, by proposing fills between 8 and 14.46 feet, on Lots 1 through 5, and by not providing terracing.* *Extenuating Circumstances noted in LDC Section 4.5.80.04.c.2.b provide for an exception up to 10 feet, based on the applicant's protection of the Riparian Corridor. The proposal does not meet the 2 extenuating conditions exemption, which would allow up to 12 foot fills, nor the terracing requirements that apply for allowable fills over 8 feet.*	*The primary argument for the requested variation is that by concentrating development on the north half of the site, and locating fills that will exceed 8 feet in this area, the Highly Protected Riparian Corridor can be fully protected. Additionally, the applicant contends that the proposed grading plan (as opposed to other grading concepts that were explored) is best suited to ensure that the pre-development hydrological function of the site's topography and stream is maintained, post-development. Additional fill beyond the 12-ft. Standard protects specific Significant Trees along the Riparian Corridor boundary.*
LDC Table 4.0-1 - Collector Street Improvement and Right-of-Way Requirements	*The applicant proposes a reduced right-of-way dedication on NW Ponderosa Avenue (varies in width), and Collector street improvements with a curbside sidewalk. Collector streets typically require a 12-ft. planter strip with setback sidewalk.*	*The proposed right-of-way width and street improvements without a 12-ft. planter strip allows for additional protection of existing Significant Trees at the northeast corner of the site, and an enhanced common landscaping area on Lots 4 through 6.*

LDC Standard	Proposed Variation	Compensating Benefit
LDC Section 4.12.60.f.(1) & (4) - Tree Protection Requirements	*Applicant proposes encroachments into Significant Trees' Circles of Protection at specific locations, for installation of private stormwater management facilities. Additional encroachments are proposed at northeast corner of site in area where trees are not required to be protected.* *Construction of the proposed public sewer line is an exempted activity under the Riparian Corridor protections noted in LDC Section 4.13.50, and encroachments into the Riparian Corridor and necessary removal of Significant Vegetation are exempt activities.* *Construction of the proposed private stormwater quality / detention facility on Tract A and Lots 1-3 is an exempt activity per LDC Section 4.13.50.b.7. However, Significant Vegetation within the Riparian Corridor is required to be protected according to the Circle of Protection requirements.*	*Applicant has provided arborist's report, and states that arborist's opinion is that trees will not be negatively impacted.* *Applicant proposes protection of additional Significant Trees not required to be protected per base LDC standards. Note that these trees are being utilized as compensating benefits for other LDC variation requests.*

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Conclusion on Requested Variations and Compensating Benefits-

In relation to Usable Yard variation and Maximum Front Yard setback variation, compensating benefits have been provided in the form of protection of additional Significant Trees beyond that required by the LDC, in the northeast corner of Lots 7,8, and 9. Additional compensating benefits have been provided for all interior townhouse lots (Lots 2,5, and 8), where the amount of Green Area provided exceeds the 20 percent minimum by at least 100%. Additionally, the proposed Usable Yards on all lots are 25 feet in depth, which exceeds the minimum of 15 feet prescribed by LDC Section 3.3.30.3. In general, a greater amount of Green Area and open space is being provided within the development site, than that required per LDC Section 3.3.40, with the exception of the Lot Coverage / Green Area variation requested for Lot 6.

With respect to the requested Green Area / Lot Coverage variation for Lot 6, Lot 6 is encumbered by the necessary access driveway for the development site. Access points are limited in number on NW Ponderosa Avenue due to its status as a Collector street. Further, limiting the development site to a single driveway entrance improves safety for ingress / egress on NW Ponderosa Avenue, as opposed to allowing multiple driveway entrances. The required common access driveway increases the Lot Coverage for Lot 6 beyond the 60% maximum specified per LDC Section 3.3.30.i.

The applicant cites additional compensating benefits in the form of increases over the minimum required Green Area for all Lots except Lots 1 and 6, a deeper Usable Yard, and provision of common area landscaping along the site's frontage. These compensating benefits address requested variations to side yard setbacks on Lots 3,4,6, and 7, and internal sidewalk landscaping requirements along the common pedestrian walkway.

The applicant cites compensating benefits of full protection of the Highly Protected Riparian Corridor and limiting the mass grading impacts to between 25' and 40' from the Riparian Corridor boundary, for requested variations to location of vehicle parking & circulation relative to the dwellings, and for requested variations to the Collector street right-of-way / improvements and Eight-Ft. Hillside Development Standard.

The requested variation to sign area and location is not fully supported because the applicant has failed to provide compensating benefits. However, given that the development site includes Tract A, which contains more than 100 feet of frontage on NW Ponderosa Avenue, LDC Chapter 4.7 permits placement of a monument sign, within Tract A. Since Tract A is being dedicated to the public as a Riparian Corridor and Drainageway Tract, placement of a monument sign in Tract A is inappropriate. As long as the sign otherwise complies with the residential district sign standards noted in LDC Section 4.7.90.01.b (minimum setback of 5 feet, maximum height of six feet, maximum sign area of 16 sq. ft., and compliance with vision clearance standards), and the Planning Commission finds that the requested variation is supported by the criteria in LDC Section 4.7.90.09, a variation to the location requirements is warranted.

As discussed above, compensating benefits have been provided that support the variations being requested.

Other Applicable Base Zone Development Standards (RS-6) -

Land Use and Building Type

Applicable RS-6 Base Zone Standards :
Section 3.3.20 - PERMITTED USES

3.3.20.01 - Ministerial Development
a. Primary Uses Permitted Outright

1. Residential Use Types -
a) Family
2. Residential Building Types -
d) Attached - Townhouse, three to five units

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The subject site is zoned RS-6 (Low Density Residential). The proposed Conceptual and Detailed Development Plan includes plans for nine single-family homes. The nine homes are divided into three groups of three attached dwelllings each. The narrative and drawings indicate that the proposed use and residential building type for each of the nine lots is consistent with the family use type and Attached-Townhouse building type noted in LDC Section 3.3.20.01.a.

Density

The RS-6 district implements the Comprehensive Plan Designation of Residential - Low Density, and per Section 3.3.30.a, further requires that all new Residential Subdivisions and Planned Developments achieve a minimum density of 4 dwelling units per acre. The subject site is 2.55 acres in size. Prior to consideration of additional public right-of-way dedication requirements for NW Ponderosa Avenue and dedication of a drainageway and Riparian Corridor tract, as specified in Article IV of the LDC, the minimum number of required dwelling units on 2.55 acres is 10 dwelling units. The maximum permissible number of dwelling units is 15, per LDC Section 3.3.30.b.

The requirements for minimum and maximum number of dwelling units can be adjusted, at the applicant's request, based on the LDC Definition for Area, Net. This allows the minimum number of dwelling units required to be reduced, by reducing the Net Area of a development site, due to "*Significant Natural Feature areas dedicated to the public*". The Deer Run Park subdivision proposal includes dedication of a 61,097 square feet (1.4 acre) drainageway and Riparian Corridor tract to the public, known as Tract A. This reduces the Net Area of the development site to 1.15 acres. Table B illustrates the number of required and allowed dwelling units, considering both base Comprehensive Plan and RS-6 district requirements, and reductions in minimum required density per the definition of Area, Net.

The applicant's proposal for nine dwelling units is below the base minimum requirement of 10 dwelling units, but exceeds the base minimum requirement of 5 dwelling units when choosing to remove Tract A from the equation. The proposal does not exceed the maximum permitted density in either case, and is consistent with the density provisions of LDC Section 3.3.30.a, as well as the Comprehensive Plan designation of Residential - Low Density.

TABLE B:
Required and Proposed Density

Gross Area	Net Area[1]	Minimum Required Density (NET) (4 du/ac)	Maximum Permitted Density (GROSS) (6 du/ac)
With Tract A			
2.55 acres	**2.55 acres**	**10.2[2] dwelling units**	**15.3[2] dwelling units**
Without Tract A[3]			
2.55 acres	**1.15 acres[1]**	**4.6[2] dwelling units**	**15.3[2] dwelling units**

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[1] As defined in LDC Chapter 1.6, Area, Net : Total area of a parcel or site, usually expressed in acres and excluding existing public street rights-of-way and, if a developer desires, excluding public parks, Significant Natural Feature areas dedicated to the public, and/or other areas permanently precluded from development due to development constraints or conservation easements. Planned streets shall not be excluded from the net area.

[2] Fractions - When the sum of the dwelling units is a fraction of a dwelling unit, and the fraction is equal to or greater than 0.5, an additional dwelling unit shall be required (minimum density) or allowed (maximum density). If the fraction is less than 0.5, an additional dwelling unit shall not be required or allowed.

[3]As permitted by the definition for Area, Net, an applicant may request to lower the minimum number of required dwelling units per acre, by adjusting the Net Area of a development site based on dedication of public lands.

RS-6 Development Standards

The proposed Conceptual & Detailed Development Plan and Tentative Subdivision Plat indicates that the standards for single-attached dwellings, listed in LDC Section 3.3.30(c) & (d), for minimum lot area (2,500 square feet) and minimum lot width (25 feet), are satisfied.

The applicant is requesting variations to specific building setback standards, listed in LDC Section 3.3.30(e), as noted in Table A, above. Except for the requested setback variations, the proposed Conceptual & Detailed Development Plan indicates that the 10-ft. minimum front yard and 5-ft. minimum rear yard setbacks are satisfied for each of the nine dwelling units.

15-Ft. Usable Yard

LDC Section 3.3.30.e(2) requires that a 15 ft. usable yard be provided either on the side or rear of the dwelling. The LDC does not define "Usable Yard", but does define Yard as "*Open Space unobstructed from the ground upward except as otherwise provided in this Code*." The standard interpretation of Usable Yard is a composite of normal residential side and rear yards, with the additional caveat that no structures are to be located in the usable yard area. This is akin to the LDC Green Area standard. The LDC permits accessory structures such as shops and sheds to be located in side and rear yards, per standards in Chapter 4.3, and these structures are required to be excluded from the Green Area calculation. Since the standard for Usable Yard allows the area to be provided either on the side or rear of the dwelling, and only Lot 9 clearly meets this standard in the side yard of the dwelling, it is determined that the applicant intends to meet this standard by placing the usable yard in the rear of each dwelling.

The proposed Conceptual & Detailed Development Plan indicates that all dwellings will be located a minimum of 25 feet from the rear property line of each lot. This is partly due to the requirement for a 75-ft. Highly Protected Riparian Corridor, and in some cases a greater distance is provided to account for preservation of Significant Trees that straddle the 75-ft Riparian Corridor boundary. The applicant proposes to construct a wood fence along the 75-ft. Riparian Corridor boundary line, to indicate an additional level of protection. Additionally, the LDC prohibits most development activities within Riparian Corridors.

The applicant is proposing, as part of the Riparian Corridor protection requirements, that the first 50-feet nearest the top-of-bank be dedicated to the public as Tract A. An additional 25-feet on each lot is proposed as part of the overall 75-foot Riparian

Corridor, and this area is intended to satisfy the 15-ft. Usable Yard requirement as well. As noted under the review criterion of Section 2.5.40.04.a.1 above, the applicant is proposing a variation to the Usable Yard requirement not from a dimensional aspect, but in the sense that activities within the Usable Yard will be limited to those activities that are permissible with the Highly Protected Riparian Corridor, as outlined in LDC Section 4.13.50. This, in effect, creates an area that is consistent with the 15-foot dimensional requirements for a Usable Yard.

The primary purpose of the Usable Yard requirement is to provide open space and a sense of livability for the residents within a development site. This standard is particularly critical in relationship to the 2006 LDC, due to the smaller lot widths and lot areas now permissible. The definition for Green Area includes "*private preservation areas*", and the applicant argues that the use characteristics of Green Area and Usable Yard are intended to be similar. Though there are restrictions on development activities within the Riparian Corridor, this provides an opportunity for passive enjoyment of the space, from a naturalist's perspective. The applicant's proposal to provide the wooden fence, and additional restrictive language on the Subdivision Plat, CC&Rs, and deed restrictions provides assurances that the residents understand the use limitations within the 25' Riparian Corridor easement on each lot.

According to the applicant, it is reasonable to assign the Usable Yard requirement to the same area of the development site as the Highly Protected Riparian Corridor, realizing that perspective home buyers will be informed at many different levels, and that they may actually desire such a scenario.

The proposed Conceptual & Detailed Development Plan indicates that the minimum garage setback of 19 feet, identified in LDC Section 3.3.30.f, is satisfied. Section 3.3.30.f also requires compliance with the garage orientation standards identified in Chapter 4.10 (PODS). This is discussed in further detail below, under LDC Section 3.3.60.

The proposed Conceptual & Detailed Development Plan indicates that the homes will be three stories in height. Per LDC Section 3.3.30.h, maximum height is limited to 30 feet. Based on how building height is calculated per the LDC Definition for Height of Buildings and standard construction practices, a three-story home will almost always comply with the 30-foot limitation. This standard will be further verified through the building permit process.

As noted in Table A, the applicant is requesting a variation to the Maximum Lot Coverage standard noted in LDC Section 3.3.30.I, for Lot 6 only.

Off-Street Parking (LDC Sections 3.3.30.j and 4.1.30)

Nine dwelling units are proposed, each of which is a single-family attached building type. The minimum number of required vehicle parking spaces is prescribed by LDC Section 4.1.30.a.2, as follows:

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Applicable LDC Section 4.1.30

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

a. Residential Uses Per Building Type -

2. Duplex, Attached, and Multi-dwelling -
a) Vehicles -
1) Studio or Efficiency Unit - One space per unit.
2) One-bedroom Unit - One space per unit.
3) Two-bedroom Unit - 1.5 spaces per unit.
4) Three-bedroom Unit - 2.5 spaces per unit.

Vehicle parking requirements are determined by the number of bedrooms within each dwelling unit. The applicant has not proposed a bedroom count for each unit, but indicates that the units will likely contain a mix of two and three bedrooms (see Page 40 and 42 of the Narrative). LDC Section 4.1.20.o limits the maximum number of vehicle parking spaces to not more than 30% of the minimum number required. If all nine dwellings contained three bedroom units, twenty-three parking spaces would be required. Based on the proposed 24 vehicle parking spaces, only one "overflow" space would be provided to accommodate guest parking. A maximum of 35 vehicle parking spaces would be permissible under this scenario, although based on the proposed Conceptual & Detailed Development Plan, there are severe constraints to developing additional vehicle parking spaces due to topography and Riparian Corridor protections.

There are concerns that providing one vehicle space in addition to the LDC required minimum is not enough to serve the overflow situation that sometimes occurs in higher-density developments. Additionally, there is no on-street parking available to accommodate overflow parking on NW Ponderosa Avenue, as there sometimes is in other residential neighborhoods. Finally, there are concerns from a fire protection standpoint that the common driveway and parking area will become overcrowded during peak use periods, and emergency vehicle access lanes might be hindered by vehicles parked illegally.

Staff proposes a condition of approval which provides for a mix of four (4) two bedroom units, and five (5) three bedroom units (**see Condition # 5**). This results in a minimum parking requirement of 19 spaces, and a maximum allowance of 24 spaces. The Conceptual & Detailed Development Plan illustrates 24 vehicle parking spaces. The proposal, as conditioned, would be consistent with the minimum and maximum number of vehicle parking spaces prescribed by LDC Section 4.1.20.o and 4.1.30, and as required per the RS-6 district.

Bicycle Parking

Applicable LDC Section 4.1.30

b) Bicycles -
1) Studio or Efficiency Unit - One space per unit.
2) One-bedroom Unit - One space per unit.

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3) Two-bedroom Unit - 1.5 spaces per unit.
4) Three-bedroom Unit - Two spaces per unit.
The required bicycle parking may be located within a structure, in accordance with the provisions of Section 4.1.70.

Based on the bedroom limitations proposed by the applicant, sixteen bicycle parking spaces are required. Per LDC Section 4.1.30, the required bicycle parking spaces may be provided within each of the nine dwelling units, as long as the standards in Section 4.1.70 are adhered to. The applicant is proposing two bicycle parking spaces within the garage of each unit, as well as a covered bicycle parking structure, to be placed on Lot 5, on the north side of the common driveway. Since the dimensional requirements of required bicycle parking within the dwelling units cannot be determined until floor plans and site plans are submitted through the building permit process, a condition of approval has been provided which ensures that the LDC standards of Section 4.1.70 are adhered to (**see Condition # 8**). As conditioned, the vehicle and parking requirements prescribed by Section 4.1.30 of the LDC are satisfied.

Vehicular Access Requirements from Chapter 4.1

Applicable LDC Standards for Vehicular Access to Individual Lots
Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS
All off-street parking facilities, vehicle maneuvering areas, driveways, loading facilities, accessways, and private streets shall be designed, paved, curbed, drained, striped, and constructed to the standards set forth in this Section and the City's Off-street Parking and Access Standards, established by the City Engineer and as amended over time. A permit from the Development Services Division shall be required to construct parking, loading, and access facilities, except for Single Detached, Duplex, Single Attached, and Attached Building Types; and Manufactured Dwellings.

a. Access to Arterial, Collector, and Neighborhood Collector Streets
1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back-up movement onto Arterial Streets.

2. Location and design of all accesses to and/or from Arterial, Collector, and Neighborhood Collector Streets, as designated in the Corvallis Transportation Plan, are subject to review and approval by the City Engineer. Accesses shall be located a minimum of 150 ft. from any other access or street intersection. Exceptions to this requirements may be granted by the City Engineer. Evaluations of exceptions shall consider the posted speed for the street on which access is proposed, constraints due to lot patterns, and effects on the safety and capacity of the adjacent public street, bicycle, and pedestrian facilities.

3. When developed property will be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in "2," above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

I. Driveways -
1. Driveways shall be surfaced as required by standards established by the City Engineer. No point along the driveway length shall traverse a slope in excess of 15 percent. The location and design of the driveway within the lot

frontage shall provide for unobstructed sight per the Vision Clearance requirements in Section 4.1.40.c. Requests for exceptions to these requirements will be evaluated by the City Engineer, who will consider the physical limitations of the lot and the safety impacts to vehicular, bicycle, and pedestrian traffic.

2. Single-family (Attached or Detached) and Duplex development shall be limited to a maximum 20 ft.-wide curb cut. An exception to this provision may be granted in situations where steep terrain in excess of a 15 percent grade prevents compliance. Additional exceptions to this requirement may be obtained through the procedures outlined in Chapter 2.12 - Lot Development Option and Chapter 2.5 - Planned Development.

The applicant proposes a common access driveway, providing a single driveway entrance on NW Ponderosa Avenue, and serving all nine lots. The driveway has been reviewed for compliance with the City's *Off-Street Parking and Access Standards* and is in compliance with the City Engineer's standards, as required per LDC Section 4.1.40.a and 4.1.40.I above.

Since the applicant is proposing a number of common area improvements (driveway, parking areas, retaining walls, landscaping, and bike shelter), it will be necessary to coordinate these improvements either through a separate permit, or during the review of building permits on each lot. It will be necessary to allow some flexibility to the applicant for the timing of constructing these improvements so they are not damaged during construction of the individual homes, but so that prior to issuance of certificates of occupancy for the dwellings, the future residents have paved access and other common area improvements installed. The common driveway, retaining walls, bike shelter, and all common area landscaping located west, north, and east of the common driveway shall be installed prior to issuance of final certificates of occupancy for the first home (**see Condition # 6**).

Other RS-6 standards

The proposed Conceptual & Detailed Development Plan indicates conceptual locations for heat pump units, which is an option for each lot. Per LDC Section 3.3.30.k, mechanical units are to be located outside of required setback areas. Although the applicant has not indicated a request to vary this standard, the illustrations do not clearly show that this standard is satisfied. A condition of approval has been provided which clarifies the intention to comply with this standard (**see Condition # 10**).

LDC Sections 3.3.30.m through Section 3.3.30.r, Section 3.3.40, and 3.3.60 address additional provisions in Article IV of the LDC. These are discussed in further detail below, based on related Conceptual Development Plan review criteria outlined in LDC Section 2.5.40.04.

Conclusion on Conformance to RS-6 District Development Standards

Except for the variations noted in the review criteria under LDC Section 2.5.40.04.a.1, (and permitted through LDC Section 3.3.70), or as conditioned, the proposal is otherwise consistent with the RS-6 zone development standards, and all applicable

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LDC requirements in the supplemental LDC Chapters cross-referenced within the RS-6 zone above.

2. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);

The proposal includes nine residential lots, available for development of attached single-family dwellings, as permitted in the RS-6 zone. All nine dwellings are oriented toward NW Ponderosa Avenue, but located away from the street, at varying distances. The rear of each dwelling is oriented parallel to the Riparian Corridor, which constitutes the southern half of the site.

All nine units are served by a common driveway, which intersects the NW Ponderosa Avenue frontage on Lot 6, and which splits east and west to serve individual driveways for vehicle parking, which is located in front of each home. Additional vehicle parking is provided in two bays, one at the west end of the developed portion of the site, and one at the east end. All vehicle parking and access is located between the dwellings and NW Ponderosa Avenue. Although the LDC allows vehicle parking for single-family development to be located between the home and the street, the common driveway is required to be located behind or to the side of the homes, based on standards in LDC Section 4.10.60.01.a.3. Refer to the discussion above for this requested variation.

The locations of the homes are such that neighboring properties are generally well buffered from the development, with the exception of Lot 9 and the adjacent parking area, which backs up to homes on NW Casia Place. The applicant has provided a 5-ft. minimum landscape buffer prescribed by LDC Section 4.2.20.e, and proposes an additional screening fence along the east property line.

All homes have sidewalk access from the front doors to a common sidewalk, which provides access to the proposed public sidewalk on NW Ponderosa Avenue. All front doors of the homes are located within 200-foot of the NW Ponderosa Avenue sidewalk, as prescribed by LDC Section 4.10.60.01.a.1.

Due to the existing topography, the site is intended to be graded and filled to allow moderate transitions between the lots, and to allow vehicles and pedestrians to safely navigate the site. All driveways are intended to comply with the City's slope standard of 15 % maximum.

The southern half of the site contains a Highly Protected Riparian Corridor and mapped Landslide Runout area. The applicant intends to comply with the Natural Features Protection requirements for both features, as outlined in Chapters 4.5 and 4.13 of the LDC. This is discussed in greater detail, under the Conceptual & Detailed Development Plan review criterion below (LDC Sections 2.5.40.04.a.14 and 2.5.40.04.b).

3. Visual elements (scale, structural design and form, materials, etc.);

The applicant has not submitted architectural elevations, but has illustrated conceptual building footprints on the Conceptual & Detailed Development Plan, conceptual floor

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plans (**see Attachment L - Pages 154 through 158 of 167**), and indicates that the dwellings will be three stories in height with a garage at mid-level, and have stepped foundations which transition with the grade and provide daylight basements facing the Riparian Corridor (**see Attachment K**).

The applicant proposes that architectural details of the homes be evaluated in relationship to the LDC Pedestrian Oriented Design Standards (PODS), at time of building permit submittal. Staff has prepared an analysis of all applicable PODS in relationship to the proposed Conceptual & Detailed Development Plan. Refer to the discussion under review criteria 2.5.40.04.a.13 below. As per the discussion below, and except where specific variations to PODS are noted in Table A above, the application complies with the PODS outlined in LDC Section 4.10.60. Conformance to these standards is considered to be consistent with the visual elements criterion.

4. Noise attenuation;

Noise impacts from the proposed residential development are anticipated to be consistent with what is expected in a low density, single-family residential neighborhood. The proposed development should not create negative compatibility impacts related to noise.

5. Odors and emissions;

Odors generated from the proposed development are not anticipated to create compatibility impacts with the surrounding neighborhood.

6. Lighting;

Applicable LDC standards (Section 4.2.80) :
Section 4.2.80 - SITE AND STREET LIGHTING
Pursuant to City Council Policy 91-9.04, *"The City of Corvallis is interested in well shielded, energy efficient street lighting sources that direct the light source downward where it is needed, not up or sideways where it is wasted and causes glare, light trespass, and bright skies."*
All developers shall submit a proposed lighting plan for approval that meets the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. This criteria is satisfied upon compliance with the provisions listed below and shall be substantiated by the applicant's submittal of the necessary information to demonstrate compliance, such as information including but not limited to manufacturers' specifications:

a. For safety purposes, lighting shall be provided in all areas designed to include pedestrian activities, such as streets, sidewalks, multi-use paths, parking lots, buildings, and plazas.

b. With the exception of lighting for public streets, which is maintained by the City through a contract with an electric company, all other lighting used to illuminate streets, buildings, sidewalks, multi-use paths, parking lots, plazas, or the landscape,
shall be evaluated during the plan review process associated with requests for

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permits.

d.Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property. Compliance with this provision shall be demonstrated by ensuring that, when evaluated from a point four ft. above the ground, bulbs of light fixtures are not visible from adjacent property.

g. Background spaces such as parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property. Foreground spaces, such as building entrances and plaza seating areas, shall use local lighting that defines the space without glare.

The applicant proposes site lighting to illuminate the common vehicle and pedestrian areas of the site (**see Attachment K - page 4 of 17**). The applicant has not indicated a request to vary from the standards in LDC Section 4.2.80. The constructed light fixtures will be evaluated at time of electrical / construction permit submittal. As proposed, the plans indicate that the criteria in LDC Section 4.2.80 are satisfied.

7. Signage;

Applicable LDC Sign Code Standards - Chapter 4.7

4.7.90.01 - Sign Standards for All Residential Zones Except MUR
b. Special Instructions -
1. Attached signs shall not extend above eaves.
2. Unless specified below, signs shall be limited to one frontage.
3. Where a primary frontage exceeds 100 ft.:
a) Permanent monument signs are allowed - minimum setback is five ft.;
b) Maximum height for temporary and monument signs is six ft.;
c) Maximum Sign Area is 16 sq. ft.; and
d) Illuminated signs are permitted.

4.7.90.09 - Signs in Planned Developments
A sign plan shall be required for all Planned Developments consistent with Chapter 2.5 - Planned Development, whether or not variations from the requirements of this Chapter are requested. The plan shall establish the location and allocation guidelines for signs in a way that ensures all parties in the development have an equitable opportunity to communicate through signs without creating undue negative effects on surrounding properties. The sign plan shall be reviewed as follows:
a. The sign plan shall be reviewed by the Planning Commission concurrently with the Detailed Development Plan.
b. Before approving the sign plan, the Commission shall find that the signs in the proposed sign plan comply with this Code and/or are compatible with the types of development, existing and future, surrounding the Planned Development.
c. A Sign Permit for each sign in a Planned Development shall be obtained prior to construction or installation. A proposed sign shall comply with these regulations and any additional guidelines or conditions specified in the approved sign plan before a Permit may be issued for the sign.

The applicant has submitted a proposed sign for the subdivision (**see Attachment L - Page 167 of 167**). The sign, as proposed does not comply with the standards for signs in a residential district, as noted in LDC Section 4.7.90.01. Signs in residential districts are limited in square footage and height, based on the length of a lot's primary frontage. Where the primary frontage of a lot exceeds 100', a free-standing sign is permitted, but is limited to an area of 16 square feet, and a height of six feet. Only Tract A contains more than 100' of primary frontage. The proposed sign does not exceed the height limitation, but exceeds the maximum allowed area and is located on Lot 6, which does not have 100 feet of frontage. The applicant is requesting use of the sign standards applicable in the MUR district, which has a maximum allowable area of 32 sq. ft. Refer to Table A, above.

LDC Section 4.7.90.09 allows variations to the standards in the Sign Code to be processed through the Conceptual & Detailed Development Plan review process. The sign variations may be approved if it is found that the sign is "*compatible with the types of development, existing and future, surrounding the Planned Development.*" As presented in Attachments K and L, the sign is consistent with other monument signs that serve residential developments, is low in height, and is located on the site in a way that complements the residential character of the neighborhood. The sign is the only proposed sign for the development.

The applicant indicates the need to request a variation to the square footage limit of 16 square feet (see Pages 73 and 74 of the applicant's narrative). However, no compensating benefits have been proposed by the applicant. The applicant cites LDC Section 4.7.90.09.b as the applicable review criteria for a variation to a sign code standard, which does not reference the compensating benefits criteria of LDC Section 2.5.40.04.a.1. Staff finds that the applicant has not provided reasonable justification for the sign square footage variation request, and recommends that this particular component of the variation request be denied. However, given that Tract A is a Highly Protected Riparian Corridor and contains more than 100 feet of frontage on NW Ponderosa Avenue, it is reasonable to allow the applicant to relocate a sign that would normally be permitted within the frontage of Tract A to the developed portion of the site and away from the Riparian Corridor. As proposed, staff finds that the location of the sign is warranted, based on compensating benefits of public dedication of Tract A (**see Condition # 27**).

8. Landscaping for buffering and screening;

The proposed Conceptual & Detailed Development Plan (**see Attachment K**) includes a Conceptual Landscape and Irrigation Plan. Landscaping is generally divided into two categories. Most of the landscaping located to the west, north, and east of the common driveway is considered to be common area landscaping, although it is located on individual lots. All other landscaping to the south of the common driveway is considered to be private landscaping, installed and maintained on an individual lot basis. The applicant has indicated that a "common area" easement will be provided (see proposed Tentative Subdivision Plat) to delineate the line between common area improvements, and private landscaping improvements.

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Landscaping improvements associated with the common areas include the following:

- required street trees and other plantings associated with the planter located between the NW Ponderosa Avenue sidewalk and the private retaining wall
- required parking area buffering and screening plants
- common area trees on Lots 4,5, and 6, located in the planter to the west of the common driveway entrance
- preserved trees located in the planter to the east of the common driveway entrance

Landscaping improvements associated with individual lot development include the following:

- trees, to be located on the south side of the common pedestrian walkway
- required Green Area landscaping (per LDC Section 3.3.40) and other landscaping installed by private owners, at time of building permit

RS-6 Landscaping / Green Area Requirements

Per LDC Section 3.3.40, end townhouse unit lots are required to have a minimum of 40% Green Area, and center unit townhouse lots are required to have a minimum of 20% Green Area. As noted in Table A above, the applicant is requesting a variation to the required 40% Green Area for Lot 6. All other lots are proposed to comply with, and in most cases, exceed the minimum required Green Area.

Common area landscaping is to be installed with other site improvements that serve common, private improvements, such as the grading, driveway, private utility, and retaining wall construction. Individual lot landscaping will be installed as each lot develops, through the building permit process. LDC Section 3.3.40 requires both the Green Area standard (which may include both vegetated areas as well as pedestrian improvements such as sidewalks) as well as a minimum area of vegetation per lot (15% of the gross lot area for end units and 10% of the gross lot area for center units). The minimum area of vegetation may be provided in "naturally preserved vegetation". Based on the Riparian Corridor protection area on each lot, and additional common area landscaping attributed to each lot through the Conceptual & Detailed Development Plan, all lots comply with the vegetated area requirements of Section 3.3.40.a.

Section 3.3.40.c requires a Private Outdoor Space for each dwelling unit, "to be viewable and accessed by the interior space via doors and windows". This area is provided in the rear of each unit, facing the Riparian Corridor, and will be accessed through the daylight basement of each home. This standard is satisfied.

Applicable LDC requirements -

Section 4.2.20 - GENERAL PROVISIONS

a. Required Landscaping -

1. Landscaping and Irrigation Plans - Where a landscape plan is required by this Code, by a particular proposal, and/or by Conditions of Approval, detailed planting plans, irrigation plans and other related plans shall be submitted for review and approval with Building Permit applications and/or prior to the

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recordation of a Final Plat, as applicable. Building Permits, including Foundation Permits, shall not be issued until the Director has determined that the plans comply with the purposes clause and specific standards in this Chapter, any specific proposal(s), and/or Conditions of Approval that apply to the particular project. On a case by case basis, and where no Significant Natural Features would be impacted, the Director may grant an exception and allow the issuance of permits. Required landscaping shall be reviewed and approved by the Director, and in no case shall landscaping be less than that required by this Chapter. Landscaping shall consist of ground cover, shrubbery, and trees.

2. Installation - All required landscaping and related improvements, such as irrigation, etc., shall be completed prior to the issuance of a Certificate of Occupancy. Additionally, all required landscaping and related improvements within the public right-of-way, and/or required by Conditions of Approval in conjunction with recording of the Final Plat, shall be completed or financially guaranteed prior to the recording of a Final Plat. If an applicant chooses to financially secure landscaping and related improvements in order to record a Final Plat, such financial security shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount at least equivalent to 120 percent of the cost of the installation of the landscaping and related improvements.

3. Coverage within Three Years - All required landscaping shall provide a minimum 90 percent ground coverage within three years. A financial guarantee shall be provided for new residential development, with the exception of areas within single-family or Duplex lots. A financial guarantee shall also be provided for new nonresidential development, and nonresidential redevelopment that involves a 3,000 sq. ft. or 20 percent expansion, whichever is less, except that 20 percent expansions less than 500 sq. ft. are exempt. The financial guarantee shall cover maintenance for a three-year period from the date that the landscaping was installed by the applicant and accepted by the City. This guarantee shall be established prior to the issuance of a Final Certificate of Occupancy and prior to recording of a Final Plat. Additionally, this guarantee shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount that is at least equivalent to 50 percent of the cost of installation of required landscaping and related improvements, plus 20 percent of the 50 percent figure.

To release this guarantee at the end of the three-year period, the developer shall provide a report to the Director. This report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.

Condition of Approval # 25 implements the requirements of Section 4.2.20.a., noted above. The applicant has indicated an intent to comply with these standards.

b. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. A City permit is required to plant, remove, or prune any trees in a public right-of-way. Pruning shall be in accordance with the American National Standards Institute (ANSI) A300

standards for Tree Care Operations. Landscaping, buffering, and screening required by this Code shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind.

The applicant's narrative indicates that a Homeowner's Association (HOA) will be formed for the nine lots, and that all required landscaping will be maintained by this association or by individual lot owners.

Significant Vegetation Protection

Applicable LDC requirements - continued :

c. Protection of Shrub, Ground Cover and Tree Specimens in Inventoried Areas of the Adopted Natural Features Inventory Map dated December 20, 2004 -

1. For shrub, groundcover, and tree specimens within the areas inventoried as part of the Natural Features Inventory, preservation requirements shall be in accordance with the provisions of Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. See Adopted Natural Features Inventory Map dated December 20, 2004, for information regarding areas inventoried as part of the Natural Features Inventory.

2. Plants to be preserved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees and shrubs shall be considered preserved if the standards in Section 4.12.60.f are met.

The entire site was inventoried as part of the Natural Features Inventory and Significant Vegetation associated with the Highly Protected Riparian Corridor is required to be protected. No other mapped Significant Vegetation exists on the development site.

The applicant has hired the services of an arborist, and an arborist's report is included in Attachment L (**see Pages 159 through 162 of 167**). The applicant indicates that all Significant Trees located within the 75-foot Riparian Corridor will be preserved. There are Significant Trees located outside of the Riparian Corridor, in the northern, developable portion of the site that are intended to be removed. Additionally, five trees in the developable northeast corner of the site are proposed to be preserved, in order to provide compensating benefits for some of the variations being requested.

The proposed Conceptual & Detailed Development Plan includes an Existing Conditions Exhibit, which differentiates between trees to be preserved (approximately 195 trees), and trees to be removed (approximately 40 trees). The trees to be preserved include the additional symbology of the required Circle of Protection (per LDC Section 4.12.60.f). The applicant's Natural Resource Preservation Plan illustrates the trees to be preserved, in relationship to the proposed development.

Some of the Significant Trees are outside of Tract A, but still in the 75-foot Riparian Corridor, on individual lots. The plan indicates that approximately 6 Significant Trees lie within the Highly Protected Riparian Corridor, on individual lots, and have branches and roots which extend over the 75-foot Riparian Corridor boundary line. The applicant states that these trees will be preserved. Tree protection measures will need to be in

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place and inspected by City staff prior to commencement of any construction work, both for common site improvements and for individual home construction (**see Condition # 25**).

Additionally, the applicant is proposing that the southerly 25 feet of each lot which falls within the 75-foot Highly Protected Riparian Corridor will have a Riparian Corridor Easement placed over the lot, in order to implement specific restrictions outlined in LDC Section 4.13.50 and 4.13.70.02.d.5 and as specified in the narrative (**see Condition # 21**). Refer to the Natural Features discussion below for further information on Tract and Easement requirements related to the Riparian Corridor.

Applicable LDC requirements - continued :
e. Planters and boundary areas used for required plantings shall have a minimum diameter of five ft., or 2.5 ft. radius, inside dimensions. Where the curb or the edge of these areas is used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7.5 ft.

Section 4.2.20(e) of the LDC requires a minimum 5 ft. deep landscape buffer between a parking area and adjacent property lines. The proposed site plan and landscape plans illustrate a buffer between the proposed eastern parking bay and the adjacent east property line of five feet. This standard is satisfied.

Applicable LDC requirements - continued :
f. Irrigation Systems - With the exception of individual lots for single-family and Duplex development, irrigation systems shall be required, provided, and maintained for all required landscape areas in all zones, unless waived by the Director. These irrigation systems are for the purpose of ensuring survival of plant materials in required landscape areas. The Director may waive the requirement for irrigation systems in areas containing established trees and shrubs that are more than five years old, and are retained as significant vegetation in common, open space tracts and areas. Irrigation systems needed to establish trees and shrubs in Natural Resource and Natural Hazard areas are required. Where required, a detailed irrigation system plan shall be submitted with Building Permit applications. The plan shall indicate source of water, pipe location and size, and specifications of backflow device. The irrigation system shall utilize 100 percent sprinkler head-to-head coverage or sufficient coverage to ensure 90 percent coverage of plant materials in three years.

In order to minimize the effects that an extensive irrigation system might have on the Riparian Corridor, irrigation should be limited as much as possible, according to the exemptions permitted in LDC Section 4.2.20.f. Irrigation is required for the common area landscaping and street trees, but not for the private, individual lot landscaping and pedestrian walkway trees. Condition of Approval # 25 and LDC Section 4.2.20.f implements these requirements. The applicant intends to comply with these standards.

Applicable LDC requirements - continued :
g. In no case shall shrubs, conifer trees, or other screening be permitted within Vision Clearance Areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.

The proposed Conceptual Landscape plan illustrates the required Vision Clearance Areas, abutting the driveway entrances on NW Ponderosa Avenue. There are no private improvements proposed within these areas that have the potential to violate the City's Vision Clearance standards. The applicant has not indicated, in the narrative, a request to vary from these standards. Therefore, the proposed Conceptual & Detailed Development Plan complies with these standards. This will need to be re-verified through the construction permitting process. With submittal of the final landscape plans, the applicant shall ensure that the City's vision clearance standards are satisfied in all locations on the development site (**see Condition # 28**).

Street Trees

Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE
a. Tree Plantings -
Tree plantings in accordance with this Section are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.

1. Street Trees -
a) Along streets, trees shall be planted in designated landscape parkway areas or within areas specified in a City-adopted street tree plan. Where there is no designated landscape parkway area, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "d," below;
b) Along all streets with planting strips in excess of six ft. wide and where power lines are located underground, a minimum of 80 percent of the street trees shall be large canopy trees;
c) Planting strips on Local Connector and Local Streets shall be planted with medium canopy trees; and
d) If planting strips are not provided on Arterial, Collector, and Neighborhood Collector Streets, an equivalent number of the required large and required medium canopy trees shall be provided in other locations within common open space tracts on the site, or within the front yard setback areas of the parcels and lots adjacent to the street. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;

Table 4.2-1 - Street Trees

Medium-canopy trees: trees that normally reach 30-50 ft. in height within 30 years	**- Maximum 30 ft. on-center spacing**
Large-canopy trees: trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	**- Maximum 50 ft. on-center spacing**

NW Ponderosa Avenue is classified as a Collector street. Street trees are required to be provided along the development site's frontage with NW Ponderosa Avenue.

Typically a Collector street includes a setback sidewalk, and planter strip to allow for street tree placement. The applicant is requesting a curbside sidewalk, and if approved, street trees are then required to be provided on the south side of the sidewalk. There are overhead power lines along the site's NW Ponderosa Avenue frontage. Therefore, the ability to place large canopy trees, as required per Section 4.2.30.a.1.b is precluded.

The applicant has indicated provision of medium canopy street trees along the frontages of Lots 1 through 9, but the Landscape Plans do not illustrate additional street trees within the frontage of Tract A, extending further west to the west end of the property. Additional street trees will need to be provided at this location, in order for the project to comply with Section 4.2.30.a.1 (**see Condition # 25**).

On-Site Trees for Pedestrians and Parking Area Landscape Buffers

Applicable LDC standards - Section 4.2.30.a -

3. Along sidewalks and multi-use paths not located along streets, a minimum five ft.-wide landscaping buffer is required on either side of the facility. Examples of sidewalks and multi-use paths not located along streets include pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. Within these buffers, trees shall be planted at least every 30 ft., or as determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees;

Section 4.2.30.a.3 requires a minimum five-foot wide landscaping buffer to be provided along both sides of a pedestrian sidewalk. As noted in the discussion under review criterion 2.5.50.04.a(1), the applicant proposes a variation to this standard, by providing the required trees only on the south side of the common pedestrian sidewalk. This is best illustrated on the applicant's "Exhibit H".

The intent of the LDC requirement is two-fold. First, providing a landscape buffer along each side of a pedestrian walk enhances the pedestrian environment visually and allows for additional shade tree opportunities, for those periods of the year where the weather is hot. Secondly, a landscape buffer allows for physical separation between pedestrians and vehicles where they are in close proximity to each other. This provides an enhanced sense of security for pedestrians, which encourages pedestrian activity.

Given the level of anticipated on-site vehicle circulation for nine dwelling units, the intent of the landscape buffer is considered to be satisfied overall, and the minor variations are warranted, based on the proposed compensating benefit of reducing the overall developed portion of the site in order to provide greater protections for the Riparian Corridor.

Applicable LDC standards - Section 4.2.30.a continued -

4. Conditions of Approval for individual development projects may require additional tree plantings to mitigate removal of other trees, or as part of landscape buffering or screening efforts;

5. The distance between required trees shall be determined by the type of tree used.

b. Areas Where Trees May Not be Planted -

1. Trees may not be planted within five ft. of permanent hard surface paving or

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walkways, unless special planting techniques and specifications are used and particular species of trees are planted, as outlined in Section 4.2.40.c or approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas, where there may be tree grates.

2. Unless approved otherwise by the City Engineer, trees may not be planted:
a) Within 10 ft. of fire hydrants and utility poles;
b) Within 20 ft. of street light standards;
c) Within five ft. from an existing curb face, except where required for street trees;
d) Within 10 ft. of a public sanitary sewer, storm drainage, or water line;or
e) Where the Director determines the trees may be a hazard to the public interest or general welfare.

c. Tree Maintenance Near Sidewalks and Paved Surfaces - Trees shall be pruned to provide a minimum clearance of eight ft. above sidewalks and 12 ft. above street and roadway surfaces; and shall be pruned in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations.

The Conceptual Landscape Plan indicates that the required minimum number of pedestrian walkway trees will be provided. As discussed above, and as conditioned, the required number of street trees will be provided.

Applicable LDC standards - Section 4.2.40 -
Section 4.2.40 - BUFFER PLANTINGS
Buffer plantings are used to reduce apparent building scale, provide a transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. At minimum, this mix shall consist of trees, shrubs, and ground cover, and may also consist of existing vegetation, such as natural areas that will be preserved.
At minimum, buffering is required in areas identified through Conditions of Approval, in areas required by other provisions within this Code, and in Through Lot areas, and as required below.

Parking, Loading, and Vehicle Maneuvering Areas -
a. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five-ft.-wide perimeter landscaping buffer shall be provided around parking areas; and a minimum 10 ft.-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or planters shall be increased in width by 2.5 ft. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. Low-lying ground cover and shrubs, balanced with vertical shrubs and trees, shall be used to buffer the view of these facilities.

Decorative walls and fences may be used in conjunction with plantings, but may not be used alone to comply with buffering requirements.

The proposed Detailed Development Plans indicate that the required 5' parking lot landscape buffer has been provided along with a site obscuring fence. The Conceptual Landscape plans do not indicate vegetation for this area. As noted in Section 4.2.40.a,

a fence must be accompanied by plantings in order to satisfy the LDC standards for buffering. Plans submitted for construction will need to indicate the type of vegetation planted in this area, in order to comply with LDC Section 4.2.40.a (**see Condition # 25**). As proposed and conditioned, these standards are satisfied.

> **Applicable LDC standards - Section 4.2.50.01 -**
> **4.2.50.01 - Height Limit**
> **The height of hedges, fences, walls, and berms shall be measured from the lowest adjoining finished grade, except where screening is required for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within Vision Clearance Areas, as determined by the City Engineer.**
> > **a. Hedges, fences, and walls shall not exceed three ft. in height within any required yard adjacent to a street or within the Through Lot easement area of a lot. See Through Lot in Chapter 1.6 - Definitions. See also Chapter 4.4 - Land Division Standards for additional Through Lot requirements. The Director may grant an exception to this provision under the following circumstances:**
> > > **1. Where required by the Planning Commission to meet screening requirements;**

The applicant proposes a 3' tall, sight obscuring fence along the south side of the NW Ponderosa Avenue sidewalk, to provide additional screening of the development from areas north of the site, and to provide additional safety for pedestrians on the sidewalk, due to the slope behind the sidewalk. The 3' height is consistent with LDC standard 4.2.50.01.a.

> **4.2.50.02 - Service Facilities and Outdoor Storage Areas**
> **Trash dumpsters, gas meters, ground-level air conditioning units and other mechanical equipment, other service facilities, and outdoor storage areas shall be appropriately screened with a fence, wall, or plantings, consistent with the landscape screening provisions in this Section. When located adjacent to a residential zone, outdoor components associated with heat pumps, ground-level air conditioning units and similar kinds of equipment that create noise shall not be placed within any required setback area. Additionally, if such equipment is located adjacent to a residential zone and between five - 10 ft. of a property line, it shall be screened with a solid fence or wall at least one ft. higher than the equipment. When such equipment is located adjacent to a residential zone and outside a required setback line, and is greater than 10 ft. from a property line, standard screening requirements in this Section shall apply.**

Documentation submitted by Allied Waste indicates that garbage, recycling, and yard waste services can be provided to the development (**see Attachment P**). Services are to be provided through individual carts for each unit. No common collection facilities are proposed with this development. This standard is satisfied.

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9. Transportation facilities;

Applicable Land Development Code Sections:

Section 4.0.20 - TIMING OF IMPROVEMENTS

a. All improvements required by the standards in this Chapter shall be installed concurrently with development, as follows:

1. Where a Land Division is proposed, each proposed lot shall have required public and franchise utility improvements installed or secured prior to approval of the Final Plat, in accordance with the provisions of Section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.

Section 4.0.30 - PEDESTRIAN REQUIREMENTS

a. Sidewalks shall be required along both sides of all streets, as follows:

1. Sidewalks on Local, Local Connector, and Cul-de-sac Streets - Sidewalks shall be a minimum of five ft. wide on Local, Local Connector, and Cul-de-sac Streets. The sidewalks shall be separated from curbs by a tree planting area that provides at least six ft. of separation between the sidewalk and curb, except that this separated tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

3. Sidewalk Installation Timing - The timing of the installation of sidewalks shall be as follows:

b) Except as noted in "c," below, construction of sidewalks along Local, Local Connector, and Cul-de-sac Streets may be deferred until development of the site and reviewed as a component of the Building Permit. However, in no case shall construction of the sidewalks be completed later than three years from the recording of the Final Plat. The obligation to complete sidewalk construction within three years will be outlined in a deed restriction on affected parcels and recorded concurrently with the Final Plat.

c) Where sidewalks on Local, Local Connector, and Cul-de-sac Streets abut common areas, drainageways, or other publicly owned areas, or where off-site Local, Local Connector, and Cul-de-sac Street extensions are required and sufficient right-of-way exists, the sidewalks and planted areas shall be installed with street improvements.

b. Safe and Convenient Pedestrian Facilities - Safe and convenient pedestrian facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas,

residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this Section, safe and convenient means pedestrian facilities that are free from hazards and that provide a direct route of travel between destinations.

2. Pedestrian rights-of-way connecting Cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide. When these connections are less than 220 ft. long, measuring both the on-site and the off-site portions of the path, or when they directly serve 10 or fewer on-site dwellings, the paved improvement shall be no less than five ft. wide. Connections that are either longer than 220 ft. or serve more than 10 on-site dwellings shall have wider paving widths as specified in Section 4.0.40.c. Maintenance of the paved improvement shall be the responsibility of adjacent property owners. Additionally, a minimum of five ft. of landscaping shall be provided on either side of these pedestrian facilities, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Maintenance of the landscaping shall also be the responsibility of adjacent property owners.

d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

e. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrently with development.

Section 4.0.40 - BICYCLE REQUIREMENTS

a. On-street Bike Lanes - On-street bike lanes shall be required on all Arterial, Collector, and Neighborhood Collector Streets and constructed at the time of street improvements.

b. Safe and Convenient Bicycle Facilities - Safe and convenient bicycle facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this Section, safe and convenient means bicycle facilities that are free from hazards and provide a direct route of travel between destinations.

2. Bicycle/pedestrian rights-of-way connecting Cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide. Maintenance of the paved improvement shall be the responsibility of adjacent property owners. Additionally, a minimum of five ft. of landscaping shall be provided on either side of these bicycle/pedestrian facilities, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Maintenance of the landscaping shall also be the responsibility of adjacent property owners.

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c. Widths for Pedestrian/Bicycle Facilities - Adequate widths for pedestrian/bicycle facilities shall be provided in accordance with the following standards:

1. Where long term bicycle and pedestrian usage is expected to be relatively low, such as in a neighborhood rather than a community-wide facility, multi-use paths shall be eight ft. wide and aligned to ensure adequate sight distance.

d. To provide for orderly development of an effective bicycle network, bicycle facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

a. Traffic evaluations shall be required of all development proposals in accordance with the following:

1. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analyses for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. The TIA shall be submitted for review to the City Engineer. The proposed TIA shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. The applicant shall complete the evaluation and present the results with an overall site development proposal.

e. Development sites shall be provided with access from a public street or a private street that meets the criteria in "d," above, both improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrently with development. Where a development site abuts an existing private street not improved to City standards, and the private street is allowed per the criteria in "d", above, the abutting street shall meet all the criteria in "d", above and be improved to City standards along the full frontage of the property concurrently with development.

3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities, the Planning Commission or Director may require off-site street improvements concurrently with development.

g. The Planning Commission or Director may require the extension of public and private street improvements through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a Land Division incidental to the development, a land partition shall be completed concurrently with the development, in accordance with Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

k. Location, grades, alignments, and widths for all public and private streets shall be considered in relation to existing and planned streets, topographical conditions,

public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided that the safety and capacity of the street network is not adversely effected. The following standards shall apply:

2. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Corvallis Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.

3. Grades shall not exceed six percent on Arterial Streets, 10 percent on Collector and Neighborhood Collector Streets, and 15 percent on Local, Local Connector, and Cul-de-sac Streets.

6. Centerline radii of curves shall not be less than 500 ft. on Arterial Streets; 300 ft. on Collector and Neighborhood Collector Streets; and 100 ft. on Local, Local Connector, and Cul-de-sac Streets.

9. Where streets must cross protected Natural Resources or Natural Hazards, street widths shall be minimized by providing no on-street parking and no planting strips between the curb and the sidewalk on either side of the street. Parking bays may be allowed, provided they do not exceed one space per dwelling unit and provided they do not cause the development to exceed the amount of development allowed by the provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

I. Where standards do not exist to address unusual situations, the Planning Commission or Director may require special design standards recommended by the City Engineer as Conditions of development Approval.

Table 4.0-1- Street Functional Classification System[1]

	Arterial Highway	Arterial	Collector	Neighborhood Collector	Local Connector	Local
Auto amenities (lane widths)[2]	2-5 Lanes (11 - 14 ft.)	2-5 Lanes (12 ft.)	2-3 Lanes (11 ft.)	2 Lanes (10 ft.)	2 Lanes (10 ft.)	Shared Surface
Bike amenities[3]	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (6 ft.)	Shared Surface	Shared Surface
Pedestrian amenities	2 Sidewalks (6 ft.) Ped. Islands	2 Sidewalks (5 ft.) Ped. Islands	2 Sidewalks (5 ft.)	2 Sidewalks (5 ft.)	2 Sidewalks (5 ft.)	2 Sidewalks (5 ft.)
Transit	Typical	Typical	Typical	Typical	Permissible/not typical	Permissible/not typical
Managed speed[4]	20 mph - 55 mph	25 mph - 45 mph	25 mph - 35 mph	25 mph	25 mph	15-20 mph
Curb-to-curb width[5] (two way)						
No on-street parking	34 ft - 84 ft.*	34 ft.-72 ft.	34 ft.-45 ft.	32 ft.	20 ft.*	20 ft.*

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Parking one side	42 ft. - 84 ft.	NA	NA	40 ft.	28 ft.	25 ft.*
Parking both sides	50 ft. - 84 ft.	NA	NA	48 ft.	28-34 ft.	28 ft.
Traffic calming[6]		No	Permissible/ not typical	Typical	Permissible	Permissible
Preferred adjacent land use	High Intensity	High Intensity	Med. to High Intensity	Medium Intensity	Med. to Low Intensity	Low Intensity
Access control	Yes	Yes	Some	No	No	No
Turn lanes		Continuous and/or medians with ped. islands	Typical at intersections with Arterials or Collectors	Not typical	Not typical	Not typical
Planting strips[7&8]	Two - 12 ft. Except across areas of Natural Features	Two - 12 ft. Except across areas of Natural Features	Two - 12 ft. Except across areas of Natural Features	Two - 12 ft. Except across areas of Natural Features	Two - 6 ft. Except across areas of Natural Features	Two - 6 ft.[7] Except across areas of Natural Features[7&8]
Through-traffic connectivity		Primary function	Typical function	Typical function	Permissible function	Permissible function

1. **These standards do not preclude the flexibility currently allowed through the Planned Development process in Chapter 2.5 - Planned Development.**

2. Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. On Arterial and Collector roadways, an absolute minimum for safety concerns is 10 ft. Such minimums are expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width.

3. An absolute minimum width for safety concerns is five ft., which is expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width. Parallel multi-use paths in lieu of bike lanes are not appropriate along the Arterial-Collector system due to the multiple conflicts created for bicycles at driveway and sidewalk intersections. In rare instances, separated (but not adjacent) facilities may provide a proper function.

4. Arterial Highway speeds in the Central Business or other Commercial zones in urban areas may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.

5. **Street design for each development shall provide for emergency and fire vehicle access. Street widths of less than 28 ft. shall be applied as a development condition through the Subdivision process in Chapter 2.4 - Subdivisions and Major Replats and/or the Planned Development process in Chapter 2.5 - Planned Development. The condition may require the developer to choose between improving the street to the 28-ft. standard or constructing the narrower streets with parking bays placed intermittently along the street length. The condition may require fire-suppressive sprinkler systems for any dwelling unit more than 150 ft. from a secondary access point. * To be applied in RS-9 and lesser zones.**

6. Traffic calming includes such measures as bulbed intersections, speed humps, raised planted medians, mid-block curb extensions, traffic circles, signage, and varied paving materials and is addressed in the Transportation Plan.

7. Through the Planned Development Review Process, the planting strip along Local Streets and around the bulbs of Cul-de-sacs may be reduced or eliminated.

8. **Where streets must cross protected Natural Features, street widths shall be minimized by providing no on-street parking and no planting strips between the curb and the sidewalk on either side of the street.**

Section 4.0.100 - LAND FOR PUBLIC PURPOSES

a. **Easements for public sanitary sewer, water, storm drain, streetlight, transit, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.**

b. **Utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations.**

e. **Where street, trail, utility, or other rights-of-way and/or easements in or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.**

f. **Easements or dedications required in conjunction with Land Divisions shall be recorded on the Final Plat. For developments not involving a Land Division, easements and/or dedications shall be recorded on standard forms provided by the City Engineer.**

g. **Environmental assessments shall be provided by the developer (grantor) for all lands to be dedicated to the public or City. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands, in accordance with the following:**

1. **The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of this information, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. If further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor, as described in "2," below.**

Vehicular Circulation

The Deer Run Park site is accessed from an existing gravel driveway approach off NW Ponderosa Avenue. The Corvallis transportation plan identifies NW Ponderosa Avenue as a Collector street. Along the site frontage, NW Ponderosa Avenue is currently under County jurisdiction and is improved to County standards. These road improvements consist of 20 feet of pavement, roadside ditches, and no sidewalk within a 40-foot ROW. Immediately east of the site, NW Ponderosa Avenue was improved with previous developments, and consists of a 34-foot street with 11-foot travel lanes, 6-foot bike lanes, a 14-foot planting strip and 5-foot setback sidewalk on the north side, and a 6-foot curbside sidewalk on the south side.

Proposed public street improvements needed to serve the site consist only of improvements to NW Ponderosa Avenue along the site frontage. Improvements shown in the application consist of two 11-foot travel lanes, two 6-foot bike lanes, a 5-foot curbside sidewalk on the south side and a 1-foot flat area behind the sidewalk. The additional ROW proposed to accommodate these improvements is 3 feet or 23 feet from existing ROW centerline along lots 1-9 and 14 feet or 34 feet from the existing ROW centerline on the remainder of the site **(see Conditions # 11, 12 & 13)**. A paved private access drive off NW Ponderosa Avenue is proposed for internal site access.

Per LDC section 4.0.60.a, a trip generation study was included in the application as attachment G. The trip generation study is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual. The estimated PM peak hour trip total for the site is 9 trips. The number of trips generated by the site is below the typical threshold for additional analysis, and can be accommodated by the existing street network.

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According to LDC Table 4.0-1- Street Functional Classification System, the minimum collector street standards are 11-foot travel lanes, 6-foot on-street bike lanes, 12-foot planter strips, and 5-foot setback sidewalks located within a 68-foot ROW (34 feet from centerline on each side). Future NW Ponderosa Avenue improvements are noted in the Transportation Master on page 10-23 as number 6) under the B priority list. The improvements described in that paragraph consist of two 12-foot travel lanes, two 6-foot bike lanes, two 12-foot planting strips and two 5-foot sidewalks. The City typically requires improvements consistent with the table in the LDC, and 11 feet is consistent with the existing street section east of the site.

The elimination of the planting strip along the riparian corridor is required per LDC section 4.0.30.a.2. The elimination of the planting strip between the street and sidewalk along the rest of the site frontage (lots 1-9) was proposed by staff after it was determined that the applicant's proposal would be difficult to construct without significant retaining walls, up to 10 feet tall, and associated fill within the required standard ROW. Due to the existing riparian corridor, site topography, proposed retaining walls, and the applicant's desire to maintain the proposed number of dwelling units, City staff agreed that a curbside sidewalk may be appropriate in this case. The conditions associated with the reduced ROW width and installation of a curbside sidewalk include:

- The ROW dedication in front of lots 1-9 along NW Ponderosa Avenue shall provide a total of 23.5 feet of ROW when measured from the existing centerline (reduced from the standard 34 feet).
- Standard Collector street pavement width of 34 feet which includes two 11-foot travel lanes, and two 6-foot bike lanes.
- Minimum sidewalk width of 5 feet.
- A 1-foot level shoulder shall be provided behind the sidewalk.
- The slope behind the sidewalk shall not exceed 2:1 for a minimum distance of 9 feet behind the sidewalk.
- All retaining walls located at the toe of the 2:1 slope behind the sidewalk shall be engineered and not exceed a height of 4 feet.

With the curbside sidewalk, the applicant is showing street trees planted on the slopes behind the sidewalks on private property along lots 1-9. This swaps the location of the sidewalk and trees to allow grading behind the sidewalk, minimize the retaining wall height and keeps the sidewalk at an elevation visible from the street **(see Conditions # 11 through 15)**.

Conclusions on Vehicular Circulation

Given the discussion above, and as conditioned, the anticipated development-related trips are expected to be accommodated by the proposed and existing street network.

Bicycle Circulation

Bicycle facilities are provided east of the site by the existing bike lanes along NW Ponderosa Avenue. Along the site frontage NW Ponderosa Avenue lacks shoulders or

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bike lanes and bikes share the road surface with vehicular traffic. Per LDC Section 4.0.40.a, the applicant is proposing NW Ponderosa Avenue improvements. These improvements should include 6-foot bike lanes along the property frontage (see **Condition # 13)**

Pedestrian Circulation

There are no existing sidewalks along the site frontage. Just east of the site, NW Ponderosa Avenue is an improved street with a 14-foot planting strip and 5-foot setback sidewalk on the north side and a 6-foot curbside sidewalk on the south side.

On the applicant's exhibit B (**see Attachment K**), a 5-foot curbside sidewalk is shown along the entire property frontage of NW Ponderosa Avenue with a setback sidewalk in the area of the commercial driveway approach. Since this sidewalk is located adjacent to a Collector street, it will need to be installed with the NW Ponderosa Avenue improvements **(see Condition # 14)**. See discussion under vehicular circulation on the reduced planter strip and curbside sidewalk.

Conclusions on Bicycle and Pedestrian Circulation

Given the discussion above, and as conditioned, the anticipated development-related pedestrian and bicycle trips are expected to be accommodated by the proposed and existing bicycle and pedestrian network.

Transit

The Corvallis Transit System currently does not provide service to this area. The closest transit facility route is located at the NW Walnut Boulevard and NW Witham Hill Drive (NW Glenridge Drive) intersection.

No additional improvements to the transit system are required to meet applicable Comprehensive Plan policies and Land Development Code criteria.

Conclusion on Circulation and Transportation Facilities

Given the preceding discussion and as conditioned above, the requirements of the Land Development Code will be met.

10. Traffic and off-site parking impacts;

Refer to the discussion above under Transportation Facilities, regarding the project's Traffic Impact Analysis, for expected neighborhood-level traffic impacts resulting from the proposed development. Refer to the Conceptual & Detailed Development Plan criteria discussion above for related on-site vehicle and bicycle parking requirements.

As proposed, and conditioned, the residential development is not intended to create off-

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site parking impacts, and traffic generated by the development is intended to be served by the existing capacity on NW Ponderosa Avenue.

11. Utility infrastructure;

The following discussion addresses criteria related to public water, sanitary sewer, storm drainage, street lights and franchise utilities.

Public Facilities

Applicable Land Development Code Sections:

Section 4.0.20 - TIMING OF IMPROVEMENTS

a. All improvements required by the standards in this Chapter shall be installed concurrently with development, as follows:

1. Where a Land Division is proposed, each proposed lot shall have required public and franchise utility improvements installed or secured prior to approval of the Final Plat, in accordance with the provisions of Section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

q. Development shall include underground electric services, light standards, wiring and lamps for streetlights according to the specifications and standards of the City Engineer. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with such development in accordance with the following:

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles.

2. The streetlight plan shall be designed to provide illumination meeting standards set by the City Engineer.

3. The standard street light installation is a wood pole.

The developer shall install such facilities and make the necessary arrangements with the serving electric utility for the City-owned and operated street lighting system to be served at the lowest applicable rate available to the City. Upon City's acceptance of such development improvements, the street lighting system, exclusive of utility-owned service lines, shall be and become the property of the City.

Section 4.0.70 - PUBLIC UTILITY REQUIREMENTS (OR INSTALLATIONS)

a. All development sites shall be provided with public water, sanitary sewer, storm drainage, and street lights.

b. Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrently with development.

c. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrently with development.

d. To provide for orderly development of adjacent properties, public utilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

f. Private on-site sanitary sewer and storm drainage facilities may be allowed, provided all the following conditions exist:

1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;

2. The development site remains in one ownership and Land Division does not occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and

3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits are obtained from the Development Assistance Center prior to commencement of work.

Section 4.0.80 - PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure that public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, before installing public water, sanitary sewer, storm drainage, streetlights, street, transit, bicycle, or pedestrian improvements, developers shall contact the City Engineer for information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements.

Whenever any work is done contrary to the provisions of this Code, the Director may order the work stopped via a written notice served on the persons performing the work or otherwise in charge of the work. The work shall stop until the Director authorizes that it proceed or authorizes corrective action to remedy existing substandard work.

Section 4.0.90 - FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements that the City has with providers of electrical power, telecommunication, cable television, and natural gas services, hereafter referred to as Franchise Utilities.

a. Where a Land Division is proposed, the developer shall provide Franchise Utilities to the development site. Each lot in a Subdivision shall have an individual service available or secured prior to approval of the Final Plat, in accordance with Section 2.4.40 of Chapter 2.4 - Subdivisions and Major Replats.

b. Where necessary and in the judgement of the Director, Franchise Utilities shall be extended through the site to the edge of adjacent property(ies) to provide for orderly development of adjacent properties.

Section 4.0.110 - MAIL DELIVERY FACILITIES

d. Installation of mail delivery facilities is the obligation of the developer. These

facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

4.0.130 - STORM WATER MANAGEMENT MEASURES

a. To reduce the risk of causing downstream properties to become flooded and to help maintain or restore the Properly Functioning Conditions of receiving waters, new development, expansions to existing development, or redevelopment shall be required to provide storm water detention and retention in accordance with "b," of this Section.

b. When Detention and/or Retention are Required - See also Section 4.2.50.04 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

1. New development projects that create impervious surfaces in excess of 25,000 sq. ft. are required to implement storm water detention and/or retention measures as specified in the Corvallis Design Criteria Manual. Impervious surfaces include such elements as roads, driveways, parking lots, walks, patios, and roofs, etc. Detention facilities shall be designed to maximize storm water infiltration. Detention or retention facilities shall be located outside the 10-year Floodplain or the riparian easement area, whichever is greater. The riparian easement area is identified in Section 4.13.70 of Chapter 4.13 - Riparian Corridor and Wetland Provisions, and this standard shall apply regardless of whether or not an easement has been granted.

2. Expansion and Redevelopment -

a) Development projects that create new or redeveloped impervious area totaling at least 10,000 sq. ft. and resulting in at least 25,000 sq. ft. of post-development impervious area are required to implement storm water detention and/or retention measures for the new and redeveloped impervious area as specified in the Corvallis Design Criteria Manual. Redeveloped impervious area consists of roof area and replaced impervious area, minus any reduction in overall impervious area, associated with substantial improvement or replacement of structures.

b) Detention facilities shall be designed to maximize storm water infiltration. Detention or retention facilities shall be located outside the 10-year Floodplain or the riparian easement area, whichever is greater. The riparian easement area is identified in Section 4.13.70 and this standard shall apply regardless of whether or not an easement has been granted.

c) Pre-developed runoff conditions for redeveloped impervious area shall assume a runoff pattern based on good condition grass and the corresponding native hydrologic soil group for the site. Detention shall not be required beyond the point at which gravity flow to the existing abutting storm drainage system cannot be feasibly maintained, as determined during development plan review.

c. Use of water quality features shall be consistent with the Corvallis Design Criteria Manual. Water quality features within the regulated Riparian Corridor shall be located outside of the applicable riparian easement area. The riparian easement

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shall be re-vegetated consistent with Sections 4.13.50.d.1 and 4.13.50.d.2 of Chapter 4.13 - Riparian Corridor and Wetland Provisions.

d. **Use of infiltration systems is allowed consistent with the Corvallis Design Criteria Manual.**

Water

The site is located in the third level service area (410'-560'). The Corvallis Water Distribution System Facility Plan shows extension of a 3rd level 16-inch waterline in NW Ponderosa Avenue which is consistent with the applicant's plans. The site will be served by services from this line or services from the separate hydrant lateral on the east side of the driveway. The location of the meter boxes will be determined with review of the Public Improvements by Private Contract (PIPC) construction plans for the site **(see Conditions # 12 & 16).**

Given the proposed conditions above, no additional improvements to the City water system are required to meet applicable Comprehensive Plan policies and Land Development Code criteria.

Sanitary Sewer

The site is located within the Garfield Sanitary Sewer Basin. An existing 8-inch Sewer is located at the SE corner of the site adjacent to the existing drainage way in the riparian corridor.

According to the applicant's plans (**see Attachment K**), they will be connecting to the existing sewer and extending it through their site to NW Ponderosa Avenue, then in NW Ponderosa Avenue to the west edge of the property. The plans show a sewer manhole in excess of 20 feet deep and another manhole at approximately 19 feet deep. These extremely deep manholes are required to move the sewer away from the riparian corridor. A chip path for sewer maintenance and access is provided along the east side of the property **(see Conditions # 12 and 17)**.

According to LDC section 4.13.50.b.2, the location of utilities within Highly Protected Riparian Corridors and Riparian-related Areas must be deemed necessary to maintain a functional system by the City Engineer. To connect to the existing sewer line, which is necessary, a portion of the sewer line will need to be located within the riparian corridor. Gravity sewer lines rely on elevation differences to maintain flow. To optimize the service area without the need for pumps, sewers are located at the lowest elevations, typically areas where the natural drainage flows. While the applicant's proposal is not optimal from an engineering, construction or a maintenance standpoint, it will limit the impact to the existing trees and riparian corridor.

Given conditions noted above, no additional improvements to the City sewer system are required to meet applicable Comprehensive Plan policies and Land Development Code criteria.

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Storm Drainage

The site is located within the Dixon Creek drainage basin. The drainage way located along the south side of the site flows down to an inlet west of NW Amanda Place. At this point it flows in a 21-inch pipe down to NW Walnut Boulevard and then into a 24-inch pipe under Walnut Boulevard to the west branch of Dixon Creek.

According to the Storm Water Master Plan (page 6-12), this inlet west of NW Amanda Place was upgraded in 1999. Prior to these improvements, there was occasional localized flooding in the area of the inlet.

The applicant proposes installing public drainage in NW Ponderosa Avenue and private drainage for the site. Both the piped public and piped private drainage from paved surfaces are shown entering a control manhole which routes typical flows to the drainage way through a water quality swale and provides for an overflow directly to the drainage way for large storm events. Detention for the site is proposed via oversized piping upstream of the control manhole. The applicant proposes providing disconnected roof drains and splash block/dispersion pads that will route this drainage overland through the riparian corridor prior to entering the drainage way **(see Condition # 19)**.

Since this development will be creating more than 5000 ft^2 of new pollution generating impervious surface, water quality facilities are required. Water quality facilities shall be designed in accordance with design standards outlined in Appendix F of the Storm Water Master Plan, and the most recent version of the *King County, Washington, Surface Water Design Manual.* The water quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm, 0.9" 24-hr rainfall event with NRCS Type 1A distribution. The facility design will need to safely pass a 100 year, 24-hour storm. A public storm drainage easement will be required for all public drainage facilities located outside the ROW **(see Condition # 20)**.

In accordance with the LDC section 4.0.130.b, the requirement for detention is typically triggered when the proposed impervious area is more than 25,000 ft^2. The storm water detention facilities will be required to be designed consistent with design standards outlined in Appendix F of the Storm Water Master Plan, and standards outlined in the King County, Washington, Surface Water Design Manual. Design shall capture storm water run-off so the run-off rates from the site after development do not exceed the pre-developed conditions, based on the 2-year, 5-year, and 10-year, 24-hour design storms. The facility design will need to safely pass a 100 year, 24-hour storm.

Per LDC Section 4.13.70.20.d and Table 4.13-2 the drainage easement required along the existing drainage way along the south side of the property is 50 feet. The area between 50 and 75 feet is part of the base riparian area, but is not required to have a drainage easement. Instead of providing an easement for drainage purposes, the applicant proposes dedicating the area of the drainage way subject to the 50-foot easement to the City of Corvallis per LDC section 4.13.07.02.c. Additionally the applicant shows the area between 50 and 75 feet being subject to a City of Corvallis maintenance easement. The area between 50 and 75 feet does not require a

maintenance easement for public purposes, except for where the water quality facility is located. The extent of any public Maintenance and drainage easements in this area should be limited to the drainage facilities that are located in the area **(see Condition # 20)**.

As conditioned above, no additional improvements to the City's storm drainage system are required to meet applicable Comprehensive Plan policies and Land Development Code criteria.

Street Lights

Per LDC sections 4.0.60.q and 4.0.70.a, the applicant is required to install street lights with development. There is an existing street light just east of NW Cassia Place. The applicant shows a new street light adjacent to the proposed driveway. All public street lighting shall be design to meet City of Corvallis Standard Construction Specifications. Final design of the street lights will be reviewed with the PIPC construction plans **(see Condition # 12).**

Franchise Utilities

According to the application, there is an existing 20-foot easement to CPI adjacent to the existing ROW. The applicant proposes to grant a 7-foot utility easement adjacent to the new ROW line. With development of the site, applicable franchise utilities will need to be installed to serve the site **(see Conditions # 23 & 24)**

Nexus and Rough Proportionality

Construction of improvements, as cited above, implement legislatively prescribed standards. Nexus and Rough Proportionality findings may not be required. However, given the benefits to the site, constructing the prescribed improvements, including, but not limited to dedication of ROW, sidewalks, water lines, sanitary sewers, and storm drainage systems, staff find that the requirements have nexus and are roughly proportional to the benefits received.

Conclusion on Public Facilities and Services

Given the preceding discussion and proposed conditions above, the requirements of the Land Development Code will be met.

12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

The proposal includes pedestrian connections, consistent with the LDC Pedestrian Oriented Design Standards (PODS). Provision of pedestrian connections supports walking, a mode of transportation with no impact on air quality.

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Increases in impervious surfaces tend to negatively impact water quality, by reducing the amount of permeable surface that allows for proper infiltration of stormwater, and the associated cleansing of water that occurs when it is allowed to percolate into the soil. However, the City maintains water quality standards in relationship to construction of parking lots and residential development, and construction permits will be required to comply with these standards, as noted in the discussion above. The applicant proposes to adhere to the City's water quality and Engineering standards, which will minimize the development's impacts on water quality.

In considering approval of Land Development Code and City Engineering standards, the City balances impacts to air and water quality with anticipated and acceptable levels of urban development. Balancing of conflicting objectives has already occurred through adoption of the LDC and City Engineering standards, and the proposed Conceptual and Detailed Development Plan is considered to be in conformance with this review criterion.

13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards; and

The standards in Chapter 4.10 - Section 4.10.60, Pedestrian Oriented Design Standards include a variety of site plan and building architectural standards, and are intended to "*Foster human-scale development that emphasizes pedestrian rather than vehicular features".* Additionally, the RS-6 zone requires compliance with these standards for new Planned Developments and for all new residential structures.

The applicant has not included building architectural drawings as part of the Conceptual & Detailed Development Plan request, and instead, is requesting that compliance with the applicable architectural-related standards in the RS-6 zone and Section 4.10.60 be determined at time of building permit application. Therefore, the discussion concerning review criterion 2.5.50.04.a(13) will be limited to the standards that apply to site plan design and building design elements that have been provided as part of the Conceptual & Detailed Development Plan.

Applicable LDC Requirements for Pedestrian Oriented Design

Section 4.10.30 - OPTIONS FOR REVIEW
Three options are available for review of a development's compliance with the Pedestrian Oriented Design Standards. These options include:
a. Clear and Objective Review - Applications shall demonstrate compliance with the standards in this Chapter. Compliance allows applications to proceed with ministerial review when they consist of outright permitted uses or when they have already obtained the necessary discretionary review approvals.
b. Lot Development Option - Adjustments to the standards may be requested through the Lot Development Option procedures outlined in Chapter 2.12 - Lot Development Option.
c. Discretionary Reviews Involving Public Hearings - Flexibility beyond the allowances described in "b," above may be requested in accordance with the procedures in Chapter 2.5 - Planned Development.

Applicable Comprehensive Plan Policies

8.7.5 The City shall continue to encourage healthy lifestyles by supporting a variety of opportunities for recreational activity and social interaction.

9.2.4 Neighborhoods shall be pedestrian-oriented. Neighborhood development patterns shall give priority consideration to pedestrian-based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas.

11.2.10 Development proposals shall be reviewed to assure the continuity of sidewalks, trails, multi-use paths, and pedestrian ways.

11.6.1 The City shall require safe, convenient, and direct pedestrian routes within all areas of the community.

11.6.6 Safe and convenient pedestrian facilities that minimize travel distance shall be provided by new development within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops, and neighborhood activity centers such as schools, parks, and shopping.

11.6.7 Where minimizing travel distance has the potential for increasing pedestrian use, direct and dedicated pedestrian paths shall be provided by new development.

11.6.11 The City shall encourage timely installation of pedestrian facilities to ensure continuity and reduce hazards to pedestrians throughout the community.

Except as noted in the discussion on LDC variations under review criterion 2.5.50.04.a(1) above and in Table A, the applicant is not requesting variations to Pedestrian Oriented Design Standards. Therefore, the applicant is otherwise choosing the Clear and Objective Review option, noted in LDC Section 4.10.30.a, above.

Dwelling Unit Orientation and Setbacks

Applicable LDC Pedestrian Oriented Design Standards
Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS THREE UNITS OR GREATER, TOWNHOME, TRIPLEX, FOURPLEX, AND APARTMENT RESIDENTIAL BUILDING TYPES

The proposed development includes three groupings of single-family attached dwellings, with three units in each group. The standards in Section 4.10.60 apply to this building type.

4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas
All building orientations, facades, and entrances shall comply with the following standards.

a. Orientation of Buildings - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory

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Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

1. Primary building entrances shall face the streets or be directly accessed by a sidewalk or multi-use path less than 200 ft. long, as shown in Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street, below. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Entrances shall open directly to the outside and shall not require passage through a garage or carport to gain access to the doorway.

The proposed Conceptual & Detailed Development Plan illustrates dwellings, where the front entrance is oriented toward NW Ponderosa Avenue. The primary building entrance for each dwelling is served by a 5' sidewalk, which connects to a common 5' sidewalk leading to the proposed public sidewalk on NW Ponderosa Avenue. All dwellings have a front door which is 200' or less to the public sidewalk on NW Ponderosa Avenue, and which is separate from the garage in each unit. The standards in Section 4.10.60.01.a.1 are satisfied.

2. Open courtyard space may increase up to 50 percent of the building front beyond the maximum setback, as shown in Figure 4.10-14 - Open Courtyards, below. Open courtyard space is usable space that shall include pedestrian amenities such as benches, seating walls, or Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street

As noted in Table A, and discussed above under review criterion 2.5.40.04.a.1, the applicant proposes a variation to the maximum front yard setback of 25 feet. All dwellings are proposed to be located greater than 25 feet from the new NW Ponderosa Avenue right-of-way line. The open courtyard standard in LDC Section 4.10.60.01.a.2 does not apply.

3. Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, except for driveway parking associated with singlefamily development. See Figure 4.10-13- Primary Building Entrances Within 200 Ft. of the Street for compliant locations of parking and circulation...

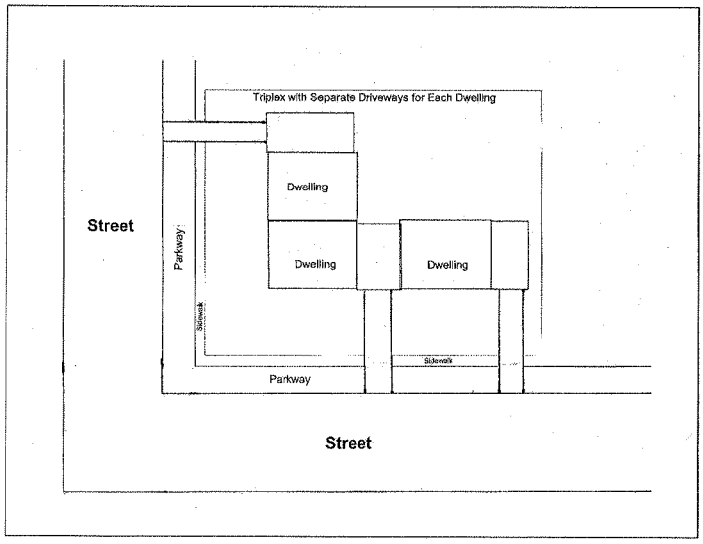

Figure 4.10-15

As noted in Table A, and discussed under the review criterion for variations above, the applicant seeks to utilize a common driveway to serve all nine units, and is requesting to vary the standard in Section 4.10.60.01.a.2, in order to place five common area parking spaces

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between the homes and NW Ponderosa Avenue. Although Section 4.10.60.01.a.2 appears to provide an exemption for "*driveway parking associated with single family development*", the common access driveway and common parking spaces are not eligible for this same exemption (see Figure 4.10-15). Thus, the applicant has requested a variation to this standard.

As noted in the variations discussion above, the applicant has submitted supplemental drawings which illustrate how the site's topography affects provision of vehicle driveways and parking areas, which has repercussions on other standards such as limits to cuts and fills and protection of the Riparian Corridor. The applicant contends that compensating benefits have been provided for the requested variation to location of vehicle parking and access, by minimizing the impacts that might occur on the southern end of the developable portion of the site (nearest the Riparian Corridor), due to topography and Natural Features constraints. As discussed above, the compensating benefits justify the variation.

b. Percentage of Frontage - On sites with 100 ft. or more of public or private street frontage, at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Frontage. For sites with less than 100 ft. of public or private street frontage, at least 40 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Frontage.

As noted above, the applicant is requesting a variation to the maximum front yard setback of 25 feet.

c. Windows and Doors - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

The applicant has not provided architectural elevations, and is requesting that PODS related to architecture be evaluated at the time of building permit submittal. Based on the proposed Conceptual & Detailed Development Plan, there is no indication that the standards in Section 4.10.60.01.c cannot be satisfied.

d. Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

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Refer to the discussion below under Natural Features protections (LDC Section 2.5.40.04.a.14 and 2.5.40.04.b) for a description of the proposed grading, and relationship to protected Natural Features and slopes. As noted in the application materials, the proposed homes are designed to contain stepped foundations with daylight basements, and to fit the natural contours of the site. As noted below, and in Table A, the applicant is requesting variations to the grading standards in Chapter 4.5. As proposed, based on compensating benefits, and as conditioned, the standard in Section 4.10.60.01.d is satisfied.

4.10.60.02 - Parking Location
a. Standards
1. Parking lots shall be placed to the rear of buildings. Ministerial exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:
a) Where lot depth is less than 75 ft.;
b) Where parking on the side would preserve Natural Hazards or Natural Resources that exist to the rear of a site, and that would be disturbed by the creation of parking to the rear of structures on a site;
c) Where a common outdoor space at least 200 sq. ft. is proposed to the rear of a site, and parking in the rear would prohibit the provision of this common outdoor space area for residents of a development site; and/or
d) Where parking on the side would solve proximity issues between dwelling unit entrances and parking spaces. A proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.

As discussed above, the applicant is requesting a variation to the standards addressing location of vehicle parking relative to buildings and streets. The applicant proposed two parking bays containing a total of five vehicle parking spots, which are located between the dwellings and NW Ponderosa Avenue. Refer to the discussion under criterion 2.5.40.04.a.1 for a conclusion on compensating benefits that have been provided.

Garage Orientation and Design

4.10.60.03 - Ratio of Garage/Carport Facade to Street, Placement, and Materials
Provisions for the ratio of garage and carport facades to the street, placement, and materials shall be as outlined in Section 4.10.50.02.

LDC Section 4.10.60.03 requires that garage design and orientation conform to the same standards for single-family attached units, prescribed under LDC Section 4.10.50.02.

4.10.50.02 - Maximum Widths of Street-facing Garages/Carports, Placement, and Materials

a. Maximum Widths of Street-facing Garages/Carports

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1. Lots >50 Ft. in Width - For dwellings with front-loaded garages/carports, the width of the garage wall or carport facing the street shall be no more than 50 percent of the width of the dwelling's street-facing facade. Front-loaded garages/carports are attached garages/carports with entrances facing the same street as the dwelling's entrance. Additionally, the term garage wall pertains to the whole wall and not just the doors.

2. Lots < 50 Ft. in Width - For dwellings with front-loaded garages, the area of the garage wall facing the street shall be no more than 50 percent of the area of the dwelling's street-facing facade. Frontloaded garages/carports are attached garages/carports with entrances facing the same street as the dwelling's entrance. The area shall be measured in sq. ft. and, with the exception of gabled areas and second stories, the entire facade of the garage shall be measured. The interior of the garage determines the width of the garage facade, not just the garage doors.

3. Exception - Where the street-facing facade of a dwelling is less than 24 ft. wide, the garage wall facing the street may be up to 12 ft. wide if the garage meets one of the following:
a) Interior Living Area above the Garage - The living area is not set back more than four ft. from the street-facing garage wall;
or
b) Covered Balcony - A covered balcony above the garage is:
1) At least the same width as the street-facing garage wall;
2) At least six ft. deep; and
3) Accessible from the interior living area of the dwelling unit.

All proposed lots are less than 50 feet in width, with the exception of Lot 1 (the far western lot). According to LDC Section 4.10.50.02.a.1, the width of the garage wall for the unit on Lot 1 shall be no more than 50% of the dwelling's street facing facade. As indicated by the drawings, the width of the garage is less than the width of the adjoining facade of the main part of the home.

For Lots 2 through 9, the determination of compliance with LDC Section 4.10.50.02.a.2 will be made at time of building permit submittal, since architectural elevations and floor plans are necessary in order to calculate the area of the facade. The standards in Sections 4.10.50.02.a are considered to be satisfied, as presented in the application materials.

<u>LDC Section 4.10.50.02 (continued)</u>
b. Garage and Carport Placement - Garages and carports shall be placed only as indicated in the options below. The applicant shall indicate the proposed option(s) on plans submitted for building permits. Additionally, measurements may be taken from the second floor of homes, provided the second floor spans across the entire garage/carport.
Garage/Carport Placement Options -

1. Rear Garage Accessed From the Street - Vehicular entrances are at the rear of a dwelling unit and accessed from the street, as shown in Figure 4.10-4 - Rear Garage Accessed from the

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Street, below. The garage may be attached to or detached from the dwelling unit. Where two adjacent dwelling units use this option, a shared driveway is encouraged.
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2. Front Accessed Garage with Four-ft. Recess - Vehicular entrances face the street and are recessed at least four ft. from the front wall of the dwelling as shown in Figure 4.10-5 - Garage Facing Street and Recessed at Least Four Ft., on the next page. The recess from the front wall of the dwelling shall be measured from the front wall of the living space area, not from the front porch, a bay window, or other projection or architectural feature.

3. Garage Accessed From an Alley - Vehicular entrances are accessed from an alley, as shown in Figure 4.10-6 - Garage with Alley Access. Garage/carport setbacks from alleys are outlined in Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garage/carport entrances may be located parallel to (facing) an alley, perpendicular to (not facing) an alley, or angled up to 45 degrees to an alley.

4. Garage Entrance Perpendicular to Street - Vehicular entrances are perpendicular to the street, as shown in Figure 4.10-7 - Garages Perpendicular to the Street, below. This option pertains to the situation where the garage/carport is sideways. The garage wall facing the street shall provide a minimum area of 15 percent windows and/or doors.

5. Garage Access Diagonal to the Street - Vehicular entrances are oriented diagonally to the street, as shown in Figure 4.10-8 - Garage Access Diagonal to the Street, below. The garage wall facing the street shall provide a minimum area of 15 percent windows and/or doors. To determine whether the portion of the garage that faces the street complies with Section 4.10.50.2.a, the width of the front garage wall shall be measured as the length of the leg of a right triangle parallel to the street, where the hypotenuse of the triangle is the front of the garage.

6. Basement Garage - Vehicular entrances face the street and garages are located beneath the main floor and front door entrance to the dwelling unit, provided the garage/carport entrances are flush with or set behind the front wall of the dwelling unit, as shown in Figure 4.10-9A - Flush Basement Garage and Figure 4.10-9B - Recessed Basement Garage, below. This option addresses the basement garage scenario in hillside areas.

7. Flush Garage with Porch - Vehicular entrances face the street and are flush with or recessed up to four ft. from the front wall of the dwelling, and a front porch is provided with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.). A minimum of 60 percent of the porch shall be covered to provide weather protection.

8. Flush or Recessed Single Car Garage - Vehicular entrances face the

street and are flush with or recessed up to four ft. from the front wall of the dwelling, and the garage/carport is a single-car garage/carport that is a maximum of 12 ft. wide. These options are shown below in Figure 4.10-10 - Single Car Garage Access Recessed from Front Wall of Dwelling and in Figure 4.10-11 - Single Car Garage Flush from Front Wall of Dwelling.

9. Recessed Garage with Cantilevered Second Story - Vehicular entrances face the street and are recessed at least two ft. from the front wall of the dwelling, and the dwelling includes a second floor that cantilevers over the garage/carport at least two ft. This option is shown in Figure 4.10-12 - Garage Recessed and Upper Floor Cantilevers Over It, below. The recess from the front wall of the dwelling shall be measured from the front wall of the living space area, not from the front porch, a bay window, or other projection or architectural feature. Additionally, the second floor that cantilevers over the garage/carport shall run the full length of the garage/carport.

Based on the proposed Conceptual & Detailed Development Plan, the applicant may be able to meet one of several options for garage orientation, including Options 2, 7, 8, or 9 under LDC Section 4.10.50.02.b. This standard will be evaluated at time of building permit for each lot.

c. Garage and Carport Materials - Garages and carports, when provided, shall be constructed of the same building materials as the dwelling.

The standard in subsection (c) above will be evaluated at time of building permit submittal. Since the applicant is proposing garages integrated into the dwelling unit design, it is anticipated that the homebuilder will likely utilize the same materials as the rest of the structure. The applicant is not proposing to vary this standard.

Additional Pedestrian Site Plan and Architectural Components

LDC Section 4.10.60.04 provides additional architectural and site plan design options, which are intended to enhance the pedestrian environment. Where applicable to the submitted drawings, the standards will be evaluated. Where not specifically addressed in the drawings or narrative, the applicant is requesting to defer review of the standard until time of building permit submittal.

4.10.60.04 - Menus for Pedestrian Features and Design Variety
a. Pedestrian Features Menu for Triplexes, Fourplexes, and Townhomes - Each Triplex, Fourplex, or Townhome shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate proposed options on plans submitted for Building Permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.

1. Elevated Finished Floor - An elevated finished floor a minimum of two ft. above the grade of the nearest street sidewalk or streetside multiuse path.

2. Front Porches/Patios - A front porch or front patio for each ground floor dwelling unit, with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and with a minimum of 60 percent of the porch or patio

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covered to provide weather protection.
3. Sidewalk/Walkway to Front Door - A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

The applicant has indicated compliance with Section 4.10.60.04.a by providing a five-foot wide sidewalk from the front door of each home to the common sidewalk, consistent with the option under subsection (3) above.

b. Design Variety Menu - Roof forms shall be at least a 4:12 pitch with at least a six-in. overhang. Mixed use buildings may provide flat roofs with a decorative cap, such as a parapet or cornice, that is a distinctive element from the main wall of the building. Additionally, each structure shall incorporate a minimum of four of the following eight building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

1. Trim - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.

2. Building and Roof Articulation - Exterior building elevations that incorporate design features such as off-sets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:
a) Off-sets or breaks in roof elevation of three ft. or more in height, cornices two ft. or more in height, or at least two-ft. eaves;
b) Recesses, such as decks, patios, courtyards, entrances, etc., with a minimum depth of two ft. and minimum length of four ft.; and/or
c) Extensions/projections, such as floor area, porches, bay windows, decks, entrances, etc., that have a minimum depth of two ft. and minimum length of four ft.

3. Building Materials - Buildings shall have a minimum of two different types of building materials on facades facing streets, including but not limited to stucco and wood, brick and stone, etc. Alternatively, they shall have a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc. on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.

4. Increased Eaves Width - Eaves with a minimum 18-in. overhang.

5. Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.

6. Increased Roof Pitch - A minimum 6:12 roof pitch with at least a sixin. overhang.

7. Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriels, covered porches greater than 60 sq. ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

8. Architectural Details - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

As noted previously, Pedestrian Oriented Design Standards that apply to building architecture are proposed, by the applicant, to be evaluated at time of building permit submittal. All standards in Section 4.10.60.04.b are anticipated to be achievable, based on the information submitted by the applicant.

4.10.60.05 - Service Areas and Roof-Mounted Equipment

a. Service Areas - When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area. When located outside a setback area, but within five-10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only, provided it is in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Service areas for residential building types other than single-family, duplex, and triplex units shall be located a minimum of 20 ft. from both on-site and off-site residential buildings. Transformers shall also be screened with landscaping. When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 - Improvements Required with Development.

b. Roof-Mounted Equipment - Roof-mounted equipment, such as heating, ventilation, air conditioning equipment, etc., shall be screened by providing screening features at least equal in height to the equipment and constructed of materials used in the building's exterior construction. Screening features include features such as a parapet, wall, or other sight-blocking feature. The roof-mounted equipment shall be painted to match the roof.

As noted previously, no common service areas such as trash enclosures are proposed at this time. Provision of such facilities in the future would be reviewed through the building permit process, and the standards for screening the facilities would be evaluated at that time.

4.10.60.06 - Pedestrian Circulation

a. Applicability

These additional pedestrian circulation standards apply to all residential developments with eight or more units.

b. Standards

1. Continuous Internal Sidewalks - Continuous internal sidewalks shall be provided throughout the site. Discontinuous internal sidewalks shall be permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the property, or abutting recreation areas and pedestrian connections.

2. Separation from Buildings - Internal sidewalks shall be separated a minimum of five ft. from dwellings, measured from the sidewalk edge closest to any dwelling unit. This standard does not apply to the following:

a) Sidewalks along public or private streets used to meet building orientation standard; or

b) Mixed use buildings and multi-family densities exceeding 30 units per acre.

c. Connectivity - The internal sidewalk system shall connect all abutting streets to primary building entrances. The internal sidewalk system shall connect all buildings on the site and shall connect the dwelling units to parking areas, bicycle parking, storage areas, all recreational facility and common areas, and abutting public sidewalks and multi-use paths.

The proposed common sidewalk connects the front door of each home to the public sidewalk on NW Ponderosa Avenue. The standards in subsections (b)(1) & (b)(2), and (c) above are satisfied.

d. Sidewalk and Multi-use Path Surface Treatment - Public internal sidewalks shall be concrete and shall be at least five ft. wide. Private internal sidewalks shall be concrete, or masonry; and shall be at least five ft. wide.

The proposed common sidewalk is five feet in width. This standard is satisfied.

e. Crossings - Where internal sidewalks cross a vehicular circulation area or parking aisle, they shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping is encouraged.

The applicant has indicated that this standard will be satisfied. The proposed Conceptual & Detailed Development Plan illustrates two pedestrian crossings over the common driveway, which provide access between the homes and NW Ponderosa Avenue. The detail on Sheet B (**see Attachment K**) illustrates a raised, architectural

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stamped and colored concrete crossing. The crossings will be constructed at the time the common driveway is constructed.

> **f. Safety Adjacent to Vehicular Areas - Where internal sidewalks parallel and abut a vehicular circulation area, sidewalks shall be raised a minimum of six in., or shall be separated from the vehicular circulation area by a minimum six-in. raised curb. In addition to this requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, shall be provided to enhance the separation of vehicular from pedestrian facilities.**

As noted under the review criterion in Section 2.5.40.04.a.1, the applicant is requesting to vary this standard, by not providing a landscape buffer between the common sidewalk and the common driveway.

> **g. Lighting - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.**

Lighting was discussed previously, under review criterion 2.5.40.04.a.6. As discussed, the light fixture design and locations will be reviewed at time of construction permit submittal, and the applicant has not indicated a request to vary from the standards in Chapter 4.2. This criterion is satisfied.

Conclusion on Pedestrian Oriented Design -
As noted in the above discussion, the proposed Detailed Development Plan, including building orientation and on-site pedestrian sidewalk connections meet the general intent of providing on-site pedestrian improvements, and connectivity to and through the site for pedestrians. Additional architectural-related PODS are to be evaluated at time of building permit, and the applicant has not proposed any variation to these standards. The proposal is consistent with the requirements of LDC Section 4.10.60 and the pedestrian design review criteria for a Major Planned Development Modification, noted in Section 2.5.40.04.a.13.

> **14. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.**

Mapped Natural Features - Natural Resources
There are mapped Natural Resources on the development site, in the form of a Highly Protected Riparian Corridor. Per LDC Table 4.13-1, the subject Riparian Corridor is 75 feet in width, as measured from the top-of-bank. No new streets are proposed within the Riparian Corridor area.

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Applicable LDC Review Criteria - Chapter 4.13

Table 4.13-1 - Base Riparian Corridor Widths Easement Widths are different and are addressed in Section 4.13.70	
Drainage Basin - as established in the Natural Features Inventory and shown on the Riparian Corridors and Wetlands Map	Base Riparian Corridor Width - Riparian Corridors may be required to be expanded to address Riparianrelated Areas
20 to 160 Acres	75-ft. Riparian Corridor

Section 4.13.50 - USE LIMITATIONS AND EXCEPTIONS WITHIN HIGHLY PROTECTED RIPARIAN CORRIDORS AND RIPARIAN-RELATED AREAS

Highly Protected Riparian Corridors are those which have been identified as warranting a high level of protection due to their environmental importance and Natural Resource quality.Riparian-related Areas are defined as Proximate Wetlands, drainage easements and drainage dedications under the City's jurisdiction, and open space tracts that have been created for Riparian Corridor protection purposes. Additionally, 100-year Floodplain area serves an important Riparian Function. This area is mapped on the City's Natural Hazards Map, and is subject to the protections outlined in Chapter 4.5 - Natural Hazard and Hillside Development Provisions. In addition to the requirements of the underlying zone, the following limitations and exceptions shall apply to activities within Highly Protected Riparian Corridors and Riparian related Areas, as mapped on the City's Riparian Corridors and Wetlands Map.

a. Removal of Vegetation - Removal of vegetation from Riparian Corridors and Riparian-related Areas is prohibited, except for the following purposes:

1. Stream restoration and enhancement programs;
2. Removal of Non-native, Invasive and/or Noxious Vegetation as defined in Chapter 1.6 - Definitions. If necessary, in conjunction with vegetation removal non-rip-rap erosion control measures shall be utilized;
3. Substitution of local source native plant species for non-native plants. Such local source native plant species shall originate from stock collected from wild plants within 75 miles of planting site;
4. Development of Water-related or Water-dependent Uses as defined in Chapter 1.6 - Definitions, provided such Uses are designed and constructed to minimize impact on existing Riparian Vegetation;
5. Removal of emergent in-channel vegetation likely to cause flooding events that result in structural damage;
6. Perimeter mowing/cutting of vegetation for fire hazard prevention/fuel reduction, provided such mowing/cutting occurs no more than 20 ft. around structures;
7. Continuation of agricultural activities occurring on a property prior to December 31, 2004, such as grazing livestock, growing crops, etc. However, the use of herbicides or other pesticides, the application of synthetic fertilizers, and the storage of toxic materials in these areas is subject to applicable state and federal regulations, as well as the restrictions set forth in the Corvallis Municipal Code.
8. Maintenance and protection of the function of City utilities and transportation facilities located within Riparian Corridors and Wetlands;
9. Allowance of activities under an Oregon Department of Fish and Wildlifeapproved restoration plan for improving Riparian Function. As a component

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of this plan, and as a means of controlling the spread of the weeds throughout the Watershed, livestock may be permitted in areas with identified Non-native, Invasive, and/or Noxious Vegetation; and
10. Removal of Hazardous Trees - Requests for removal of Hazardous Trees, except in emergency circumstances, shall be reviewed by the City Urban Forester (or another qualified arborist) and approved, conditionally approved, or denied by the Community Development Director. Any trees removed shall be replaced by like native species or alternative approved native species listed on the City of Corvallis Native Plant List.

The applicant is proposing to fully protect the Riparian Corridor. All development is concentrated on the northern portion of the site, and a fence is proposed to be constructed along the 75-ft. Riparian Corridor boundary line. All Significant Vegetation located within the Riparian Corridor is proposed to be protected per the criteria in Section 4.12.60.f, maintaining full protection around each subject tree's Circle of Protection (**see Attachment K**).

Applicable LDC Riparian Corridor Provisions (continued - Section 4.13.50)
b. Building, Paving, and Grading Activities - The placement of structures or impervious surfaces, as well as grading, excavation, and the placement of fill, are prohibited. Exceptions to the drainageway restrictions may be made for the purposes identified in items 1-7 of this Section, provided they are designed and constructed to minimize adverse impacts to Riparian Corridors and Riparian-related Areas.

1. Replacement or Relocation of Existing Buildings - Replacement or relocation of existing buildings, either within the building's original footprint, or with the same or reduced square footage area elsewhere on the site. A relocation of an existing building within the same square footage area, but located elsewhere on the site, is only allowed if the relocation of the building enhances Riparian, Stormwater, and Floodplain Functions. Under no circumstances shall a relocated building be located within 15 ft. of Top-ofbank. The relocation shall be considered to enhance Stormwater, and Floodplain Function if it furthers any of the following goals without worsening any other goal:

a) Replaces standard construction with Flow-through Design construction, if the building is within the 100-year Floodplain;
b) Moves the structure to a higher elevation;
c) Moves the structure further from the Top-of-bank of the adjacent water body;
d) Reduces the amount of impervious surface area in the Riparian Corridor; and
e) Does not negatively impact non-noxious Riparian Vegetation. Nonnative, Invasive, and/or Noxious Vegetation is defined in Chapter 1.6 - Definitions.

2. The location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Highly Protected Riparian Corridors and Riparianrelated Areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the subject area;

3. Redevelopment of utility operations existing as of December 31, 2004, is also

permitted. Required riparian easement areas shall be re-vegetated consistent with Section 4.13.50.d.1 and Section 4.13.50.d.2;

4. Development of Water-related and Water-dependent Uses, as defined in Chapter 1.6 - Definitions, where no other viable locations exist;

5. Erosion control or flood control measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers, or other state or federal regulatory agency with jurisdiction in this area. Erosion control or flood control measures shall either utilize bioengineering methods other than rip-rap, or shall utilize rip-rap only to address an imminent hazard to a structure built prior to December 31, 2004. If utilized, the rip-rap installation shall be designed by a Professional Engineer Licensed by the State of Oregon and approved by the Oregon Department of Fish and Wildlife;

6. Development associated with the Minimum Assured Development Area that would be allowed in accordance with Chapter 4.11 - Minimum Assured Development Area (MADA); and

7. Water quality or detention facilities located outside of riparian easement areas, as determined in Section 4.13.70.

The 75-ft. Riparian Corridor consists of a public and private component. While all 75 feet are required to be protected, only the first 50 feet of the Riparian Corridor are proposed to be located in a separate, dedicated Tract to the City. LDC Section 4.13.70.02.d and Table 4.13.2 specifies that the 50-ft portion of the 75-ft Riparian Corridor nearest the top-of-bank, is required to be placed within a separate Tract, and dedicated to the public. The applicant has the choice of proposing all 75 feet to be located within the public Tract, or providing the remaining 25 feet on private property, as long as protections are ensured for the full 75 feet, per LDC Section 4.13.50.

The proposed Conceptual & Detailed Development Plan indicate that no homes or other structures are proposed within the 75-ft Riparian Corridor. Two utility improvements are proposed to be located within the 75-ft Riparian Corridor. The first, an extension of a public sewer line, is proposed to be located within the Riparian Corridor on Lot 9, and is exempt per LDC Section 4.13.50.b.2.

A private water quality facility is proposed to be located in Tract A, and on Lots 1, 2, and 3. This private water quality facility is permitted within the 25-ft. private portion of the 75-ft. Riparian Corridor, per LDC Section 4.13.50.b.7. As proposed, the Conceptual & Detailed Development Plan is consistent with the LDC provisions for Highly Protected Riparian Corridors.

Mapped Natural Features - Natural Hazards

The site contains mapped Natural Hazards in the form of slopes and Landslide Runout Hazards, and the site is within the 500-foot buffer area of other mapped Landslide Hazards, which are located north of NW Ponderosa Avenue.

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Slopes

Mapped slopes on the site range from 10-35% (**see Attachment F**). The applicant has submitted a slopes analysis, which further refines the City data (**see Attachment K**), indicating slopes in excess of 35% as well. A large percentage of the slopes in excess of 35% are attributed to the road bank for NW Ponderosa Avenue. Additional slopes in the 15-25% and 25-35% categories lie in the portion of the site where Lots 4 through 9 are located. A portion of the site containing significant slopes is where fill dirt has been placed over the past 19 years. City maps are generally consistent with the applicant's slope information. The site is heavily constrained

The following LDC Natural Hazard and Hillside Development provisions apply to the development site :

Applicable LDC Standards Related to Slopes

4.5.60.06 - Standards for Areas with Slopes Equal to or Greater than 35 Percent -
Generally, development in these areas is strongly discouraged due to concerns with safety, ground movement, slope stability, high levels of cut and fill, and hydrological and erosion impacts. However, very limited development, as described and regulated in "a," through "d," below, may occur in areas with slopes equal to or greater than 35 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of the topographic map, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

a. Development Limitations - Streets and utilities may be located on the specified slope areas only if it can be shown that passage through the steeply sloped area is the only viable route available to afford access to the developable portion of a property;

b. Site Assessment and Geotechnical Report Required - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, and Building Permit submittals, shall be accompanied by a site assessment, geotechnical report, and any other report deemed necessary by the site assessment report. Reports shall meet the criteria identified in sections 4.5.60.04 and 4.5.60.05. Development shall conform with all recommendations and requirements established by these required reports.

c. Compliance with Hillside Development Standards - Development shall comply with the Hillside Development Standards in Section 4.5.80.

d. Tree Cutting Limitations - No tree cutting is allowed on slopes equal to or greater than 35 percent, with the exception of the following:
1. Removal of a Hazardous Tree - Hazardous Trees are defined in Chapter 1.6 - Definitions. Hazardous Tree removal requests, except in emergency circumstances, are required to be reviewed and approved by the Urban Forester or the Community Development Director, following receipt of a recommendation from a Certified

Arborist;
2. Accommodation of development allowed under 4.5.60.06.a above; or
3. Accommodation of a public or private utility for which permits have been obtained.

4.5.60.07 - Standards for Areas with Slopes Equal to or Greater than 25 Percent, but less than 35 Percent -
Development in these areas should be avoided, if feasible, due to concerns with safety, ground movement, slope stability, and erosion impacts. However, the following standards shall apply for development in areas with slopes equal to or greater than 25 percent, but less than 35 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of the topographic map, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

a. Site Assessment and Geotechnical Report Required - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, and Building Permit submittals, shall be accompanied by a site assessment, geotechnical report, and any other report deemed necessary by the site assessment report. Reports shall meet the criteria identified in sections 4.5.60.04 and 4.5.60.05. Development shall conform with all recommendations and requirements established by these required reports.

b. Compliance with Hillside Development Standards - Development shall comply with the Hillside Development Standards in Section 4.5.80.

4.5.60.08 - Standards for Areas with Slopes Equal to or Greater than 15 Percent, but less than 25 Percent -
Development in these areas should be carefully evaluated, due to concerns with safety, ground movement, slope stability, and erosion impacts. The following standards shall apply for development in areas with slopes equal to or greater than 15 percent, but less than 25 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of a topographic survey, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

a. Site Assessment Required - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, and Building Permit submittals, shall be accompanied with a Site Assessment which meets the criteria identified in Section 4.5.60.04. If the Site Assessment identifies the need for a Geotechnical Report, or other reports, those reports shall be submitted with the application for development and shall be consistent with the requirements of Section 4.5.60.05. Development shall conform with all recommendations and requirements established by any and all required reports.

b. Compliance with Hillside Development Standards - Development shall comply with the Hillside Development Standards in Section 4.5.80.

The applicant has provided information which overlays the slope data with the proposed Conceptual & Detailed Development Plan. Slope data has been provided on a lot-by-lot basis, as well as for the slopes adjacent to and within the right-of-way for NW Ponderosa Avenue.

Slopes Related to NW Ponderosa Avenue Improvements Area

LDC Section 4.5.60.06 strongly discourages development in areas of greater than 35% slope. A large percentage of the site's 35% or greater slopes is attributed to the existing and proposed road embankment for NW Ponderosa Avenue. As noted in Section 4.5.60.06.a, *"Streets and utilities may be located on the specified slope areas only if it can be shown that passage through the steeply sloped area is the only viable route available to afford access to the developable portion of a property".* NW Ponderosa Avenue is a Collector street designated on the City's Comprehensive Plan and Transportation Master Plan, and the LDC provides exemptions allowing construction of City facilities identified on adopted plans, where development impacts Natural Features.

The applicant has proposed to access the site near the east end of the property away from the 35% or greater slopes that lie along the middle of the north property line. The applicant is proposing to construct fill and a retaining wall near the interface between the 35% or greater slopes and lesser slopes south of the new right-of-way line. The applicant is also proposing a variation to road improvements normally required for a Collector street, as discussed under the review criterion in LDC Section 2.5.40.04.a.1. A reduction in the horizontal extent of required improvements will reduce the southward encroachment of road improvements into the Riparian Corridor. All of the slopes greater than 35% for Lots 1 through 4 are attributed to the NW Ponderosa Avenue embankment. Lot 5 does not contain slopes in excess of 35%.

Slopes In Area Proposed for Residential Development

In addition to the areas of the site associated with the NW Ponderosa Avenue improvements, a large percentage of the site where development is proposed contains slopes in the 15-25% category. Additional smaller areas in the developed portion of the site contain slopes in the 25-35% and greater than 35% slope range. Lot 6 contains a small area (17 sq. ft.) of slope greater than 35%. Lots 7, 8 and 9 also contain slopes in excess of 35%. Most of these are related to existing fill at the northeast corner of the site. Lot 7 contains an additional area of slopes greater than 35% near the southwest corner of where the home on this lot is proposed.

LDC Sections 4.5.60.06, 4.5.60.07 & 4.5.60.08 permit construction in sloped areas, if the geotechnical study submitted with the application indicates that the intended use can be developed on the site, while considering the proposed grading in relation to soils engineering factors, such as slope stability. The applicant has submitted a geotechnical report (see Attachment N). Conclusions on an assessment of the historical deposition of soils on the site and slope stability (see Attachment N - Page 7 of 24) indicate that "*conditions do not represent a slope stability hazard.*" The geotechnical analysis continues by stating :

> "*The proposed development area is underlain by medium stiff to stiff, colluvium and residual soil followed by shallow bedrock.*

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Based on these conditions, we anticipate that the risk of slope insatiability will be low provided the fill is properly integrated into the native slope and compacted as recommended in this report."

It is clear from the geotechnical report, that although slope stability hazards have not been identified, it will be necessary to proceed very carefully, based on the geotechnical engineer's recommendations. A condition of approval has been created which requires that all development adhere to the geotechnical engineer's recommendations, as specifically outlined in Attachment N (**see Condition # 4**).

Based on the provisions in Sections 4.5.60.06, 4.5.60.07, & 4.5.60.08, construction may proceed, as long as the recommendations from the geotechnical investigation are adhered to, and as long as the Hillside Development Standards in Section 4.5.80 are satisfied.

Hillside Development Standards

LDC Section 4.5.80 outlines requirements for grading of development sites where slopes exceed 10%. As discussed above, a large percentage of the developed portion of the site contains slopes in excess of 15%.

Applicable LDC Hillside Development Standards
4.5.80.04 - Grading Regulations -
a. Types of Grading - The following regulations address two types of grading, both of which are defined in Section 4.5.80.03, above:
1. Mass Grading; and
2. Grading on Individual Lots.

b. These regulations prescribe grading area limitations based on zoning and lot size, as set out in Sections 4.5.80.04.c.3 and 4.5.80.04.d.2.
1. On development sites where both Mass Grading and Individual Lot Grading are employed, Mass Grading and Individual Lot Grading must be contained within the same grading limitation areas. The amount of gradable area allowed, per lot, is the same under both standards. This means that when Mass Grading is employed, the area that is Mass Graded on an individual lot will be the area in which Individual Lot Grading is allowed, unless the Mass Graded area is less than the maximum gradable area allowed. In this case, additional area, up to the maximum allowed, can be graded at the time of Individual Lot Grading.
2. The remaining provisions of this Section in "c," through "e," below, are organized as follows:
a) Mass Grading Standards;
b) Individual Lot Grading Standards; and
c) Terracing Requirements and Design Standards.
3. Exceptions to these standards for streets may be allowed through the Planned Development process of Chapter 2.5 - Planned Development, or through the Capital Improvements Program process.

Maximum Allowed Cut & Fill (Mass Grading)

As noted under the review criterion in Section 2.5.40.04.a.1, the applicant is requesting a variation to the Mass Grading standards in Section 4.5.80.04.c.

Applicable LDC Standards - Section 4.5.80.04.c:

c. Mass Grading Standards - The following standards shall apply to development throughout the City of Corvallis:

1. Maximum Allowed Cut Depth and Fill Height - The following standards govern the maximum cut depth and fill height:

Site Characteristics	Maximum Cut Depth and Fill Height
No Extenuating Conditions	Eight-ft. Standard
One Extenuating Condition	10-ft. Standard only where allowed to work around extenuating condition
Two or more Extenuating Conditions	12-ft. Standard only where allowed to work around extenuating conditions

2. Extenuating Conditions - Exceptions to the Eight-ft. Standard for Mass Grading shall be based on the following specific extenuating conditions:

a) Street/Pedestrian Alignment - Additional Cut/Fill provides for the alignment of a necessary street or pedestrian connection. A necessary street or pedestrian connection is one which is needed to create a Block Perimeter of approximately 1,600 ft., or which is identified in an adopted City Master Plan document. A necessary street connection must comply with the slope standards in Section 4.0.60.k of Chapter 4.0 - Improvements Required with Development. Section 4.0.60.k stipulates that Arterial Streets shall not exceed a six percent grade, Collector and Neighborhood Collector Streets shall not exceed 10 percent, and Local and Local Connector Streets shall not exceed 15 percent. The width and overall extent of any street exceeding the Eight-ft. Standard shall be minimized, where feasible, to minimize grading impacts.

b) Significant Natural Feature - Additional cut/fill is necessary to protect a Significant Natural Feature, which is defined as a feature subject to a Natural Hazards (except slopes) and/or Natural Resource Overlay on the Comprehensive Plan Map, or a Significant Tree, as defined in Chapter 1.6 - Definitions. In 4.5 - 35 LDC December 31, 2006; revised June 18, 2007 the case of a preserved tree, a certified arborist must find that the proposed cut/fill exception would preserve the viability of a Significant Tree that would otherwise have been damaged by the application of the Cut and Fill Standards.

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c) Detention Facilities - To accommodate stormwater detention facilities where no other viable location exists on the site.

The applicant has provided a table and exhibit which illustrates the areas of the site where greater than 8 feet of fill are proposed (**see Attachment K - Page 5 of 7**), which totals approximately 1,896 square feet. The applicant proposes fills ranging from 8 feet to 14 feet in this portion of the site. The total area of fills exceeding 8 feet equates to approximately 1.7% of the area of the site. The proposed area of fills exceeding 8 feet occurs north of the proposed homes on Lots 1 through 5, and in the common parking area at the west end of the driveway. The primary argument posed by the applicant for the variation request is that by concentrating development on the north portion of the site, potential impacts to the Riparian Corridor on the south half of the site can be eliminated. This is particularly critical toward the west end of the developable portion of the site, where the 75-foot Highly Protected Riparian Corridor boundary comes to within 30 feet of the NW Ponderosa Avenue right-of-way, and ultimately meets up with it.

The applicant's narrative states the following :

> *"The Civil Engineer for the project, MSS Engineering, states that the site cannot be developed without this modification, as existing topographic and hydrological conditions...dictate a comprehensive site grading and drainage plan be implemented."*

In the case of the fills that are greater than 10 feet, and associated with the parking bay at the west end of the site, the exemption noted in LDC Section 4.5.80.04.c.2.b does apply, since strict application of the 8-ft. Standard at this location would result in grading which could potentially impact the Significant Trees which lie on the border of the 75-ft. Riparian Corridor. However, since only one exemption applies, the proposal cannot include fills greater than 10 feet. Therefore, the applicant has requested a variation to the standard. Additional fills greater than 8 feet are necessary on the north sides of Lots 1 through 5, in order to provide feasible vehicular access to the garages, and to comply with the City's driveway slope standards. As noted in the review criterion in Section 2.5.40.04.a.1, the applicant has provided compensating benefits through by fully protecting the riparian corridor, and balancing the objectives of the LDC Natural Features Protections in Chapters 4.5 and 4.13.

Grading Area Limitations (Mass Grading)

Applicable LDC Section 4.5.80.04.c.3
3. Grading Area Limitations - The following requirements apply to Mass Grading in areas with slopes equal to or greater than 10 percent, as mapped on the Natural Hazards Map:
a) Low and Medium Density Residential Development Zones -

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Ultimate Lot Size of Tentatively Approved Subdivision/development within Low and Medium Density Residential Development Zones	Mass Grading Regulations
< or = 6,500 sq. ft.	Grading up to 100 percent of the lot area is allowed. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present.
> 6,500 sq. ft., but < 10,000 sq. ft.	Grading up to 6,500 sq. ft. of each lot is allowed. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present.
> or = 10,000 sq. ft.	No Mass Grading is allowed. See standards for Individual Lot Grading

e. Terracing Requirements and Design Standards - When a cut or fill, or combination thereof, exceeds eight ft. and is greater than a 25 percent slope, terracing shall be provided, as follows:

1. For cuts/fills between 8-10 ft., at least one terrace shall be provided between the two- and eight-ft. level, with a shelf no less than six ft. deep. The slope of the shelf may not exceed 20 percent.
2. For cuts/fills that are more than 10 ft., risers shall not exceed four ft. in height and shelves shall be a minimum of six ft. deep. The slope of the shelf may not exceed 20 percent.
3. Terraces shall be landscaped with a combination of ground cover plants and shrubs, planted with adequate coverage to stabilize soil in the terraced areas. Trees shall be required, at a minimum 30 ft. oncenter spacing, to mitigate trees removed due to grading and to stabilize soil in the shelf area. Irrigation and maintenance for required landscaping shall be addressed as stipulated in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
4. Wall materials and landscaping shall be subject to final review and approval by the City Engineer and Community Development Director. Acceptable exterior wall materials include quarried stone, brick, concrete masonry, and similar quality materials. Additional flexibility shall be allowed for wall materials for retaining walls which are wholly internal to the development site, provided the materials and design meet Oregon Structural Specialty Code requirements. Retaining walls shall comply with all applicable Building Code requirements.
5. Exceptions to the terracing requirement may be allowed by the City Engineer and Community Development Director if the applicant demonstrates, with the submittal of a report from a certified arborist, qualified Stream scientist, or qualified wetlands scientist that potential impact to an existing Significant Tree or a Significant Natural Feature in the area of the cut and fill would be significantly reduced by an exception to the terracing requirement.

As can be seen in Section 4.5.80.04.c.3, Mass Grading is available to subdivisions, where the lot area for individual lots does not exceed 6,500 square feet. If lots exceed this square footage, then the total area of the lot allowed to be graded is controlled. Only lots 1 and 9 exceed 6,500 square feet. Therefore, Lots 2 through 8 are able to be mass graded to the full extent of the lot. The Eight-Ft. Standard applies to each of the lots. As noted above, the applicant is requesting a variation to the Eight-Ft. Standard on Lots 1 through 5. Except for the requested variation to the Eight-Ft. Standard, no variation is requested for the grading area limitations for those lots eligible for the 100% gradable area.

Lots 1 and 9 are subject to the 6,500 sq. ft. gradable area, and the Eight-Ft. Standard. The applicant is proposing to comply with the 6,500 sq. ft. limitation on Lot 1. Lot 1 is 6,909 sq. ft. in area, and the southern 25 feet of the lot contains a portion of the Highly Protected Riparian Corridor (approximately 2,000 sq. ft.), which is off limits to grading.

However, the applicant is requesting a variation to the 6,500 sq. ft. grading limitation on Lot 9, as noted in the review criterion for LDC Section 2.5.40.04.a.1. Lot 9 is 7,134 sq. ft. in area. The applicant's narrative indicates that 100% of this lot is proposed to be graded. However, that cannot be so, since the applicant is also proposing to protect both the portion of the lot containing the Highly Protected Riparian Corridor (with the exception of public sewer line installation) and the Significant Trees proposed to be preserved at the north end of the lot. It appears that the protected portion of the lot will limit the amount of grading on Lot 9 to under the maximum allowed area of 6,500 sq. ft. Based on the discussion above under LDC Section 2.5.40.04.a.1, no variation is necessary for the gradable area standard.

Wall Terracing Requirements on Lot 1

A small portion of an area on Lot 1 includes slopes in excess of 25 percent and proposed fill which exceeds 8 feet. Terracing, per LDC Section 4.5.80.04.c.3.e, is typically required in this situation. However, by limiting the proposed retaining wall to a single wall without terracing at this location, the applicant has properly balanced all other standards that apply including protection of the Riparian Corridor, protection of Significant Trees within the Riparian Corridor, and compliance with maximum driveway slope (15%) and drainagerequirements per the City's Off-Street Parking & Access Standards. The exemption under subsection (5) above applies, and terracing is not applicable.

Landslide Hazards

The site contains a mapped Landslide Hazard (Landslide Runout), which falls entirely within the Riparian Corridor. No portion of the proposed developed area of the site falls within the mapped Landslide Hazard. The entire site is also located inside the 500' Landslide Hazard buffer area, both due to the on-site Landslide Runout Hazard, and Moderate Risk Landslide Hazards located approximately 400' to the northeast of the site, across NW Ponderosa Avenue.

Based on provisions in LDC Section 4.5.70, any development on a site within 500' of a mapped Landslide Hazard shall adhere to the application and development

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requirements for landslide hazard areas. This LDC Section requires submittal of a site assessment and geotechnical report, to evaluate the risk of the development causing or exacerbating landslides, or being adversely impacted by a local landslide event. If the geotechnical report demonstrates that the site is suitable for development, based on expert knowledge and the proposed Development plans, building permits may be issued per Section 4.5.70.03.b.

The applicant has submitted a geotechnical report (**see Attachment N**). A December 26, 2007, addendum to the original geotechnical investigation specifically addresses landslide hazard risk on the development site. The geotechnical engineer concludes that the "*debris flows do not pose a threat to the proposed development.*", and that the risk of deep-seated landslides "*north or south of the subject property that would impact the proposed development is very low.*" Overall, the geotechnical investigation concluded that "*conditions do not represent a slope stability hazard.*"

Additionally, consideration of how the proposed development might exacerbate potential landslides and properties downstream of any debris flow should be included in the geotechnical investigation, through a detailed set of recommendations for how the site is excavated and graded, and how structures are built. Attachment N includes such recommendations, and a condition of approval is proposed which seeks to implement all recommendations of the geotechnical engineer (**see Condition # 4**). Based on information submitted by the project's geotechnical engineer, the proposed Conceptual & Detailed Development Plan is consistent with the natural features protection criteria for mapped Landslide Hazards, as outlined in LDC Section 4.5.70.

Natural Resources and Natural Hazards Variation Criteria

> ***b. Natural Resources and Natural Hazards Factors -***
> ***1. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall provide protections equal to or better than the specific standard requested for variation; and***
>
> ***2. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall involve an alternative located on the same development site where the specific standard applies.***

As noted under review criterion 2.5.40.04.a.1 above, the applicant is requesting a variations to the 8-Ft. Standard, on Lots 1 through 5. The applicant is not requesting a variation to Natural Features Protections for the site's Highly Protected Riparian Corridor. As noted in the discussion above under LDC Section 2.5.40.04.a.14, and LDC Section 2.5.40.04.a.1, the applicant has provided the required compensating benefits to the requested variation, by providing full protection for the Riparian Corridor.

Minimum Assured Development Area (MADA)

The site contains both Natural Hazards and Natural Resources. Based on the size of the site, the RS-6 base zone, the amount of constrained area on the site, and right-of-way dedications being proposed by the applicant, initial analysis concludes that Minimum Assured Development Area may apply to the site. This was discussed with the applicant, but the applicant decided not to pursue the additional development area that may be obtainable.

Development encroachments permissible under MADA provisions would allow incursions into the 75-ft. Riparian Corridor, per LDC Section 4.11.50.04. LDC Section 4.11.50.03 would also permit variations allowed outright, by allowing the development site to utilize "Building Types and development standards of the next most intensive residential zone", in order to minimize development encroachments into Natural Resource and Natural Hazard areas. In this case, the next most intensive zone is RS-9, and the Building Types and development standards of highest intensity match those of the RS-6 district, so there is nothing to be gained by utilizing the provisions of LDC Section 4.11.50.03.

In any case, the applicant is not proposing to utilize the MADA provisions.

Conclusion on Natural Features

As discussed above, the site contains both Natural Resources (Highly Protected Riparian Corridor) and Natural Hazards (slopes, Landslide Runout). The proposed Conceptual & Detailed Development Plan illustrates that the Riparian Corridor will be fully protected, except where specific exemptions are permitted for public facilities and private stormwater facilities, per LDC Section 4.13.50.b.

The geotechnical investigation, submitted by the applicant, indicates that the development should neither be adversely impacted by the local mapped Landslide Runout Hazards, nor exacerbate any potential Landslide Hazard downslope, based on recommendations for construction.

Based on existing topography, the Hillside Development Provisions in Chapter 4.5 apply to a majority of the development site, but not the entire site. The portion of the site where slopes are in the greater than 10% slope categories is also the portion of the site located outside of the Highly Protected Riparian Corridor and what is considered the developable portion of the site. There is a portion of the site where the 8-ft. cut/fill standard will be exceeded, and the applicant has presented compensating benefits, which attempt to balance all of the protections intended by the LDC Natural Features protections in Chapter 4.5 and 4.13. The compatibility criteria in LDC Section 2.5.40.04.a.14 and Section 2.5.40.04.b are satisfied.

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D. CONCLUSION AND RECOMMENDATION - MAJOR PLANNED DEVELOPMENT MODIFICATION

Staff find that the requested Conceptual & Detailed Development Plan Modification is supported by the compatibility review criteria of LDC Section 2.5.40.04, and except where specific variations have been requested, the proposal is consistent will all applicable LDC standards.

Staff find that in balancing all of the Natural Features protections that apply to the subject property, the requested variations to LDC standards for Hillside Development, Building Setbacks, Public Street standards, Pedestrian Landscaping Improvements, and Lot Coverage are supported by the associated compensating benefits and proposed conditions of approval. Staff find that the requested variation to the square footage allocation for residential district sign standards is not supported by the application materials, but the proposed sign location variation is supported by the applicable criteria under LDC Section 4.7.90.09. The applicant has submitted an arborist report which indicates that encroachments into specific Circles of Protection will not adversely impact the long-term health and stamina of the affected trees. is supported by findings made concerning the condition of the soils on the development site.

Based on this analysis, staff recommend **Approval** of the Conceptual & Detailed Development Plan request, as outlined in Part III of this staff report, with the exception of the proposed variation to sign square footage allocation.

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PART II

TENTATIVE SUBDIVISION PLAT

A. BACKGROUND

The applicant is proposing to divide the existing 2.55 acre parent parcel into nine lots and provide additional land dedications for NW Ponderosa Avenue right-of-way and a drainageway / riparian corridor tract (**see Attachment K - page 12 of 17**). The subject parcel is illustrated on Benton County Assessor's Map # 11-5-21 CB, Tax Lot 500.

A Subdivision, as defined in Chapter 1.6 of the LDC, is a division of land that creates four or more lots within a calendar year when such lots exist as a unit of land under a single ownership at the beginning of such year. The review criteria used to approve a Tentative Subdivision plat are noted below.

B. REVIEW CRITERIA FOR A TENTATIVE SUBDIVISION PLAT

Section 2.4.30.04.b provides review criteria for Residential Tentative Subdivision Plat applications.

Applicable LDC Review Criteria : LDC Section 2.4.30.04.b :

2.4.30.04 - Review Criteria
b. Residential Subdivisions - Requests for the approval of a Residential Tentative Subdivision Plat shall be reviewed to ensure consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards. Additionally, the following criteria shall be met for Residential Subdivisions and the application shall demonstrate adherence to them:

1. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;
2. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area

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(MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards;
3. Land uses shall be those that are outright permitted by the existing underlying zoning designation.
4. Excavation and grading shall not change hydrology in terms of water quantity and quality that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to Chapter 4.13 - Riparian Corridor and Wetland Provisions.

A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Subdivision that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.

RS-6 District Development Standards

The relationship between the proposed Tentative Subdivision Plat and the Development standards outlined in the applicable underlying Zoning Designation (RS-6) are discussed in Part I of this staff report. As discussed in Part I, the proposal is consistent with the density provisions of the RS-6 district and the Comprehensive Plan designation of Residential - Low Density.

The lot areas table illustrated on Sheet D (**see Attachment K - page 12 of 17**) indicates the RS-6 minimum lot area standard of 2,500 square feet is satisfied, per LDC Section 3.3.30.c.2. The smallest proposed lot is 2,833 square feet in area.

The minimum lot width of 25 feet is satisfied, as illustrated on Sheet D. Since the proposed lot widths and lot areas are in some cases, just over the minimums required by the RS-6 district, both the lot area and lot width will need to be re-verified through the final plat review process (**see Condition # 33**).

As prescribed by the review criteria in Section 2.4.30.04.b.3, the proposed development is consistent with the land uses (family - 3 unit attached) that are permitted outright in the RS-6 district.

A more detailed discussion on the proposed Tentative Plat's relationship to the criteria for protection of Significant Natural Features, including a discussion of the effects of excavation and grading on the hydrology of the abutting Riparian Corridor, is provided in Part I of this staff report. No new streets are proposed with this development. Part I of this staff report contains a discussion about the relationship of the building footprints to the site's topography. It has been found that the structures, in their proposed locations, are designed such that the structures fit the topography of the site, by utilizing stepped foundations and complying with the LDC 8-Ft. standard, except where specific variations are requested under the review criteria of LDC Section 2.5.40.04.a.1 (see Table A in Part I of this staff report).

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As discussed in Part I, the proposed development is consistent with LDC provisions for protection of the mapped Significant Natural Features, and the Tentative Subdivision Plat is consistent with the review criteria of Section 2.4.40.04.b(2) and (4).

LDC Article IV Development Standards

Part I of this staff report includes an in-depth discussion of the project's relationship to Natural Features protections identified in Chapter 4.5 and 4.13. Part I also contains a discussion concerning the Pedestrian Oriented Design Standards and the proposed Conceptual & Detailed Development Plan's conformance to those standards. Except where specific variations have been requested, as proposed and conditioned, the Tentative Plat is consistent with the LDC review criteria in Section 2.4.30.04.b.(1), (2), and (4). As discussed above under the RS-6 standards, the land uses proposed are consistent with the RS-6 zone.

The Purposes of a Tentative Subdivision Plat are noted in LDC Section 2.4.

Applicable LDC Section 2.4.20 : Purposes of Tentative Subdivision Plat

Section 2.4.20 - PURPOSES
Land Division review procedures are established in this Chapter for the following purposes:
a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
b. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible;
c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;
d. Create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses; and
e. Promote energy efficiency.

Purposes in Section 2.4.20 (b),(c),(d),& (e) are discussed in relationship to the general review criteria of Section 2.4.30.04(b), where applicable.

Applicable LDC Land Division criteria, identified in Chapter 4.4, are as follows :

Applicable LDC Section 4.4.20 : Land Division Standards

Section 4.4.20 - GENERAL PROVISIONS
4.4.20.01 - Applicability
All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development.

4.4.20.02 - Blocks
a. General - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of

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topography.
b. Size - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development.

LDC Block Perimeter standards identified in Section 4.0.60 (n) are not to be applied to this development site, due to protection requirements for the Highly Protected Riparian Corridor. No new public streets are proposing within the site. The property has frontage on NW Ponderosa Avenue, and is subject to the improvement requirements for a Collector Street, as discussed in Part I of this staff report.

As discussed in Part I, the review criteria for a Conceptual and Detailed Development Plan are considered to be satisfied. Therefore, the proposed Tentative Subdivision plat is consistent with the standards for block size and layout, per LDC Section 4.4.20.02.

4.4.20.03 - Lot Requirements
a. Size and Shape - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and depth shall generally not exceed 2.5 times the average width. Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed, unless off-site parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.

As discussed above, the proposed Tentative Subdivision plat proposes lot sizes and dimensions which are consistent with the RS-6 zone. Therefore the criterion in LDC Section 4.4.20.03 is considered to be satisfied. While some of the proposed lots have a depth that is greater than 2.5 times the average width, this is not a requirement of the LDC, but only a recommendation based on the "generally" language. No variation is required for the lot width-to-depth ratio.

b. Access - Each lot shall abut a street other than an alley for a distance of at least 25 ft. unless:
1. The lot is created through a Land Partition or Minor Replat, in which case Section 4.4.30.01, below, shall apply; and/or
2. The lot meets the exemption in "a," or "b," below:
a) Residential lots involving Single-family Detached; Single-family Attached, two units; or Duplex dwellings, provided:
1) Front doors are less than 100 ft. from a street and are accessed by a sidewalk or multi-use path; and
2) Vehicular access is provided via an alley.
b) Commercial, Industrial, and Residential lots other than those described in "a," above, provided:
1) Front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path; and
2) Vehicular access is provided via an alley.

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Each of the nine proposed lots has a frontage on NW Ponderosa Avenue of at least 25 feet. Therefore, the criterion in Section 4.4.20.03 (b) is satisfied.

Due to the vehicular access restrictions on NW Ponderosa Avenue, and the proposed common driveway, all lots are intended to be served by a reciprocal parking and access easement, in order to obtain full legal access from the driveway entrance on NW Ponderosa Avenue. With submittal of the final plat, a private reciprocal parking and access easement shall be dedicated to ensure that vehicle access is maintained within and between all lots that share driveways (**see Condition # 30**).

> **c. Through Lots - Through Lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation. A planting screen easement at least 20 ft. wide shall be required between Through Lots and adjacent streets, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No vehicular rights of access shall be permitted across this planting screen easement. All Through Lots with frontage on parallel or approximately parallel streets shall provide the required front yard on each street, except as specified in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.**

No Through Lots are proposed. This standard is satisfied.

> **d. Lot Side Lines - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.**

Based on the orientation of the homes, portions of the lot lines run at an angle other than 90 degrees to NW Ponderosa Avenue. Once north of the common driveway, the lot lines bend and intersect NW Ponderosa Avenue right-of-way at 90 degrees. The proposal is in general conformance to this standard.

> **e. Lot Grading - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.**

See Part I of this staff report for a discussion about the proposed Grading Plan. As proposed and conditioned, the Tentative Plat is consistent with this criterion.

> **f. Building Lines - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.**

> **g. Large Lots - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.**

The applicant is not proposing to establish building setback lines on the final plat (typically, State and Benton County rules regarding final plats discourage against this practice). However, approval of a Conceptual and Detailed Development Plan formalizes approval of the site plan, and building setbacks will be required to be

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consistent with these plans. The Planned Development Overlay and associated Conceptual & Detailed Development Plan establishes the approved development pattern for the subject site. There is no logical reason for the property owner to further divide the subject nine lots. However, if the development plans change for the site, the Planned Development Overlay would require approval of a new Conceptual and Detailed Development Plan. This criterion is satisfied.

h. Minimum Assured Development Area - For property with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, lots created through a Subdivision, Partition, or Lot Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA) are met.

As discussed in Part I of this staff report, Minimum Assured Development Area does not apply to the subject site. The proposed Tentative Plat is consistent with the Purposes in LDC Section 2.4.20 (b), and 4.4.20.03 (h).

The proposed Tentative Subdivision Plat is not directly affected by criteria in the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards. However, the adopted Codes and Standards do apply, in many cases, to the proposed Detailed Development Plan, and are discussed in further detail in Part I of this staff report, where applicable.

Solar Access

Applicable LDC Section 4.6.20
Section 4.6.20 - EXEMPTIONS
Residential buildings constructed or lots developed in locations noted below are exempt from the requirements of this Chapter:
a. On north-facing slopes of 10 percent or more;
b. On portions of sites where Solar Access, as defined in Chapter 1.6 - Definitions, is unavailable due to shading from Natural Resources or Natural Hazards subject to the provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.
c. On sites where density is concentrated because density is being transferred from an area on the same development site that is simultaneously being rezoned to Conservation - Open Space; or
d. On sites which contain Natural Resources or Natural Hazards subject to the provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions and where:

1. The developed portion of the site will exceed minimum required density by at least 50 percent for properties designated as Extra-low, Low, or Medium Density Residential; and

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2. The developed portion of the site will exceed minimum required density by by at least 25 percent for properties designated as Medium-high or High Density Residential.

A 75-ft. Highly Protected Riparian Corridor with associated Significant Vegetation is located along the entire southern boundary of the subject site. The Significant Vegetation within the Riparian Corridor is required to be protected, and the proposal is consistent with this standard. The Significant Vegetation will provide shading on the proposed dwellings in a way that the exemption in LDC Section 4.6.20.b applies to the development site. Additionally, the developed portion of the site is proposed to exceed the minimum required density of five dwelling units by more than 50 percent. Therefore, the exemption under LDC Section 4.6.20.d.1 also applies. The proposed Tentative Plat is consistent with the Solar Access provisions of LDC Chapter 4.6.

Conclusion on Tentative Plat Review Criteria and Land Division Standards

The compatibility criteria above have been previously discussed in Part I of this staff report. As noted in that discussion, the proposed Conceptual and Detailed Development Plan, and related Tentative Subdivision Plat are consistent with the applicable compatibility review criteria.

The development plans have been reviewed by the City's Fire Department for compliance with the adopted Fire Code. Fire Department staff are satisfied with the proposed development, as illustrated in Attachments K & L, and as conditioned. As noted in the discussion above, the proposed Tentative Subdivision plat complies with the criteria in Section 2.4.30.04.

C. ADDITIONAL DISCUSSION - FIRE PROTECTION REQUIREMENTS

Emergency Access and Fire Protection for Dwellings

There are discrepancies between the applicant's narrative (refer to Page 41 of the narrative) and Corvallis Fire Code, in relationship to the fire protection requirements for the development. Contrary to language in the narrative which suggests that the Fire Code requires that the nine dwellings be served by a fire sprinkler system, the developer does have options for required fire protection of the dwellings. However, the narrative also indicates that the developer intends to provide fire sprinklers for each dwelling (refer to Page 52 of the narrative).

The common driveway serving the Deer Run Park subdivision does not clearly meet City standards adopted in accordance with the applicable Fire Code and State building code requirements, in part, because it is not clear how final grading, site retaining walls, final height of each building, and constructed limits of the driveway will effect emergency access to the rear (south side) of the dwellings. The required width of the common driveway varies, according to the constructed height of each dwelling.

The first option is for the developer to demonstrate prior to submittal of the final plat and

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site construction drawings, that the common driveway can be constructed both consistent with the proposal and according to applicable Fire Code and State building code requirements, and that pedestrian access for the Fire Department in between the dwellings and to the rear of the dwellings meets the requirements of the Fire Department, based on the height of the buildings.

If it is found that the common driveway and development as a whole cannot provide the access required by the Fire Code, the second option is for the developer to provide a fire sprinkler system per NFPA Standard 13D in each of the dwellings / structures constructed on lots (as the developer has indicated they will do). If the developer chooses this option, a deed restriction listing the fire sprinkler requirement shall be recorded for each lot in the subdivision to alert future property owners of the fire protection requirements, and to indicate that the developer was unable to develop the site and common driveway in a way that complies with Corvallis Fire Code **(see Condition # 29)**.

Protected Riparian Corridor and Fire Protection

Applicable Corvallis Municipal Code and City Fire Code Section 7.08.130:

1) OFC Section 304.1.2 as adopted by this Chapter is amended to add Section 304.1.2.1 as follows:

"304.1.2.1 Combustible vegetation on city parcels. The person owning, possessing, or having the care or custody of any lot or parcel of land shall cut, as close to the ground as is reasonably practical, and shall remove or destroy all brush, grass, weeds, thistles, vines, and other vegetation growing at a height of 10" or more between the months of June 1 and September 30 of each year, or when determined by the fire chief to be a fire hazard. When the fire chief determines that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Minimum width of a fuel break adjacent to public sidewalks, streets, bikeways, and trails shall be 10 feet. Minimum width of fuel breaks along property lines and around combustible structures shall be 25 feet, unless determined to be impractical by the fire chief.

"EXCEPTION: Vegetation along drainage ways, in wildland and wild flower areas under public ownership, and on private lands designated as "protected" under federal or state legislation, can exceed the 10" limitation so long as it is not determined to be a fire hazard by the fire chief.

"Parcels in the urban wildland interface areas shall also be subject to OFC Section 304.1.2."
(Ord. 2004-23 §1 and §2, 11/01/2004; 98-40 & 41, Repealed & Replaced, 11/02/1998)

LDC Section 4.13.50.a.6 provides an exemption for removal of vegetation within Protected Riparian Corridors, in order to maintain a defensible space between dwellings and any potential wildfires that might occur within the Riparian Corridor. This is known as a "Fire Fuel Brake Safety Area" (refer to LDC Chapter 1.6). The Fire Fuel Brake

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Safety Area would allow certain encroachments into the Riparian Corridor for homes abutting the Riparian Corridor, in order to maintain a defensible space between the dwellings and any vegetation.

D. Conservation Easement for 25' of Highly Protected Riparian Corridor (defined in Chapter 1.6)

As required per LDC Section 4.13.50, a Riparian Corridor of 75-feet in width exists on the subject property. The applicant proposes to dedicate to the public, a 50-foot section of the 75-foot width as Protected Riparian Corridor. The remaining 25-feet of the Riparian Corridor will continue to have the protections noted in LDC Section 4.13.50. As proposed by the applicant, and with submittal of the final plat, the applicant shall ensure that these protections are implemented, by recording a 25-foot deep Riparian Corridor Maintenance Easement on the southern end of each of the nine lots. Dedication of this easement is necessary to ensure that all owners, current and future, are informed of the LDC Riparian Corridor protections. The easement is a private easement and should not be dedicated to the City of Corvallis (**see Condition # 21).**

E. Dedication of 50' Drainageway and Protected Riparian Corridor Tract to Public

As required per LDC Section 4.13.50, a Riparian Corridor of 75-feet in width exists on the subject property. The applicant proposes to dedicate to the public, a 50-foot section of the 75-foot width as Protected Riparian Corridor. With submittal of the final plat, the applicant shall dedicate to the public, Tract A, as presented in the Conceptual & Detailed Development Plan (**see Condition # 20**).

F. CONCLUSION ON CONSISTENCY WITH TENTATIVE SUBDIVISION PLAT REVIEW CRITERIA

The proposed Tentative Subdivision plat request involves creation of nine residential subdivision lots. The proposed lots comply with the applicable LDC standards of the RS-6 zone, and the land division standards noted in Chapter 4.4 of the LDC.

The Tentative Subdivision Plat request complies with all applicable criteria in Section 2.4.30.04 (b).

PART III

CONCLUSION AND RECOMMENDATIONS

Based on the criteria, findings, and conclusions discussed in Parts I and II above, staff recommend that the Planning Commission Approve the request as described in **Attachments K & L**, and as conditioned in this staff report. The proposed Conceptual and Detailed Development Plan includes a nine-lot residential subdivision, containing common driveway, pedestrian, and landscape improvements, and attached single-family homes. The request also includes proposed variations to specific LDC requirements, as described in Attachments K & L. The proposed Tentative Plat includes nine lots for residential development, dedication of public right-of-way for NW Ponderosa Avenue, dedication of Tract A as a Riparian Corridor and Drainageway Easement Tract, and additional easement dedications throughout the subdivision.

RECOMMENDED MOTION FOR APPROVAL OF A MAJOR PLANNED DEVELOPMENT MODIFICATION (PLD08-00013)

Motion: **I move to approve the proposed Conceptual and Detailed Development Plan for Deer Run Park subdivision. My motion is based upon the staff recommendation to the Planning Commission.**

RECOMMENDED MOTION FOR APPROVAL OF A TENTATIVE SUBDIVISION PLAT (SUB08-00007)

Motion: **I move to approve the proposed nine-lot tentative Subdivision plat, as described in Attachments K & L. My motion is based upon the staff recommendation to the Planning Commission.**

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CONDITIONS OF APPROVAL

for PLD08-00013 / SUB08-00007 (Deer Run Park Subdivision)

Page #	Condition #	Condition Language
All	1	**Consistency with Plans** – Development shall comply with the narrative and plans identified in Attachments K & L of this Staff Report, except as modified by the conditions below, or unless a requested modification otherwise meets the criteria for a Minor Modification and/or a Subdivision Modification, as applicable. Such changes may be processed in accordance with Chapters 2.4 & 2.5 of the Land Development Code.
All	2	**Adherence to Land Development Code standards** - Where variations are not explicitly authorized by approval of this Detailed Development Plan, all development on the Deer Run Park subdivision site shall comply with applicable Land Development Code standards. Compliance shall be demonstrated at time of submittal for PIPC, Excavation and Grading, site development, and building permits.
All	3	**Permissible Construction Period** - Reconstruction of public improvements along the development's NW Ponderosa Avenue frontage shall not occur during periods of sustained precipitation. All construction associated with the reconstruction of the Ponderosa Avenue road base, public sidewalk, and slope south of the sidewalk shall occur between May 15 and October 15 in the year that construction commences. If the situation arises where construction must occur after October 15, the developer shall coordinate with the City and Benton County to ensure that acceptable wet-weather construction measures are in place prior to sustained precipitation.
68, 73	4	**Additional Geotechnical Requirements** - Based on the project's geotechnical recommendations for removal of existing uncontrolled fill (**see Attachment N**), steeply-sloped topography, and the extent of earthwork associated with the Deer Run Park subdivision, the applicant shall adhere to the recommendations in the Geotechnical Investigation, prepared by Foundation Engineering, Inc., and dated June 21, 2007 (with follow-up Memorandum of December 26, 2007). The developer shall retain the services of a geotechnical engineer through all phases of construction, including grading and associated erosion control. Additionally, the applicant shall adhere to the requirements of LDC Sections 4.5.70.03 & 4.5.70.04 for building permit submittals.

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Page #	Condition #	Condition Language
21	5	**Limitations on Number of Bedrooms** - The number of bedrooms in each of the nine dwellings is limited, in order to control the vehicle parking demands for the development site, and to ensure a certain amount of "overflow parking" is provided for guests of the residents. A mix of four (4) two bedroom units, and five (5) three bedroom units is approved as part of this Conceptual & Detailed Development Plan. Construction of each dwelling, and the permissible number of bedrooms in each dwelling is to be on a first-come, first-serve basis. Any future modification to an individual dwelling that involves a change in the number of bedrooms shall adhere to the bedroom count limitation for the entire development site.
23	6	**Common Area Improvements** - Timing of Installation The common driveway, retaining walls, bike shelter, and all common area landscaping / irrigation located west, north, and east of the common driveway shall be installed prior to issuance of final certificates of occupancy for the first home.
All	7	**Deed Restrictions** - With submittal of the final plat, the developer shall include deed restriction documents, for staff review and approval. The deed restriction documents shall be recorded concurrently with the final plat, and a note shall be placed on the final plat indicating the existence of, and Benton County Records Number for, the deed restrictions. The deeds restrictions for each lot are as follows : *Riparian Corridor Protections* - Natural Resource Preservation Tract A is dedicated to the City of Corvallis. In addition to this area, the Highly Protected Riparian Corridor extends for twenty-five feet beyond the northerly boundary of Tract A. This forms the southerly twenty-five feet of each lot in the subdivision. Activities in the entire seventy-five foot wide Highly Protected Riparian Corridor are limited as noted in the Corvallis Land Development Code. *Bedroom Count Limitations* - The Deer Run Park subdivision is limited to a mix of four(4) two bedroom dwellings, and five (5) three bedroom dwellings. Construction of each dwelling, and the permissible number of bedrooms in each dwelling is to be on a first-come, first-serve basis. Any future modification to an individual dwelling that involves a change in the number of bedrooms shall adhere to the bedroom count limitation for the entire development site.

Page #	Condition #	Condition Language
22	8	**Bicycle Parking Required** - Bicycle parking shall be provided within each unit and in the covered bicycle parking area, as noted in the application narrative and drawings. The common covered bicycle parking area shall be dimensioned to comply with LDC Section 4.1.70 and the City's standard bicycle rack detail # 503. Additionally, two bicycle parking spaces shall be provided inside each unit and shall comply with the dimensional standards in LDC Section 4.1.70.b.
All	9	**Maximum Allowed Heights of Proposed Retaining Walls and Cuts / Fills** - Except as recommended by the project's Geotechnical Engineer, to provide a suitable foundation for building pads and retaining walls, all cuts and fills shall be limited in height as noted on Attachment K (applicant's "Attachment C-1"), and shall be measured from existing contours to the finish grade.
23	10	**Heat Pumps and Other Mechanical Equipment** - Any proposed mechanical equipment shall comply with the provisions of LDC Section 3.3.30.k. No variations to this standard are granted by approval of this Conceptual & Detailed Development Plan.
41, 42	11	**ROW Dedication/Easements** - All proposed public and private easements and ROW dedications shall be shown on the final plat. Easements for water, sewer, and storm drainage shall be provided for facilities located outside the ROW. An environmental assessment for all land to be dedicated to the public must be completed in accordance with LDC Section 4.0.100.g.

Page #	Condition #	Condition Language
49	12	**Public Improvements** - Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements by private contract (PIPC) from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Street signs and curb markings will be reviewed and approved with the PIPC plans. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80.
43	13	**Northwest Ponderosa Avenue Improvements and ROW** - With the final plat, a ROW dedication shall be granted which provides 23.5 feet of ROW from the existing centerline along the frontage of lots 1-9. All other areas shall provide a ROW dedication of 34 feet from centerline. Improvements to NW Ponderosa Avenue shall consist of two 11-foot travel lanes, two 6-foot bike lanes, curb and gutter on both sides, a 5-foot curbside sidewalk and a 1-foot flat area behind the sidewalk on the south side. Improvements shall be installed or secured per LDC section 4.0.20 prior to approval of the final plat.
43	14	**Sidewalk Installation Timing** - Per LDC section 4.0.30.a.3, installation of public sidewalks within the ROW along NW Ponderosa Avenue shall be completed with the public street improvements.

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Page #	Condition #	Condition Language
42	15	**Grading, Retaining Walls, and Fence Adjacent to NW Ponderosa Avenue** - To accommodate the site plan, minimize slope, and reduce the ROW along NW Ponderosa Avenue, the slopes for a minimum distance of 9 feet south of the new ROW line shall be limited to a maximum of 2:1 , and transition to existing grade or terminate in an engineered retaining wall at the toe of the slope. Retaining walls adjacent to this slope shall not exceed 4 feet in height (from top of wall elevation at finished grade to bottom of wall elevation at finished grade). Where there are slopes in excess of 4:1 adjacent to the sidewalk, a 3-foot tall private fence shall be installed at the ROW line to provide pedestrian separation. The fence shall not be located within the vision clearance areas.
47	16	**16-inch Water Line in NW Ponderosa Aveune** - Per LDC section 4.0.20, prior to approval of the final plat, the applicant shall install a 16-inch waterline from the current location in NW Ponderosa Avenue (near the northeast corner of the property) along the entire length of the property's frontage on NW Ponderosa Avenue.
47	17	**8-inch Sewer Line** - Per LDC section 4.0.20, prior to approval of the final plat, the applicant shall install an 8-inch sewer line from the current location at the SE corner of the property to a manhole in NW Ponderosa Avenue at the west end of the property. All weather maintenance access shall be provided for facilities located outside the public ROW.
All	18	**Water Quality Facility Design** - As part of the PIPC plans the developer shall provide engineered calculations for storm water quality facilities demonstrating compliance with design criteria outlined in the LDC, Appendix F of the Storm Water Master Plan, and design criteria outlined in the King County Washington, Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not more than 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The water quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm, 0.9" 24-hr rainfall event with NRCS Type 1A distribution. The facility shall be designed to allow a 100-year storm event to pass through or a separate bypass provided.

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Page #	Condition #	Condition Language
48	19	**Stormwater Detention** - Concurrent with development, stormwater detention shall be implemented. The storm water detention facilities shall be designed consistent with design criteria outlined in Appendix F of the Storm Water Master Plan, and design criteria outlined in the King County, Washington, Surface Water Design Manual, and shall be designed to capture and release run-off so the run-off rates from the site after development do not exceed the pre-developed conditions, based on the 2-year, 5-year, and 10-year, 24-hour design storms. The facility shall be designed to allow a 100-year storm event to pass through. Installation of the public storm drainage system will be subject to the PIPC plans permitting process.
48,49,84	20	**Drainage Way Easement and Easement for water quality facility** - Tract A shall be dedicated as shown on Attachment K for drainage way and riparian corridor purposes, per LDC section 4.13.70.02, and illustrated on the final plat. A public storm drainage easement for maintenance and access shall be provided in the 50 -75 foot riparian area to the extent of the public water quality facility located on Lots 1,2, and 3. The City shall not be responsible for maintenance outside any public drainage or water quality facility in the 50-75 foot riparian corridor.
31, 84	21	**Riparian Corridor Easement on Individual Lots** - As required per LDC Section 4.13.50, a Riparian Corridor of 75-feet in width exists on the subject property. The applicant proposes to dedicate to the public, a 50-foot section of the 75-foot width as Protected Riparian Corridor. The remaining 25-feet of the Riparian Corridor will continue to have the protections noted in LDC Section 4.13.50. With submittal of the final plat, the applicant shall ensure that these protections are implemented, by recording a 25-foot deep Riparian Corridor Maintenance Easement, as proposed by the applicant, on the southern end of each of the nine lots. Dedication of this easement is necessary to ensure that all owners, current and future, are informed of the LDC Riparian Corridor protections. The easement shall be private and not dedicated to the City of Corvallis.
All	22	**Private Storm Drainage** - Installation of the private storm drainage system will be subject to permitting through the City's Development Services Division. Provisions meeting LDC section 4.0.70.f.2 shall be established prior to permitting these improvements.

Page #	Condition #	Condition Language
49	23	**Franchise Utility Easements** - On the final plat, a minimum 7-foot utility easement shall be granted behind and adjacent to the ROW for franchise utility purposes.
49	24	**Franchise Utilities** - Prior to issuance of public improvement permits, the applicant shall submit, as part of the public improvement plan set, an overall site utility plan that shows existing and proposed franchise utility locations, including vaults, poles and pedestals. The proposed franchise utilities shall conform to requirements outlined in the LDC section 4.0.100, including provision of appropriate utility easements. The applicant shall provide confirmation the franchise utilities have reviewed these plans prior to review by the City.
31, 33, 35	25 - a	**Landscaping Construction and Maintenance** – The following landscaping provisions shall apply to overall development of the site: **Landscape Construction Documents**– Concurrent with site improvements (excavation, grading, utilities, and PIPC plans, as applicable), the applicant shall submit for review and approval by the Development Services Division, landscape construction documents for this site, which contain a specific planting plan (including correct Latin and common plant names), construction plans, irrigation plans, details, and specifications for all required landscaped areas on the site. Plantings shall be provided as shown on Attachment K, except as modified by the additional conditions below. Where a particular plant or irrigation standard is not specifically mentioned below, the plans shall comply with LDC Section 4.2. All trees shall have at least a 1.5-inch trunk caliper size, as measured six inches above the finished grade, at the time of installation. Street tree plantings shall match planting standards adopted by the Urban Forester.

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Page #	Condition #	Condition Language
31, 33, 35	25-b	**Significant Tree Preservation Plan and Requirements** - All significant vegetation located completely within the 75-foot Riparian Corridor and along the Riparian Corridor boundary where the trees' trunks are completely within the 75-foot Riparian Corridor, but where roots and branches overhang the boundary shall be preserved according to the standards in LDC Section 4.2.20.c, with the exception that excavation and grading necessary for the construction of public utilities and the private stormwater facility located in Tract A, Lot 1, Lot 2, and Lot 3 are permitted to occur within the specific tree Circles of Protection identified in Attachment K and L. Additionally, the five trees identified for protection, and located in the northeast corner of the site, shall be preserved according to the standards in LDC Section 4.2.20.c, except as expressly discussed in Attachment K and L. With submittal of excavation and grading permits, the applicant shall provide a tree preservation plan which clearly shows the limits of excavation and grading, required tree protection fencing, and the areas of the site where encroachments into the Circles of Protection have been specifically authorized per Attachment K and L. Excavation and grading activities shall not be authorized in areas adjacent to required tree protection, until the Development Services Division has approved the tree preservation plan and inspected the required tree protection fencing. All development activity occurring within the Circles of Protection shall be monitored by the project's arborist, and performed according to the arborist's report included in Attachment L (Applicant's "Attachment E"). All recommendations presented in the arborist's report shall be adhered to and monitored by Development Services Division staff throughout the construction process.
31, 33, 35	25 - c	**Additional Plantings Required** - In addition to the plantings illustrated on Attachment K, additional medium-canopy trees shall be provided at 30' on-center spacing along NW Ponderosa Avenue, a minimum of 10' to the south of the new public sidewalk , per LDC Section 4.2.30.a, within Tract A. Large-canopy trees are not required at this location due to the presence of overhead power lines. Additionally, the applicant shall provide additional parking area buffering shrubs and ground cover, between the east parking area and the east property line in order to comply with Chapter 4.2 parking area buffering requirements.

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Page #	Condition #	Condition Language
31, 33, 35	**25 - d**	**Inspections and Three Year Maintenance Guarantee** - All landscaping and irrigation for the required street trees and common landscaping areas north, east and west of the common driveway shall be installed, inspected, and approved by the Development Services Division, prior to or concurrent with final inspections for site construction permits. All landscaping, including required pedestrian walkway trees as illustrated on Attachment K, shall be installed, inspected, and approved by the Development Services Division prior to issuance of final certificate of occupancy permits for each home. Prior to final acceptance of the installation of required landscaping for the required street trees and common landscaping areas north, east, and west of the common driveway, the applicant shall provide a three year maintenance bond or other financial assurance to the Development Services Division for review and approval. This financial assurance is to cover the required three year landscape maintenance period which begins at the time the landscape installation is approved by the City. This includes achieving the minimum 90 percent coverage specified by Code. Private landscaping and pedestrian walkway trees located south of the common driveway are not subject to the three-year maintenance bond requirements, but individual property owners shall maintain this required landscaping in accordance with LDC Section 4.2.20.b. Exceptions to the plantings shown on Attachment K may be administratively approved by the Development Services Division where, due to plant availability or performance issues, minor changes are warranted. Plant substitutions shall meet the LDC performance criteria and maintain at least the minimum plant density and plant size as specified in this Condition and on Attachment K.
31, 33, 35	**25-e**	**Three-Year Maintenance Guarantee Release** - The developer and/or Homeowner's Association shall provide a report to the Development Services Division just prior to the end of the three year maintenance period for each individual 3-Year Maintenance Bond initiated by this Detailed Development Plan, as prescribed in Section 4.2.20.a.3 of the LDC. The report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.

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Page #	Condition #	Condition Language
All	26	**Fire Department Water Service** - Water distribution and hydrants shall be in-service prior to combustible construction above the level of the foundation.
27	27	**Signs** – The Deer Run Park subdivision may have one monument sign, to be located as shown on Attachment K. The design of the sign shall be conceptually similar to that shown in Attachment L (Applicant's Attachment "H"), and shall otherwise comply with the residential district sign standards noted in LDC Section 4.7.90.01.
32	28	**Vision Clearance** - Prior to issuance of construction permits, the applicant will need to verify with the City's Development Services Division, that all vision clearance standards, as adopted by the City Engineer, are maintained at the driveway intersection with NW Ponderosa Avenue.
83	29	**Emergency Access / Fire Protection Options** - **Option # 1:** The developer shall demonstrate prior to submittal of the final plat and site construction drawings, that the common driveway can be constructed both consistent with the proposal and according to applicable Fire Code and State building code requirements, and that pedestrian access for the Fire Department in between the dwellings and to the rear of the dwellings meets the requirements of the Fire Department, based on the height of the buildings. **Option # 2:** The developer shall provide a fire sprinkler system per NFPA Standard 13D in each of the dwellings / structures constructed on lots (as the developer has indicated they will do). If the developer chooses this option, a deed restriction listing the fire sprinkler requirement shall be recorded for each lot in the subdivision to alert future property owners of the fire protection requirements, and to indicate that the developer was unable to develop the site and common driveway in a way that complies with Corvallis Fire Code. A draft version of the deed restriction shall be submitted to the City for review and approval, prior to recording concurrent with the final plat.
80	30	**Common Area Easements** - With submittal of the final plat, a private reciprocal access, parking, landscaping, and utility easement(s) shall be dedicated to ensure that vehicle access is maintained within and between all lots that share the common driveway and parking areas, that an easement has been provided for all required private utilities where private utilities are located on lots which they do not serve, and that all common area landscaping is maintained and accessible to residents of the development.

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Page #	Condition #	Condition Language
Part II	31	**Final Plat Submittal Required** - Except as supplemented by these conditions of approval, a Final Plat shall be submitted as outlined in LDC Section 2.4.40, to formalize City approval of the Tentative Subdivision Plat. The submittal shall be made to the Planning Division for review and final approval.
Part II	32	**Electronic Version of Final Plat -** Provide an electronic version (.dwg or .dxf file format) of the final plat, including all required revisions, at the time that the final version is routed through the City for signatures. The electronic file shall be referenced to the North American Datum 1927 (NAD 27 - Oregon North), and contain a minimum of two local (Corvallis and/or Benton County) control points.
Part II	33	**Confirm Minimum Lot Width, Area, and Frontage -** With submittal of the final plat, the applicant shall provide verification that all lots comply with minimum lot width, minimum lot area, and frontage standards of the RS-6 district and Chapter 4.4 of the LDC. Lot frontage and lot width shall be verified by providing dimensions on the final plat drawing at the appropriate locations for each lot.
All	34	**Required Fences** - Fences shall be provided as shown on the proposed Conceptual & Detailed Development Plan (Attachment K), and as described in the Narrative (Attachment L).

Development Related Concerns:

A. Excavation and Grading Plans - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods, to the City's Development Services Department for review and approval.

B. Mailbox Locations - Mailbox locations shall be coordinated between the developer and the Post Office as part of the public improvements construction process.

C. Private Lights - The private lights shall not be located over City utilities. A separation of 10 feet shall be provided.

D. Other Permits - Prior to issuance of any construction permits, the applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) permit if construction activity will disturb, through clearing, grading, and/or excavation, one acre of the site. Additionally, any permits required by other agencies such as the Division of State Lands; Army Corps of Engineers; Railroads; County; or Oregon Department of Transportation, shall be approved and submitted to the City prior to issuance of any City permits.

E. Zone of Benefit Applications (ZOB) - The applicant may apply for a cost recovery for improvements that benefit other property owners adjacent to the improvements as

outlined in Chapter 2.16 of the Corvallis Municipal Code. The applicant must submit a written request within one year from the acceptance of the public improvements.

F. Infrastructure Cost Recovery - Where it is determined that there will be Infrastructure Cost Recovery payments from past public improvements the developer shall pay their required share of the costs prior to receiving any building permits in accordance with Corvallis Municipal Code 2.18.040.

G. Streetscape Plan - As part of the public improvement plans, the applicant shall include a "streetscape" plan that incorporates the following features: composite utility plan; street lights; proposed driveway locations; vision clearance triangles for each intersection; street striping and signing (in conformance with the MUTCD); and proposed street tree locations.

H. County Permits - Currently NW Ponderosa Avenue is under County Jurisdiction. Construction plans for NW Ponderosa Avenue will be subject to County Review and permitting.

I. Vision Clearance - The City's Off-Street Parking and Access Standards require that driveway accesses to arterial or collector streets have a vision clearance triangle of 25 feet maintained between an elevation of 2 feet and 8 feet above the driveways.

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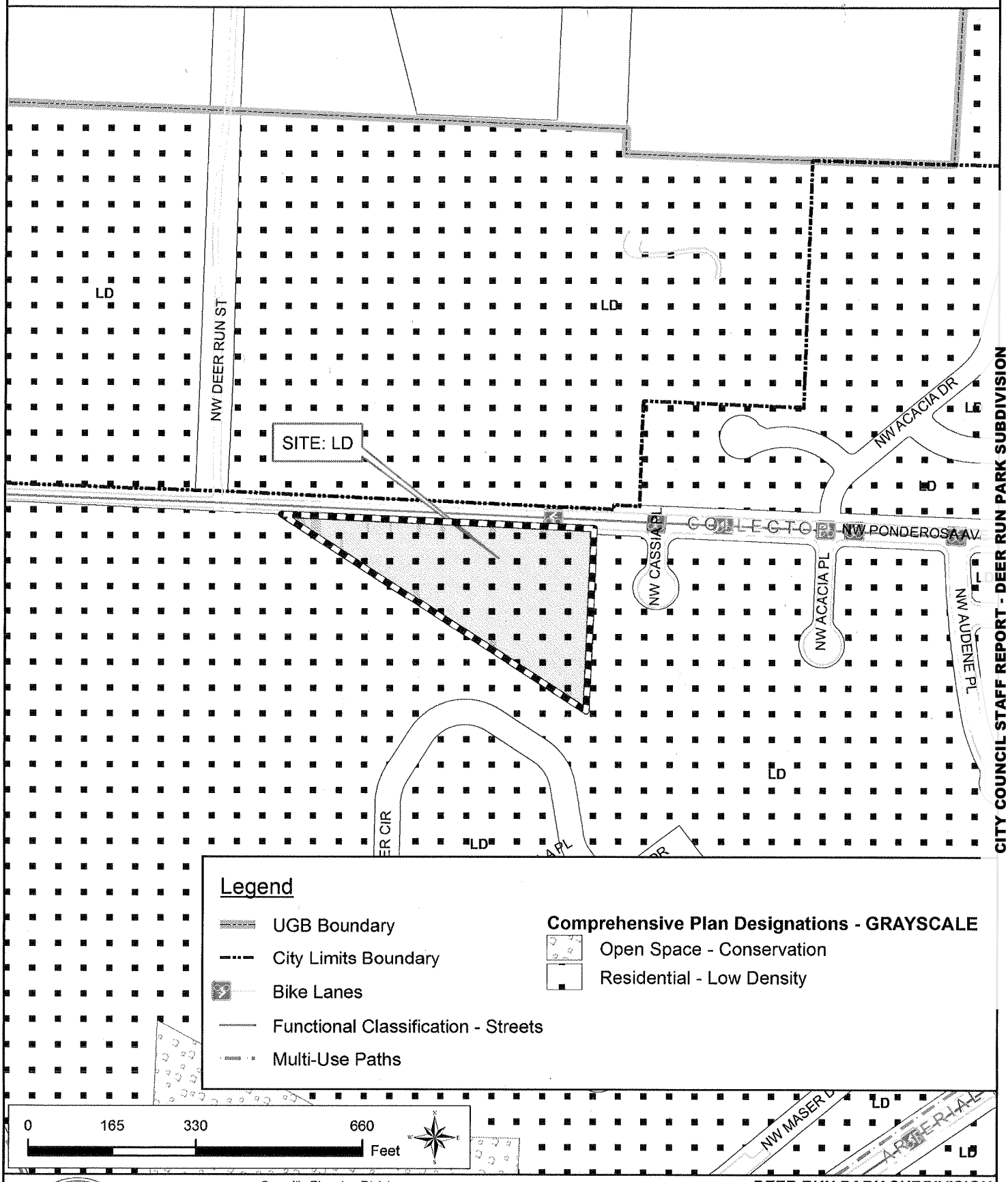
Comprehensive Plan Map



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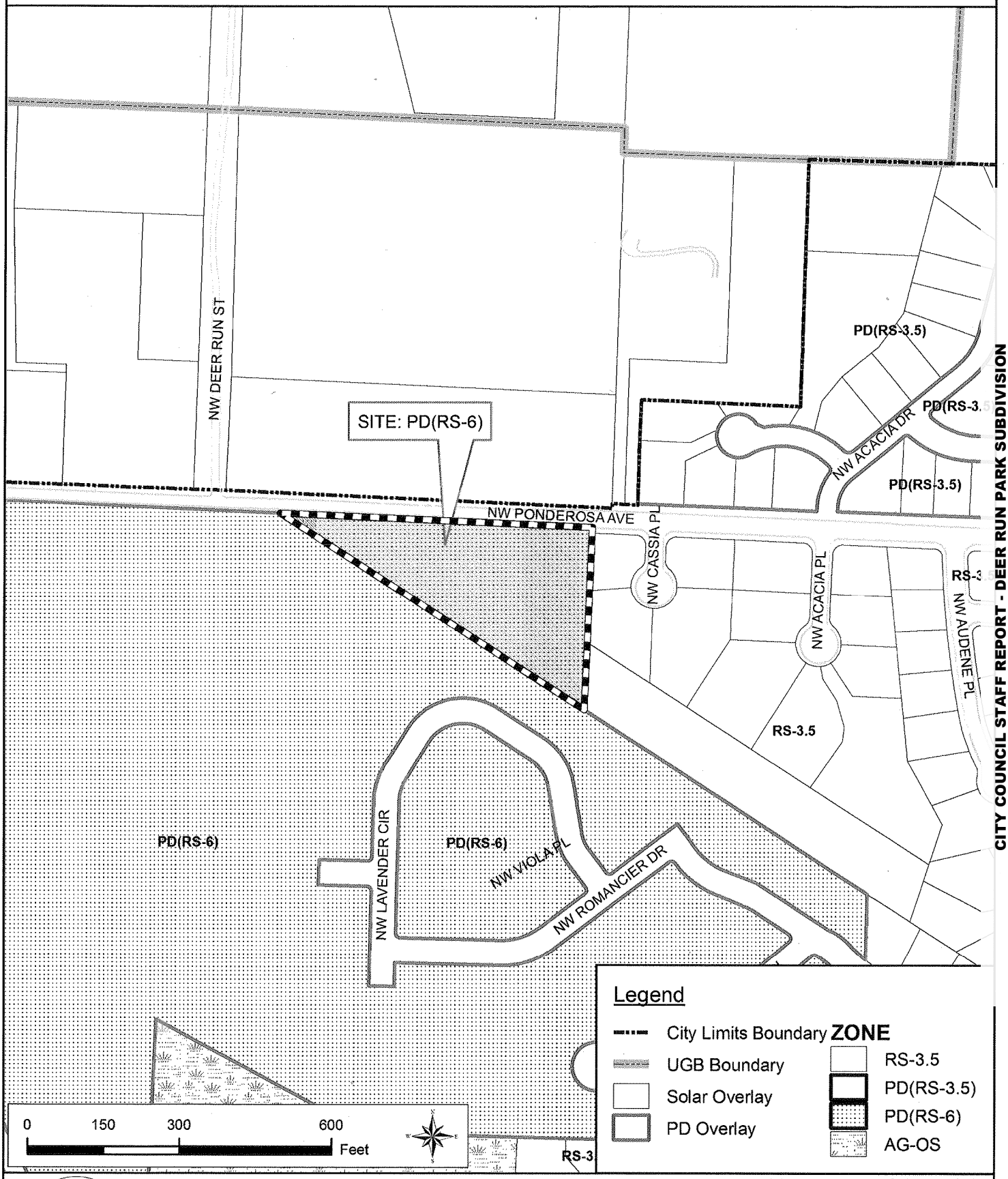
PLD08-00013 / SUB08-00007

ATTACHMENT A

Zoning Map



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ATTACHMENT B

Existing Conditions Map

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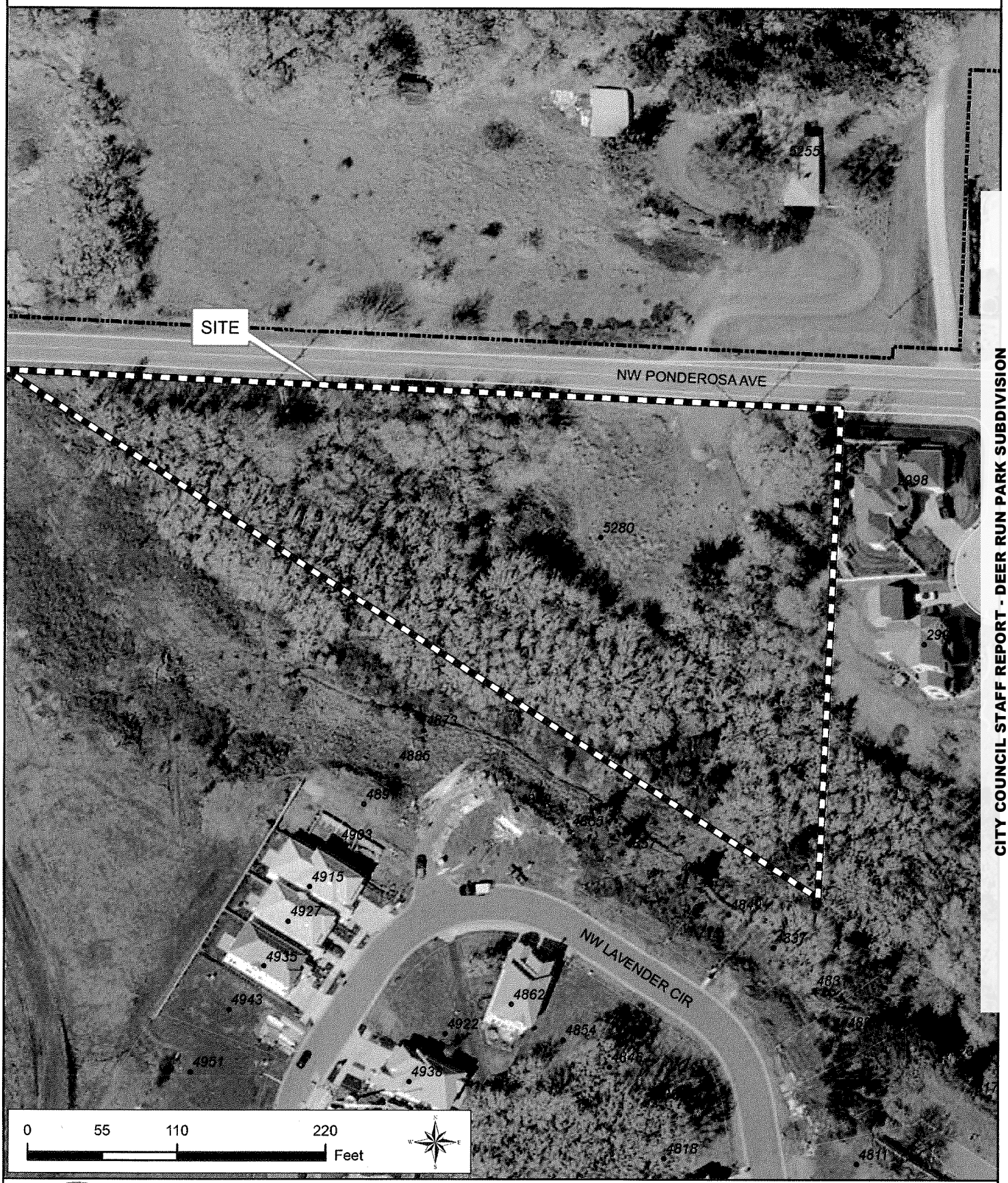
ATTACHMENT C

Existing Conditions Map - Close-Up View



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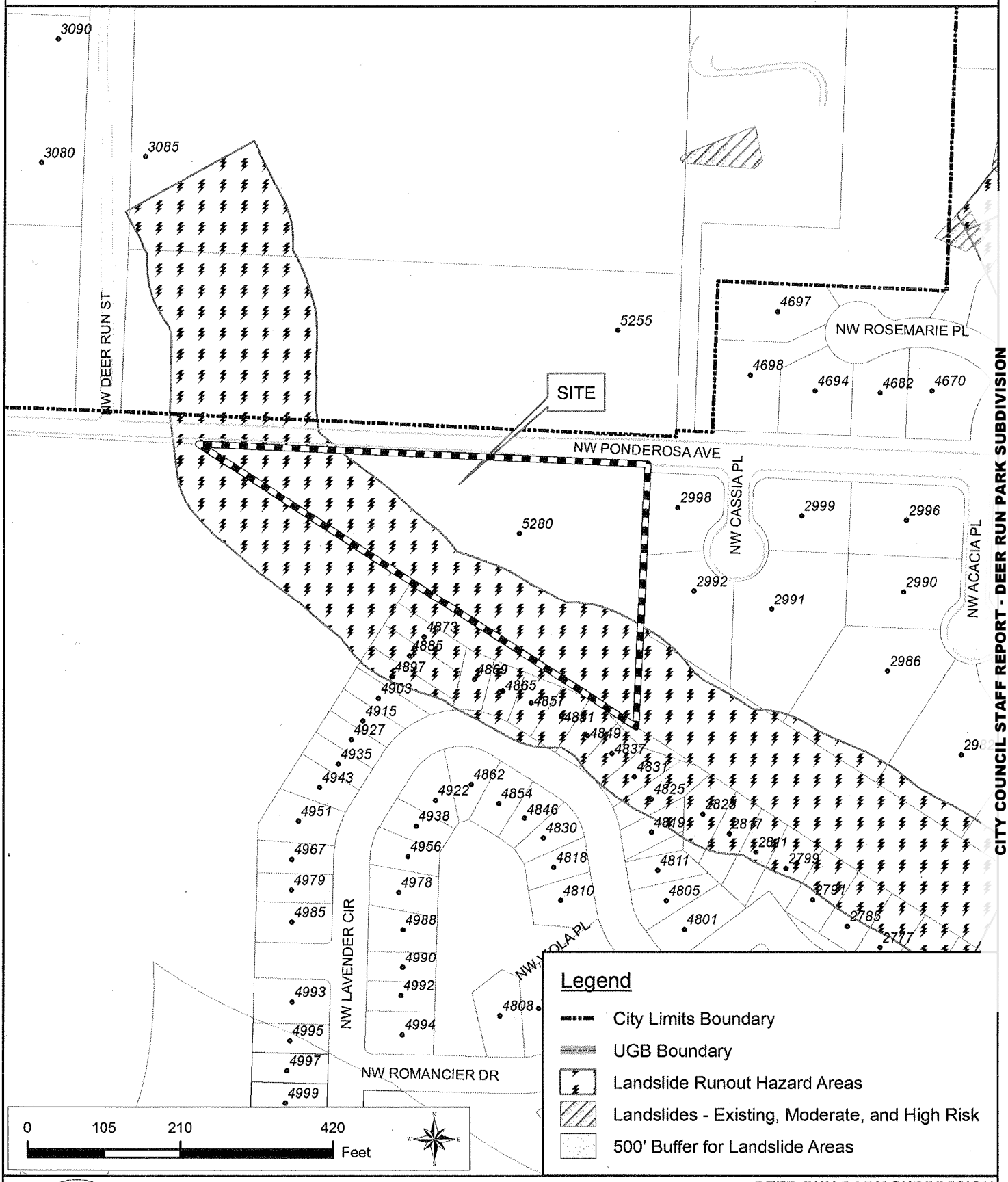
ATTACHMENT D

Natural Hazards Map - Landslide Hazards



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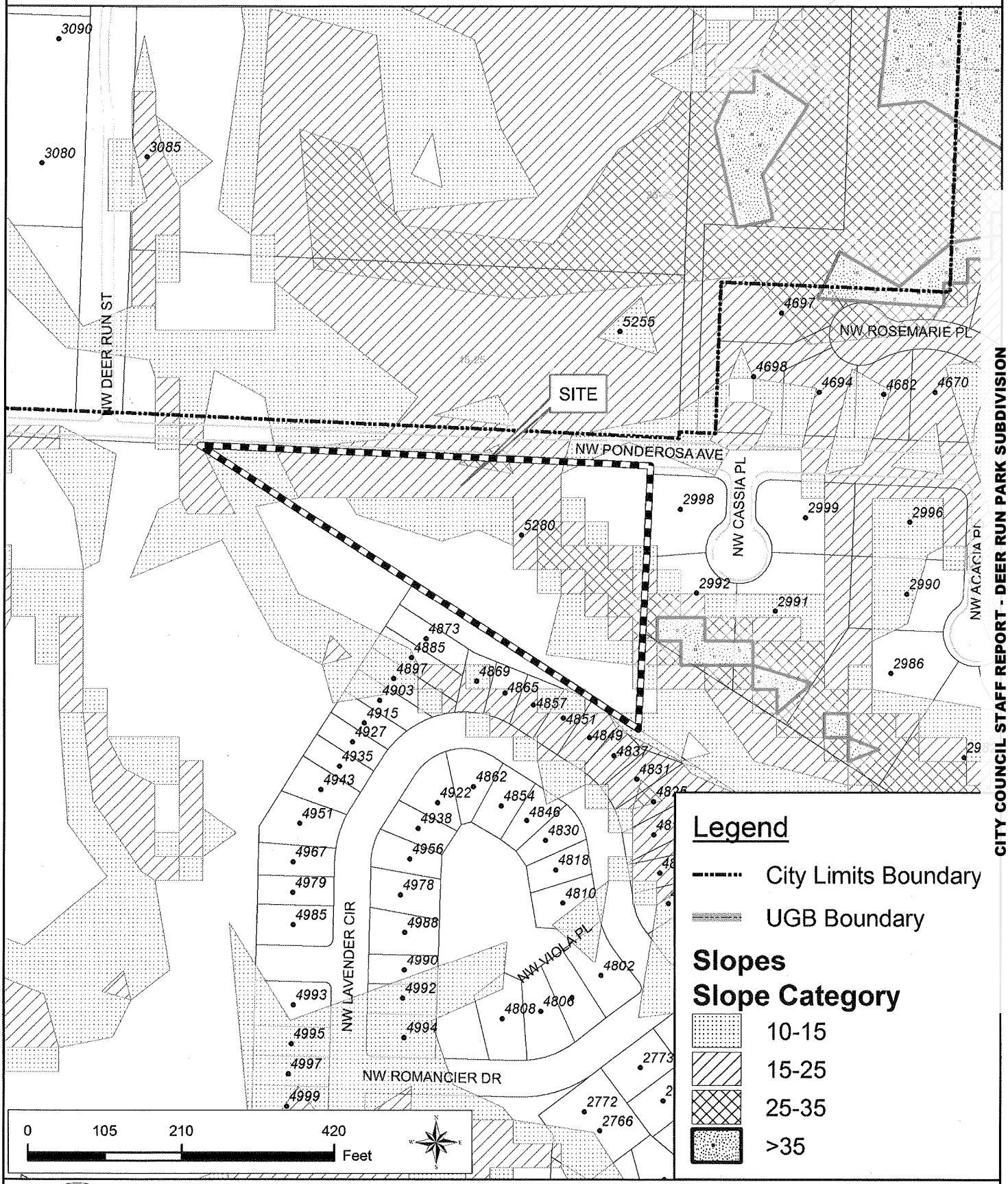
ATTACHMENT E

Natural Hazards Map - Slopes



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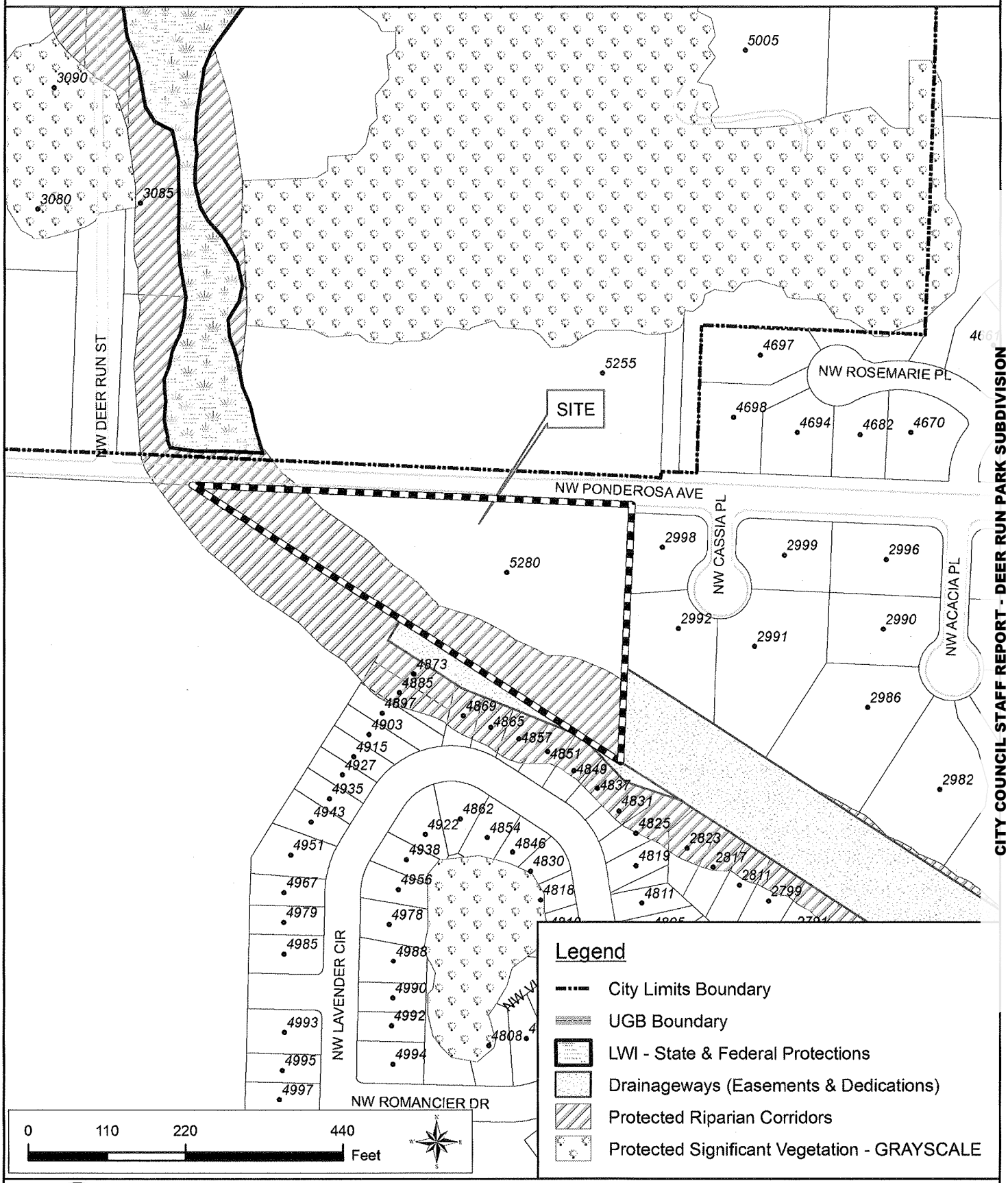
ATTACHMENT F

Natural Resources Map



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ATTACHMENT G

APPLICABLE REVIEW CRITERIA FOR :

DEER RUN PARK SUBDIVISION
(cases PLD08-00013 / SUB08-00007)

COMPREHENSIVE PLAN POLICIES

1.2.9 The applicable criteria in all land use decisions shall be derived from the Comprehensive Plan and other regulatory tools that implement the Plan.

2.2.7 The City shall encourage dialogue between developers and citizens in the review of developments, and promote discussions to resolve development issues.

3.2.1 The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:
A. Preservation of significant open space and natural features;
B. Efficient use of land;
C. Efficient use of energy and other resources;
D. Compact urban form;
E. Efficient provision of transportation and other public services; and
F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

3.2.2 Within a land use district, primary uses and accessory uses permitted outright shall be considered compatible with each other when conforming to all standards of the district.

3.2.3 The City shall address compatibility conflicts through design and other transitional elements, as well as landscaping, building separation, and buffering.

3.2.4 In the case of compatibility conflicts, requirements will be imposed on both sides of a given property line, in the following manner:
A. Where both lots are undeveloped, each will be required to provide transitional elements when it develops.
B. The development in the more intensive development district shall provide the bulk of the transitional elements but shall not be required to provide the full amount unless the property in the less intensive district is already developed.

3.2.7 All Comprehensive Plan Amendments, Zone Changes, Conditional Developments, Subdivisions and Major Replats, Planned Developments, Refinement Plans, and Annexations other than Health Hazard Annexations, shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands. Impacts of the following factors shall be considered:
A. Basic site design (i.e., the organization of uses on a site and its relationship to neighboring properties);
B. Visual elements (i.e., scale, structural design and form, materials, etc.);
C. Noise attenuation;
D. Odors and emissions;
E. Lighting;
F. Signage;
G. Landscaping for buffering and screening;

H. Transportation facilities; and
I. Traffic and off-site parking impacts.

4.6.2 Development on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant.

4.6.7 In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:
A. Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.
City Council Approved Corvallis Comprehensive Plan December 21, 1998 Article 4 Amended 04/18/02 , 11/28/02, 4/07/05 & 34 12/31/06
B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.
C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.
D. Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments.
E. Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.
F. Design developments and utilize construction techniques that minimize erosion and surface water runoff.
G. Demonstrate a concern for the view of the hills as well as the view from the hills.
H. Provide landscaping that enhances the identified open space resources.
I. Design developments that consider landscaping management that will minimize the threat of fire on improved property spreading to wildland habitat.

4.7.1 Developments shall not be planned or located in known areas of natural hazards without appropriate safeguards.

4.7.3 Prior to development, the City of Corvallis may require site-specific soil surveys and geologic studies where potential hazards are identified based upon available geologic and soils evidence. When natural hazards are identified, the City shall require that special design considerations and construction measures be taken to offset the soil and geologic constraints present in order to protect life and property, and to protect environmentally hazardous areas.

4.9.1 Significant watercourses, lakes, and wetlands shall be preserved, or have their losses mitigated, in order to: maintain clean water, support natural vegetation, protect the aquatic habitat, retain existing significant public vistas, and provide wildlife habitat and recreation sites. Site-specific buffering and setback requirements may be required, as necessary, to achieve protection.

4.12.7 The City shall consider the amount of impervious surface when evaluating detention requirements and develop a policy to encourage groundwater recharge opportunities. (QN- 4)

4.12.8 The City shall promote the protection of key areas of exchange between ground and surface waters, such as springs, unconstrained reaches of streams and drainages upstream. (QL-12)

4.12.9 The City shall encourage practices that enhance groundwater recharge to maintain or increase stream flow during dry periods. (QN-10)

4.12.10 The City shall encourage parking lots to be constructed of stable pervious surfaces that do not degrade groundwater quality. (QN-18)

5.2.4 The City shall take appropriate actions to beautify and improve the community by: developing gateway locations and development standards that include building orientation to the street for most uses; appropriate site and building design standards; extensive landscaping and street trees to provide a boulevard effect; frequent access points for bicycles and pedestrians; and possible mitigation of the negative effects of overhead utility lines.

5.3.1 To increase the aesthetic qualities of the community and enjoy the engineering and ecological benefits of trees, the City shall require developers to plant appropriate numbers and varieties of trees with all new development. Such standards shall be maintained in the Land Development Code.

7.2.2 The City shall continue to advocate responsible environmental behavior from its citizens and neighbors.

7.2.6 The City will encourage new development to be sensitive to the environment by having the development avoid significant negative impacts on:
A. Air and water quality;
B. Noise or light pollution; and
C. The hazards related to some types of waste materials.

7.3.1 All development within the Corvallis Urban Growth Boundary shall comply with applicable State and Federal air quality standards.

7.3.7 The City of Corvallis shall actively promote the use of modes of transportation that minimize impacts on air quality.

7.5.1 All development within the Corvallis Urban Growth Boundary shall comply with applicable State and Federal water quality standards.

7.5.5 The City shall attempt to limit unnecessary increases in the percentage of Corvallis' impervious surfaces.

7.5.9 Along with the NPDES requirements, the City shall (QL-8):
A. Require an erosion control plan for all construction activity that can potentially cause erosion.
B. Provide erosion control guidance to the development community in the form of an erosion control handbook.
C. Require sediment removal (to the maximum extent practicable) from construction sites runoff prior to discharge to stormwater systems or streams.
D. Enforce erosion control measures through an active enforcement program with fines for violations, and by educating the public and the building inspectors on the importance of erosion control.
E. Develop community specific standards that limit sediment discharge into receiving water bodies.

9.2.4 Neighborhoods shall be pedestrian-oriented. Neighborhood development patterns shall give priority consideration to pedestrian-based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas.

9.2.5 Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be

used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.

B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.

C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.

D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.

E. Neighborhoods have a mix of densities, lot sizes, and housing types.

F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.

G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.

H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.

I. Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.

J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.

K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.

L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.

M. Neighborhoods have street trees in planting strips in the public right-of-way.

10.2.9 All developments shall comply with adopted utility and facility master plans and the Capital Improvement Plan.

10.2.11 Developers shall be required to participate financially in providing the facilities to serve their projects as a condition of approval.

10.2.12 Developers will be responsible for the construction of all facilities internal to and fronting their properties and for needed extensions of facilities to and through their site.

10.3.5 The City shall increase its efforts to improve the drainage system through stormwater master plan efforts, the Capital Improvement Program, and the development process, consistent with EPA and DEQ directives. (Additional findings and policies related to water quality, sewage disposal, and solid waste management are located in Sections 7.5 and 7.6.)

10.3.6 The City shall take steps to minimize the effects of development on downstream drainage systems through the use of appropriate strategies as identified in the Stormwater Master Plan.

11.2.1 The transportation system shall be planned and developed in a manner which contributes to community livability, recognizes and respects the characteristics of natural features, and minimizes the negative effects on abutting land uses.

11.2.3 The City shall develop and promote alternative systems of transportation which will safely, economically, and conveniently serve the needs of the residents.

11.2.4 Special consideration in the design of the transportation system shall be given to the needs of those people who have limited choice in obtaining private transportation.

11.2.5 The transportation system shall give special consideration to providing energy efficient transportation alternatives.

11.2.10 Development proposals shall be reviewed to assure the continuity of sidewalks, trails, multi-use paths, and pedestrian ways.

11.3.2 Circumferential routing of major streets with controlled access and adequate setbacks shall be developed to facilitate the movement of through traffic.

11.3.4 The City shall maintain the carrying capacity and viability of major arterials and other major streets by developing, adopting, and implementing access control standards that restrict or reduce curb cuts and other direct access points, require adequate rights-of-way, setback lines, and road improvements as part of the development process.

11.3.6 Adequate street widths and routes shall be provided for emergency and service vehicles while maintaining accessibility to abutting properties.

11.3.9 Adequate capacity should be provided and maintained on arterial and collector streets to accommodate intersection level-of-service (LOS) standards and to avoid traffic diversion to local streets. The level-of-service standards shall be: LOS "D" or better during morning and evening peak hours of operation for all streets intersecting with arterial or collector streets, and LOS "C" for all other times of day. Where level-of-service standards are not being met, the City shall develop a plan for meeting the LOS standards that evaluates transportation demand management and system management opportunities for delaying or reducing the

need for street widening. The plan should attempt to avoid the degradation of travel modes other than the single-occupant vehicle.

11.3.10 In addition to level-of-service and capacity demands, factors such as livability, sustainability, and accessibility shall be considered in managing the City's transportation system.

11.3.11 Private driveway access shall be limited on all existing and future arterial streets to reduce interference, improve safety, and preserve traffic capacity. New residential driveways shall not directly access arterial streets where alternate access can be developed. At the time of development or redevelopment, opportunities to restrict or combine access points along arterials should be pursued.

11.4.3 All traffic generators shall provide adequate parking.

11.4.5 The City shall continue to promote the use of other modes of transportation as an alternative to the automobile, especially in areas where there is a shortage of parking facilities.

11.5.12 Safe and convenient bicycle facilities that minimize travel distance shall be provided within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops, and neighborhood activity centers such as schools, parks, and shopping.

11.6.1 The City shall require safe, convenient, and direct pedestrian routes within all areas of the community.

11.6.4 New development and redevelopment projects shall encourage pedestrian access by providing convenient, useful, and direct pedestrian facilities.

11.6.6 Safe and convenient pedestrian facilities that minimize travel distance shall be provided by new development within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops, and neighborhood activity centers such as schools, parks, and shopping.

11.6.7 Where minimizing travel distance has the potential for increasing pedestrian use, direct and dedicated pedestrian paths shall be provided by new development.

11.6.11 The City shall encourage timely installation of pedestrian facilities to ensure continuity and reduce hazards to pedestrians throughout the community.

11.7.7 The City should seek appropriate opportunities for increasing residential density and providing industrial and commercial development along existing and proposed transit routes.

12.2.3 The City shall require all future subdivisions, planned developments, and other major developments, plus commercial and industrial development, be designed to reduce demands for artificial heating, cooling, and lighting by considering topography, microclimates, vegetation, and site and structure orientation which maximizes southern exposure. The City shall develop incentive programs for those developments that demonstrate sound energy conservation design and/or construction, such as density incentives or similar programs.

12.2.5 The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.

12.2.6 The City shall actively promote the use of energy efficient modes of transportation.

LAND DEVELOPMENT CODE SECTIONS

Subdivision Standards (Chapter 2.4)

Section 2.4.20 - PURPOSES

Land Division review procedures are established in this Chapter for the following purposes:

a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
b. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible;
c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;
d. Create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses; and
e. Promote energy efficiency.

2.4.30.04 - Review Criteria

b. Residential Subdivisions - Requests for the approval of a Residential Tentative Subdivision Plat shall be reviewed to ensure consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards. Additionally, the following criteria shall be met for Residential Subdivisions and the application shall demonstrate adherence to them:

1. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;
2. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards;

3. Land uses shall be those that are outright permitted by the existing underlying zoning designation.
4. Excavation and grading shall not change hydrology in terms of water quantity and quality that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to Chapter 4.13 - Riparian Corridor and Wetland Provisions.

A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Subdivision that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.

Planned Development (Chapter 2.5)

Section 2.5.10 - BACKGROUND
It is the intent of this Chapter to establish procedures that permit flexibility in the land development process, allow for better preservation of Significant Natural Features, and allow for innovation in site planning and architectural design.
The Planned Development process is established to allow the review and approval of Conceptual and Detailed Development Plans, to provide the mechanism for achieving greater flexibility and improved design in cases where the scope of proposed modifications to pre-stated standards exceeds that permitted through a Lot Development Option. A Lot Development Option allows minor modifications to required specification standards on an individual lot of record. The procedures for a Lot Development Option are identified in Chapter 2.12 - Lot Development Option.

a. The Procedures of this Chapter are Applicable When -
1. A property owner requests a Conceptual and/or Detailed Development Plan concurrent with a specific project review; or
2. A Nonresidential or Residential Planned Development Overlay, established in accordance with the provisions of Chapter 3.32 - Nonresidential PD (Planned Development) Overlay or Chapter 3.33 - Residential PD (Planned Development) Overlay, respectively, exists on the site and is shown on the City's Official Zoning Map.

Depending on the level of detail provided in a Planned Development application, a Planned Development project proposal is called a Conceptual Development Plan or a Detailed Development Plan. A Conceptual Development Plan provides general concepts for development on a site. A Detailed Development Plan provides the specifics for development on a site and is required following or simultaneously with approval of a Conceptual Development Plan. When a Detailed Development Plan is processed simultaneously with a Conceptual Development Plan, it is called a Conceptual and Detailed Development Plan. Upon Planning Commission approval of a Detailed Development Plan or a Conceptual and Detailed Development Plan, Building Permits are issued consistent with that Plan.

b. Restrictions on Variations -
1. Development Standards -
a) The Conceptual and Detailed Development Plan process permits

modifications to the site development standards of the underlying zone; and

b) Approval of a Detailed Development Plan for a residentially designated site must provide a clear and objective set of standards, through the approved plan and related Conditions of Approval, for development to follow.

2. Uses -

a) The Conceptual and Detailed Development Plan process does not permit an expansion of Uses beyond those specified by the underlying zone;

b) In cases where a property's underlying zoning designation was changed prior to December 31, 2006, and a valid (still active) Planned Development existed and was approved before December 31, 2006, the Conceptual and Detailed Development Plan process may be used to allow the Uses permitted by the new underlying zone; and

c) The Conceptual and Detailed Development Plan process may also be used to modify the Use size limitations contained in Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone.

c. On Residentially Designated Properties - Upon approval of a Conceptual Development Plan on residentially designated land, a Residential Planned Development Overlay is placed on the site and shown on the Official Zoning Map for as long as the property owner desires to keep the Conceptual Development Plan active, up to the expiration period defined in Section 2.5.40.09. Upon approval of a Detailed Development Plan on residentially designated land, a Residential Planned Development Overlay is placed on the site and shown on the Official Zoning Map for as long as the Detailed Development Plan remains active, as defined in Section 2.5.50.09.c. In cases where an approved Conceptual and/or Detailed Development Plan is no longer active, the associated Residential Planned Development Overlay is automatically removed from the Official Zoning Map.

e. Applying a Nonresidential or Residential Planned Development Overlay Without a Conceptual or Detailed Development Plan -
Without approval of a Conceptual and/or Detailed Development Plan, a Nonresidential or Residential Planned Development Overlay can only be applied through the use of Chapter 3.32 - Nonresidential PD (Planned Development) Overlay and Chapter 3.33 - Residential PD (Planned Development) Overlay, respectively.

Section 2.5.20 - PURPOSES

Planned Development review procedures are established in this Chapter for the following purposes:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy, and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. Preserve, to the greatest extent possible, existing Significant Natural Features and landscape features and amenities, and use such features in a harmonious fashion;

d. Provide for more usable and suitably located pedestrian and/or recreational facilities and other public and/or common facilities than would otherwise be provided under conventional land development procedures;

e. Combine and coordinate architectural styles, building forms, and building relationships within the Planned Development;

f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;
g. Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures; and
h. Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.

2.5.40.04 - Review Criteria
Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

a. Compatibility Factors -
1. Compensating benefits for the variations being requested;
2. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);
3. Visual elements (scale, structural design and form, materials, etc.);
4. Noise attenuation;
5. Odors and emissions;
6. Lighting;
7. Signage;
8. Landscaping for buffering and screening;
9. Transportation facilities;
10. Traffic and off-site parking impacts;
11. Utility infrastructure;
12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards[1]; and
14. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

b. Natural Resources and Natural Hazards Factors -
1. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall provide protections equal to or better than the specific standard requested for variation; and

2. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall involve an alternative located on the same development site where the specific standard applies.

Section 2.5.50 - DETAILED DEVELOPMENT PLAN REVIEW PROCEDURES

2.5.50.04 - Review Criteria for Determining Compliance with Conceptual Development Plan Request for approval of a Detailed Development Plan shall be reviewed to determine whether it is in compliance with the Conceptual Development Plan. The Detailed Development Plan shall be deemed to be in conformance with the Conceptual Development Plan and may be approved provided it is consistent with the review criteria in Section 2.5.40.04 above, provides a clear and objective set of development standards for residential Detailed Development Plans (considering the Detailed Development Plan proposal, required adherence to this Code, and Conditions of Approval), and does not involve any of the factors that constitute a major change in the Planned Development. See Section 2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification.

RS-6 Standards (Chapter 3.3)

Section 3.3.10 - PURPOSE
This is the primary zone that implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-6 Zone is intended to accommodate a broad range of lot sizes and varied Housing Types within the established density range. This variety is consistent with Comprehensive Plan policies that support comprehensive neighborhoods and affordable housing.

The RS-6 Zone also permits smaller lots than generally allowed in the RS-3.5 and RS-5 zones, and encourages greater efficiencies in the provision of streets, utilities, and usable Green Area.

The RS-6 Zone shall be applied to all lands zoned RS-6 as of the adoption of this Code, as well as all future Low Density Residential lands. Additionally, the RS-6 Zone applies to single-family residential areas that are unplatted, greater than one acre in size, and that were zoned RS-5 at the time of adoption of this Code.

Section 3.3.20 - PERMITTED USES

3.3.20.01 - Ministerial Development
a. Primary Uses Permitted Outright

1. Residential Use Types -
a) Family

2. Residential Building Types -
d) Attached - Townhouse, three to five units

Section 3.3.30 - RS-6 DEVELOPMENT STANDARDS

	Standard
a. Minimum Density	2 units per acre for existing platted lots as of December 31, 2006; however, all new Residential Subdivisions and Planned Developments in this zone shall achieve a minimum density of 4 dwelling units per acre.
b. Maximum Density	6 units per acre
c. Minimum Lot Area	Developments greater than 5 acres in size in this zone shall provide a minimum of 10 percent of the residential lots within the range of 2,500 - 3,500 sq. ft. Remaining lots within the development shall achieve the minimum lot sizes listed below:
1. Single Detached	3,500 sq. ft.
2. Single Attached	2,500 sq. ft.
3. Duplex	5,000 sq. ft.
4. Triplex	7,500 sq. ft.
5. Fourplex	10,000 sq. ft.
d. Minimum Lot Width	
1. Single Detached with alley access to garage	40 ft.
2. Single Detached with street access to garage	50 ft.
3. Single Attached	25 ft.
4. Duplex	50 ft.
5. Triplex	75 ft.
6. Fourplex	100 ft.
e. Setbacks	10 ft. minimum; 25 ft. maximum
1. Front yard	Also, unenclosed porches may encroach into
2. Rear yard	front yards, provided that a minimum front yard of
3. Side yard	5 ft. is maintained.
a) Single Detached	5 ft. minimum and each lot must have a minimum
b) Single Attached and Zero Lot Line Detached	15 ft. usable yard either on the side or rear of the
c) Duplex, Triplex and Fourplex	dwelling.
4. Corner lot	5 ft. minimum each side yard
See also "k," and "l," below.	0 ft. one side; 8 ft. minimum on opposite side1
	10 ft. minimum each side
	Also, interior attached townhouses exempt from
	interior side yard setbacks.
	10 ft. minimum on side abutting the street.
	Vision

	clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
f. Minimum Garage/Carport Setbacks 1. Garage/carport entrance parallel to street 2. Garage/carport entrance sideways/perpendicular to street See also "k," and "l," below.	19 ft. 10 ft. Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards. Standard
h. Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access
i. Maximum Lot Coverage	60 percent of lot area maximum; interior attached townhouses exempt from this provision
j. Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements
k. Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within any required setback area. When located outside a setback area, but within five to 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening.
m. Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n. Natural Hazards and Hillsides	See Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

o. Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions. Standard
p. Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
q. Landscaping	See Section 3.3.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r. Required Green Area and Private Outdoor Space	See Section 3.3.40, below.

Section 3.3.40 - GREEN AREA REQUIREMENTS

a. A minimum of 40 percent of the gross lot area, and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots, shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for multi-dwellings, a Private Outdoor Space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

Section 3.3.60 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS
The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-6 Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;
b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and
c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.3.70 - VARIATIONS
Except as limited by provisions within the chapters listed in Section 3.3.30 "m" through "q", variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

Improvements Required with Development (Chapter 4.0)

Section 4.0.20 - TIMING OF IMPROVEMENTS
a. All improvements required by the standards in this Chapter shall be installed concurrently with development, as follows:
1. Where a Land Division is proposed, each proposed lot shall have required public and franchise utility improvements installed or secured prior to approval of the Final Plat, in accordance with the provisions of Section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.

b. Where specific approval for a phasing plan has been granted for a Planned Development and/or Subdivision, improvements shall be phased in accordance with that plan.

Section 4.0.30 - PEDESTRIAN REQUIREMENTS
a. Sidewalks shall be required along both sides of all streets, as follows:
2. Sidewalks on Arterial, Collector, and Neighborhood Collector Streets - Sidewalks along Arterial, Collector, and Neighborhood Collector Streets shall be separated from curbs by a planted area. The planted area shall be a minimum of 12 ft. wide and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of five ft. wide. An exception to these provisions is that this separated tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

3. Sidewalk Installation Timing - The timing of the installation of sidewalks shall be as follows:
a) Sidewalks and planted areas along Arterial, Collector, and Neighborhood Collector Streets shall be installed with street improvements.

b. Safe and Convenient Pedestrian Facilities - Safe and convenient pedestrian facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this Section, safe and convenient means pedestrian facilities that are free from hazards and that provide a direct route of travel between destinations.

3. Internal pedestrian circulation shall be encouraged in new developments by clustering buildings, constructing convenient pedestrian ways, and/or constructing skywalks where appropriate. Pedestrian walkways shall be provided in accordance with the following standards:

a) To maximize direct pedestrian travel, the on-site pedestrian circulation system shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site.

b) Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities that abut the site but are not adjacent to the streets abutting the site. When sidewalks or multi-use paths are provided, such as occurs through Cul-de-sacs or to provide pedestrian connections through areas where vehicles cannot travel, these facilities shall be bordered on both sides by a minimum of five ft. of landscaping. Additionally, solid fencing shall be limited to a maximum height of four ft. along these areas to increase visibility and public safety. Portions of fences above four ft. in height are allowed, provided they are designed and constructed of materials that are open a minimum of 50 percent.

c) Walkways shall be as direct as possible and avoid unnecessary meandering.

d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.

e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on-site unless an unusual parking lot hazard exists.

c. Where a development site is traversed by or adjacent to a future trail linkage identified within either the Corvallis Transportation Plan or the Trails Master Plan, improvement of the trail linkage shall occur concurrently with development. Dedication of the trail to the City shall be provided in accordance with Section 4.0.100.d.

d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

e. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrently with development.

Section 4.0.40 - BICYCLE REQUIREMENTS

a. On-street Bike Lanes - On-street bike lanes shall be required on all Arterial, Collector, and Neighborhood Collector Streets and constructed at the time of street improvements.

b. Safe and Convenient Bicycle Facilities - Safe and convenient bicycle facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this Section, safe and convenient means bicycle facilities that are free from hazards and provide a direct route of travel between destinations.

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

a. Traffic evaluations shall be required of all development proposals in accordance with the following:

1. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analyses for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. The TIA shall be submitted for review to the City Engineer. The proposed TIA shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. The applicant shall complete the evaluation and present the results with an overall site development proposal.

2. If the traffic evaluation identifies Level of Service (LOS) conditions less than the minimum standard established in the Corvallis Transportation Plan, improvements and funding strategies mitigating the problem shall be considered concurrently with a development proposal.

b. Location of new Arterial, Collector, and Neighborhood Collector Streets shall conform to the Corvallis Transportation Plan.

c. Although through-traffic movement on new Local Connector and Local Streets usually is discouraged, this may not be practical for particular neighborhoods. Local

Connector or Local Street designations shall be applied in newly developing areas based on review of a street network plan and, in some cases, a traffic study provided with the development application. The decision regarding which of these designations will be applied is based on a number of factors, including density of development, anticipated traffic volumes, and the potential for through traffic. Street network plans must provide for connectivity within the transportation system to the extent that, generally, both Local Connector and Local Streets will be created within a development. Identified traffic calming techniques, such as bulbed intersections, etc., can reduce traffic speeds and, where included, are to be constructed at the time of development. To further address traffic speeds and volumes on Local Connector and Local Streets, the following street designs, along with other designs intended to reduce traffic speeds and volumes, shall be considered:

1. Straight segments of Local Connector and Local Streets should be less than .25 mile in length, and include design features such as curves and T intersections.
2. Cul-de-sacs should not exceed 600 ft. nor serve more than 18 dwelling units.
3. Street designs that include traffic calming, where appropriate, are encouraged.

e. Development sites shall be provided with access from a public street or a private street that meets the criteria in "d," above, both improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrently with development. Where a development site abuts an existing private street not improved to City standards, and the private street is allowed per the criteria in "d", above, the abutting street shall meet all the criteria in "d", above and be improved to City standards along the full frontage of the property concurrently with development.

2. Half-width street improvements, as opposed to full-width improvements, are generally not acceptable. However, these may be approved by the Planning Commission or Director where essential to the reasonable development of the property. Approval for half-width street improvements may be allowed when other standards required for street improvements are met and when the Planning Commission or the Director finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-width street is developed.

3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities, the Planning Commission or Director may require off-site street improvements concurrently with development.

f. To provide for orderly development of adjacent properties, public streets and private streets that meet all the criteria in "d", above, shall be installed concurrently with development of a site and shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:

1. Temporary dead-ends created by this requirement may be installed without turn-arounds, subject to the approval of the Fire Marshal.

2. Drainage facilities shall be provided to properly manage storm water run-off

from temporary dead-ends.

Parking (Chapter 4.1)

Section 4.1.20 - GENERAL PROVISIONS

a. Provision and Maintenance - The provision of required off-street parking for vehicles and bicycles, and loading facilities for vehicles, is a continuing obligation of the property owner. Building or other Permits will only be issued after receipt of site plans drawn to a suitable scale and showing the location of permanent parking and loading facilities. New vehicle and bicycle parking spaces shall be provided in accordance with the provisions of this Code.

c. New Structures - When a structure is constructed, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 4.1.30 below.

i. Availability of Parking Spaces - Required vehicle and bicycle parking spaces shall be unobstructed, and available for parking of vehicles and bicycles of residents, customers, patrons, and employees only. Required spaces shall not be used for storage of vehicles or materials, or for parking of vehicles or bicycles used in conducting the business or conducting the Use, and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

j. Location of Required Parking -
1. Vehicles
a) Vehicle parking shall be located consistent with Chapter 4.10 - Pedestrian Oriented Design Standards, such that it does not separate buildings from streets except for driveway parking associated with single-family development. An exception may also be granted for up to two parking spaces per dwelling unit for Duplexes and Triplexes, provided that these spaces are within driveway areas designed to serve individual units in the Duplexes and Triplexes, consistent with Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes. Parking to the side of buildings is allowed in limited situations, as outlined in Chapter 4.10 - Pedestrian Oriented Design Standards.
b) Vehicle parking required for Residential Uses in accordance with RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9U, RS-12, and RS-12U Zone provisions shall be provided on the development site of the primary structure. Except where permitted by sections 4.1.30.g.4 and 4.1.50.02 below, required parking for all other Use Types in other zones, as well as Residential Uses developed in accordance with RS-20 and MUR provisions, shall be provided on the same site as the Use or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on Arterial, Collector, and Neighborhood Collector Streets, where a controlled intersection is not within 100 ft. of the subject property.

2. Bicycles - Bicycle parking required for all Use Types in all zones shall be provided on the development site in accordance with Section 4.1.70, below.

m. Fractions - When the calculated sum of the required vehicle and/or bicycle parking spaces includes a fraction equal to or greater than one half of a space (0.5 or more),

a full space shall be required. If the fraction is less than 0.5, an additional space shall not be required.

o. Maximum Parking
Allowed - No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30, below, except as provided in "p," below, and in Section 4.1.30.g.3.b.

s. Compliance with Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources Provisions - Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS
Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

a. Residential Uses Per Building Type -

2. Duplex, Attached, and Multi-dwelling -

a) Vehicles -

1) Studio or Efficiency Unit - One space per unit.
2) One-bedroom Unit - One space per unit.
3) Two-bedroom Unit - 1.5 spaces per unit.
4) Three-bedroom Unit - 2.5 spaces per unit.

b) Bicycles -

1) Studio or Efficiency Unit - One space per unit.
2) One-bedroom Unit - One space per unit.
3) Two-bedroom Unit - 1.5 spaces per unit.
4) Three-bedroom Unit - Two spaces per unit.

The required bicycle parking may be located within a structure, in accordance with the provisions of Section 4.1.70.

Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS
All off-street parking facilities, vehicle maneuvering areas, driveways, loading facilities, accessways, and private streets shall be designed, paved, curbed, drained, striped, and constructed to the standards set forth in this Section and the City's Off-street Parking and Access Standards, established by the City Engineer and as amended over time. A permit from the Development Services Division shall be required to construct parking, loading, and access facilities, except for Single Detached, Duplex, Single Attached, and Attached Building Types; and Manufactured Dwellings.

a. Access to Arterial, Collector, and Neighborhood Collector Streets

1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back-up movement onto Arterial Streets.
2. Location and design of all accesses to and/or from Arterial, Collector, and Neighborhood Collector Streets, as designated in the Corvallis Transportation Plan, are subject to review and approval by the City Engineer. Accesses shall be located a minimum of 150 ft. from any other

access or street intersection. Exceptions to this requirements may be granted by the City Engineer. Evaluations of exceptions shall consider the posted speed for the street on which access is proposed, constraints due to lot patterns, and effects on the safety and capacity of the adjacent public street, bicycle, and pedestrian facilities.

3. When developed property will be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in "2," above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

b. Access to Unimproved Streets

1. Development may occur without access to a street built to City standards when that development constitutes infill on an existing substandard public street. A condition of development shall be to prepay the City for future street improvements according to current policies and procedures. This shall be required with approval of any of the following applications:

a) Land Divisions;
b) Conditional Developments;
c) Building Permits for new nonresidential construction or structural additions to nonresidential structures, except Accessory Development; and/or
d) Building Permits for new residential units.

2. The City Engineer may allow the developer to sign an irrevocable petition for public street improvements in lieu of prepayment if it is determined that:

a) Existing development along a particular street corridor is so extensive that the ability to fund a future street improvement project through the collection of additional prepayment fees is limited; or
b) Future improvement scenarios are uncertain to the extent that an estimate for street improvements cannot be generated with any degree of confidence.

c. Vision Clearance -

1. Except within the Central Business (CB) Zone, Vision Clearance Areas shall be provided at the intersections of all streets and at the intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of Vision Clearance Areas shall be determined from standards adopted by the City Engineer that consider functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.

2. Traffic control devices, street lights, and utility installations approved by the City Engineer are permitted within Vision Clearance Areas.

d. Backing or Maneuvering of Vehicles - For developments requiring four or more parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the City Engineer. An exception to this provision may be granted for

up to two parking spaces per dwelling unit for Duplexes and Triplexes, for a total of six spaces, provided that these spaces are within driveway areas designed to serve individual units within the Duplexes and Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes. Evaluations of other requests for exceptions shall consider constraints due to lot patterns and effects on the safety and capacity of the adjacent public street and on bicycle and pedestrian facilities. See also Section 4.10.60.01 a.3 and Section 4.10.60.02.

e. Screening - All parking areas containing four or more spaces and all parking areas in conjunction with an off-street loading facility shall require screening in accordance with the zoning requirements and Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Where not otherwise specified by zoning requirements, screening along a public right-of-way shall include a minimum five-ft.-wide plant buffer adjacent to the right-of-way.

f. Lighting - Lighting shall be consistent with the provisions outlined in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

g. Setbacks - Where vehicles will be backing out from a driveway to the public right-of-way, all off-street parking shall have a minimum 19 ft. setback from the sidewalk or future sidewalk to a garage or carport. Where no sidewalk location has been established, a 19-ft. setback from the right-of-way edge to the parking structure shall be used. Nothing in this Section shall imply or permit a lesser setback than that required by any other section of this Code.

h. Sidewalks - Sidewalks shall be required in accordance with the provisions of Section 4.0.40 of Chapter 4.0 - Improvements Required with Development.

i. Driveways -

1. Driveways shall be surfaced as required by standards established by the City Engineer. No point along the driveway length shall traverse a slope in excess of 15 percent. The location and design of the driveway within the lot frontage shall provide for unobstructed sight per the Vision Clearance requirements in Section 4.1.40.c. Requests for exceptions to these requirements will be evaluated by the City Engineer, who will consider the physical limitations of the lot and the safety impacts to vehicular, bicycle, and pedestrian traffic.

2. Single-family (Attached or Detached) and Duplex development shall be limited to a maximum 20 ft.-wide curb cut. An exception to this provision may be granted in situations where steep terrain in excess of a 15 percent grade prevents compliance. Additional exceptions to this requirement may be obtained through the procedures outlined in Chapter 2.12 - Lot Development Option and Chapter 2.5 - Planned Development.

Section 4.1.70 - STANDARDS FOR BICYCLE ACCESS AND PARKING

All bicycle parking facilities required in conjunction with development shall conform to the standards in this Section. Bicycle parking shall be located on-site with safe, convenient access to the public right-of-way, and shall conform to the Bicycle Rack Specifications adopted by the City Engineer, as amended from time to time.

a. Location

1. Safe, convenient pedestrian access shall connect the bicycle parking area to the main entrance of the site's Primary Use.
2. If the bicycle parking area is located within the vehicle parking area, the

bicycle facilities shall be separated from vehicular maneuvering areas via curbing or other barriers to prevent damage to parked bicycles.

3. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

4. Where bicycle parking facilities are not directly visible and apparent from the public right-of-way, entry and directional signs shall be used to direct bicyclists to the facility.

5. Bicycle parking facilities shall be placed in a location convenient to the main entrance of the site's Primary Use.

6. For security and convenience, bicycle parking facilities shall be located in areas visible to the adjacent sidewalks and/or vehicle parking areas within the site.

b. Dimensions

1. Bicycle parking spaces shall each be a minimum of six ft. by two ft.
2. Overhead clearance in covered areas shall be at least seven ft.
3. A minimum five ft.-wide aisle shall be provided beside or between each row
of bicycle parking.

c. Enclosures and Racks

1. Bicycle parking facilities shall include lockable enclosures (lockers) in which the bicycle is stored, or stationary objects (racks) to which bicycles may be locked.
2. Lockers and racks shall be securely anchored to the pavement or a structure.
3. Bicycle racks and covered bicycle parking shall be designed consistent with the standards of the City Engineer.

d. Covering

1. At minimum, 50 percent of the required bicycle parking shall be covered unless the facility is in a public park or the Central Business (CB) Zone.
2. If vehicle parking is covered, a proportionate amount of bicycle parking shall also be covered. However, the minimum amount specified in "1," above shall be provided.
3. Covering for bicycle parking facilities shall be permanent and shall provide protection from precipitation.
4. Covering may be provided by an independent outdoor structure, a parking garage, a wide roof overhang, or a wide awning. Bicycle parking facilities may also be located within buildings, provided the other requirements of this Section are met.

e. Lighting

1. For security and convenience, lighting shall be provided in bicycle parking areas such that the facilities are thoroughly illuminated and visible from adjacent sidewalks and/or vehicle parking areas during all hours of use. Lighting shall be consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Landscaping (Chapter 4.2)

Section 4.2.20 - GENERAL PROVISIONS

a. Required Landscaping -

1. Landscaping and Irrigation Plans - Where a landscape plan is required by this Code, by a particular proposal, and/or by Conditions of Approval, detailed planting plans, irrigation plans and other related plans shall be submitted for review and approval with Building Permit applications and/or prior to the recordation of a Final Plat, as applicable. Building Permits, including Foundation Permits, shall not be issued until the Director has determined that the plans comply with the purposes clause and specific standards in this Chapter, any specific proposal(s), and/or Conditions of Approval that apply to the particular project. On a case by case basis, and where no Significant Natural Features would be impacted, the Director may grant an exception and allow the issuance of permits. Required landscaping shall be reviewed and approved by the Director, and in no case shall landscaping be less than that required by this Chapter. Landscaping shall consist of ground cover, shrubbery, and trees.

2. Installation - All required landscaping and related improvements, such as irrigation, etc., shall be completed prior to the issuance of a Certificate of Occupancy. Additionally, all required landscaping and related improvements within the public right-of-way, and/or required by Conditions of Approval in conjunction with recording of the Final Plat, shall be completed or financially guaranteed prior to the recording of a Final Plat. If an applicant chooses to financially secure landscaping and related improvements in order to record a Final Plat, such financial security shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount at least equivalent to 120 percent of the cost of the installation of the landscaping and related improvements.

3. Coverage within Three Years - All required landscaping shall provide a minimum 90 percent ground coverage within three years. A financial guarantee shall be provided for new residential development, with the exception of areas within single-family or Duplex lots. A financial guarantee shall also be provided for new nonresidential development, and nonresidential redevelopment that involves a 3,000 sq. ft. or 20 percent expansion, whichever is less, except that 20 percent expansions less than 500 sq. ft. are exempt. The financial guarantee shall cover maintenance for a three-year period from the date that the landscaping was installed by the applicant and accepted by the City. This guarantee shall be established prior to the issuance of a Final Certificate of Occupancy and prior to recording of a Final Plat. Additionally, this guarantee shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, andshall be for an amount that is at least equivalent to 50 percent of the cost of installation of required landscaping and related improvements, plus 20 percent of the 50 percent figure.

To release this guarantee at the end of the three-year period, the developer shall provide a report to the Director. This report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.

b. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. A City permit is required to plant, remove, or prune any trees in a public right-of-way. Pruning shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Landscaping, buffering, and screening required by this Code shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind.

c. Protection of Shrub, Ground Cover and Tree Specimens in Inventoried Areas of the Adopted Natural Features Inventory Map dated December 20, 2004 -

1. For shrub, groundcover, and tree specimens within the areas inventoried as part of the Natural Features Inventory, preservation requirements shall be in accordance with the provisions of Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. See Adopted Natural Features Inventory Map dated December 20, 2004, for information regarding areas inventoried as part of the Natural Features Inventory.

2. Plants to be preserved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees and shrubs shall be considered preserved if the standards in Section 4.12.60.f are met.

d. Protection of Significant Tree and Significant Shrub Specimens Outside of Inventoried Areas of the Adopted Natural Features Inventory Map dated December 20, 2004 -

1. Significant Tree and Significant Shrub specimens outside of the areas inventoried as part of the Natural Features Inventory should be preserved to the greatest extent practicable and integrated into the design of a development. See Adopted Natural Features Inventory Map dated December 20, 2004, for information regarding areas inventoried as part of the Natural Features Inventory. See also the definitions for Significant Shrub and Significant Tree in Chapter 1.6 - Definitions.

2. Preservation -

a) Significant Trees and Significant Shrubs to be preserved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing Significant Trees and

Significant Shrubs shall be considered preserved if the standards in Section 4.12.60.f are met.

b) Where the preservation of Significant Trees or Significant Shrubs is required by this Code, by a particular proposal, and/or by Conditions of Approval, no development permits shall be issued until a preservation plan has been reviewed and approved by the Director. The preservation plan shall be developed by a certified arborist and shall comply with the purposes clause and specific standards in this Chapter and any proposal(s) and/or Conditions of Approval that apply to the particular project. Additionally, Significant Trees and Significant Shrubs to be saved and methods of protection shall be indicated on the preservation plan submitted for approval. Methods of preservation shall be consistent with Section 4.12.60.f.

e. Planters and boundary areas used for required plantings shall have a minimum diameter of five ft., or 2.5 ft. radius, inside dimensions. Where the curb or the edge of these areas is used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7.5 ft.

f. Irrigation Systems - With the exception of individual lots for single-family and Duplex development, irrigation systems shall be required, provided, and maintained for all required landscape areas in all zones, unless waived by the Director. These irrigation systems are for the purpose of ensuring survival of plant materials in required landscape areas. The Director may waive the requirement for irrigation systems in areas containing established trees and shrubs that are more than five years old, and are retained as significant vegetation in common, open space tracts and areas. Irrigation systems needed to establish trees and shrubs in Natural Resource and Natural Hazard areas are required. Where required, a detailed irrigation system plan shall be submitted with Building Permit applications. The plan shall indicate source of water, pipe location and size, and specifications of backflow device. The irrigation system shall utilize 100 percent sprinkler head-to-head coverage or sufficient coverage to ensure 90 percent coverage of plant materials in three years.

g. In no case shall shrubs, conifer trees, or other screening be permitted within Vision Clearance Areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.

Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE

a. Tree Plantings -

Tree plantings in accordance with this Section are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.

1. Street Trees -

a) Along streets, trees shall be planted in designated landscape parkway areas or within areas specified in a City-adopted street tree plan. Where there is no designated landscape parkway area, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "d," below;

b) Along all streets with planting strips in excess of six ft. wide and where power lines are located underground, a minimum of 80 percent of the street trees shall be large canopy trees;
c) Planting strips on Local Connector and Local Streets shall be planted with medium canopy trees; and
d) If planting strips are not provided on Arterial, Collector, and Neighborhood Collector Streets, an equivalent number of the required large and required medium canopy trees shall be provided in other locations within common open space tracts on the site, or within the front yard setback areas of the parcels and lots adjacent to the street. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;

3. Along sidewalks and multi-use paths not located along streets, a minimum five ft.-wide landscaping buffer is required on either side of the facility. Examples of sidewalks and multi-use paths not located along streets include pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. Within these buffers, trees shall be planted at least every 30 ft., or as determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees;

4. Conditions of Approval for individual development projects may require additional tree plantings to mitigate removal of other trees, or as part of landscape buffering or screening efforts;

5. The distance between required trees shall be determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees; and

6. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

Table 4.2-1 - Street Trees	
Medium-canopy trees: trees that normally reach 30-50 ft. in height within 30 years	Maximum 30 ft. on-center spacing
Large-canopy trees: trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	- Maximum 50 ft. on-center spacing

b. Areas Where Trees May Not be Planted -

1. Trees may not be planted within five ft. of permanent hard surface paving or walkways, unless special planting techniques and specifications are used and particular species of trees are planted, as outlined in Section 4.2.40.c or approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas, where there may be tree grates.

2. Unless approved otherwise by the City Engineer, trees may not be planted:

a) Within 10 ft. of fire hydrants and utility poles;
b) Within 20 ft. of street light standards;
c) Within five ft. from an existing curb face, except where required for street trees;
d) Within 10 ft. of a public sanitary sewer, storm drainage, or water line;
or
e) Where the Director determines the trees may be a hazard to the public interest or general welfare.

c. Tree Maintenance Near Sidewalks and Paved Surfaces - Trees shall be pruned to provide a minimum clearance of eight ft. above sidewalks and 12 ft. above street and roadway surfaces; and shall be pruned in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations.

Section 4.2.40 - BUFFER PLANTINGS

Buffer plantings are used to reduce apparent building scale, provide a transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. At minimum, this mix shall consist of trees, shrubs, and ground cover, and may also consist of existing vegetation, such as natural areas that will be preserved. At minimum, buffering is required in areas identified through Conditions of Approval, in areas required by other provisions within this Code, and in Through Lot areas, and as required below.

Parking, Loading, and Vehicle Maneuvering Areas -

a. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five-ft.- wide perimeter landscaping buffer shall be provided around parking areas; and a minimum 10 ft.-wide perimeter landscaping buffer shall be provided around trees.

Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or planters shall be increased in width by 2.5 ft. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. Low-lying ground cover and shrubs, balanced with vertical shrubs and trees, shall be used to buffer the view of these facilities. Decorative walls and fences may be used in conjunction with plantings, but may not be used alone to comply with buffering requirements.

c. Connecting walkways through parking lots shall have one or more canopy shade tree per 40 linear ft. Driveways to or through parking lots shall have one or more canopy shade tree per 40 linear ft. on each side. These trees shall be planted in landscape areas within five ft. of the walkways and driveways, respectively.

Land Division Standards (Chapter 4.4)

Section 4.4.20 - GENERAL PROVISIONS

4.4.20.01 - Applicability

All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development.

4.4.20.02 - Blocks

a. General - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of topography.

b. Size - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development.

4.4.20.03 - Lot Requirements

a. Size and Shape - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and depth shall generally not exceed 2.5 times the average width. Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed, unless off-site parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.

b. Access - Each lot shall abut a street other than an alley for a distance of at least 25 ft. unless:

c. Through Lots - Through Lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation. A planting screen easement at least 20 ft. wide shall be required between Through Lots and adjacent streets, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No vehicular rights of access shall be permitted across this planting screen easement. All Through Lots with frontage on parallel or approximately parallel streets shall provide the required front yard on each street, except as specified in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

d. Lot Side Lines - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.

e. Lot Grading - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.

f. Building Lines - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.

g. Large Lots - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and

to demonstrate that the proposal will not inhibit development of adjacent lands.

h. Minimum Assured Development Area - For property with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, lots created through a Subdivision, Partition, or Lot Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA) are met.

Natural Hazard & Hillside Development Standards (Chapter 4.5)

Section 4.5.60 - STANDARDS FOR DEVELOPMENT IN STEEPLY SLOPED AREAS

4.5.60.02 - Applicability -
Steeply sloped areas are identified on the Corvallis Natural Hazards Map. The Natural Hazards Map provides information regarding the location of steep slopes on property within the Corvallis Urban Growth Boundary.

a. The following standards regulate development on areas with slopes of 15 percent or greater, which are slopes identified as having a significant hazard potential;
b. In addition to these regulations, the Hillside Development standards in Section 4.5.80 apply to development in areas with slopes of 10 percent or greater; and
c. No portion of this Code shall preclude the Building Official's authority to require geotechnical reports and other analyses, as deemed necessary, and in compliance with the City's currently adopted Oregon Structural Specialty Code. All construction in these areas shall be subject to currently adopted Oregon Structural Specialty Code requirements.

4.5.60.06 - Standards for Areas with Slopes Equal to or Greater than 35 Percent -
Generally, development in these areas is strongly discouraged due to concerns with safety, ground movement, slope stability, high levels of cut and fill, and hydrological and erosion impacts. However, very limited development, as described and regulated in "a," through "d," below, may occur in areas with slopes equal to or greater than 35 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of the topographic map, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

a. Development Limitations - Streets and utilities may be located on the specified slope areas only if it can be shown that passage through the steeply sloped area is the only viable route available to afford access to the developable portion of a property;

b. Site Assessment and Geotechnical Report Required - Applications for development on the specified slope areas, including land use applications,

Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, and Building Permit submittals, shall be accompanied by a site assessment, geotechnical report, and any other report deemed necessary by the site assessment report. Reports shall meet the criteria identified in sections 4.5.60.04 and 4.5.60.05. Development shall conform with all recommendations and requirements established by these required reports.

c. Compliance with Hillside Development Standards - Development shall comply with the Hillside Development Standards in Section 4.5.80.

d. Tree Cutting Limitations - No tree cutting is allowed on slopes equal to or greater than 35 percent, with the exception of the following:

1. Removal of a Hazardous Tree - Hazardous Trees are defined in Chapter 1.6 - Definitions. Hazardous Tree removal requests, except in emergency circumstances, are required to be reviewed and approved by the Urban Forester or the Community Development Director, following receipt of a recommendation from a Certified Arborist;
2. Accommodation of development allowed under 4.5.60.06.a above; or
3. Accommodation of a public or private utility for which permits have been obtained.

4.5.60.07 - Standards for Areas with Slopes Equal to or Greater than 25 Percent, but less than 35 Percent -
Development in these areas should be avoided, if feasible, due to concerns with safety, ground movement, slope stability, and erosion impacts. However, the following standards shall apply for development in areas with slopes equal to or greater than 25 percent, but less than 35 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of the topographic map, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

a. Site Assessment and Geotechnical Report Required - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, and Building Permit submittals, shall be accompanied by a site assessment, geotechnical report, and any other report deemed necessary by the site assessment report. Reports shall meet the criteria
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identified in sections 4.5.60.04 and 4.5.60.05. Development shall conform with all recommendations and requirements established by these required reports.

b. Compliance with Hillside Development Standards - Development shall comply with the Hillside Development Standards in Section 4.5.80.

4.5.60.08 - Standards for Areas with Slopes Equal to or Greater than 15 Percent, but less than 25 Percent -
Development in these areas should be carefully evaluated, due to concerns with safety, ground movement, slope stability, and erosion impacts. The following standards shall apply for development in areas with slopes equal to or greater than 15 percent, but less than 25 percent. These standards are applicable only to the

specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of a topographic survey, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

a. Site Assessment Required - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, and Building Permit submittals, shall be accompanied with a Site Assessment which meets the criteria identified in Section 4.5.60.04. If the Site Assessment identifies the need for a Geotechnical Report, or other reports, those reports shall be submitted with the application for development and shall be consistent with the requirements of Section 4.5.60.05. Development shall conform with all recommendations and requirements established by any and all required reports.

b. Compliance with Hillside Development Standards - Development shall comply with the Hillside Development Standards in Section 4.5.80.

Section 4.5.70 - STANDARDS FOR DEVELOPMENT IN LANDSLIDE HAZARD AREAS - 4.5.70.02 - Applicability - Except as provided under Section 4.5.70.03, below, no person shall engage in any of the following regulated activities on properties containing or abutting the Landslide Hazard areas designated on the Corvallis Natural Hazards Map, unless it can be shown that the proposed activity is located at least 500 ft. distant from any portion of the Natural Hazard area as mapped on the Natural Hazards Map:

a. Excavation;

b. Fill;

c. Installation or construction of any accessory structure with a Building Code occupancy classification other than "U;"

d. Construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to this Code, or the adopted Building Code; and

e. Construction or expansion of utilities, streets, driveways, or other accessways.

4.5.70.03 - Site Assessment and Geotechnical Report Requirement -

a. Applications for development on properties containing or abutting identified Landslide Hazard areas, including land use applications, Excavation and Grading Permits, Public Improvements by Private Contract Permits (PIPC), Building Permits, and any other development permits, shall include a Site Assessment and Geotechnical Report which meet the criteria identified in sections 4.5.60.04 and 4.5.60.05. In addition to the items identified in Section 4.5.60.05, the Geotechnical Report shall specifically address the presence, characteristics, and precise location of the identified hazard(s) on the subject property which is/are depicted on the Natural Hazards Map. If other reports are called for by the Site Assessment, these reports shall also be submitted.

b. Prior to issuance of permits for any work on the development site, the Building Official and/or City Engineer shall review the submitted Site Assessment, Geotechnical Report, and any other required reports. Permits

shall not be issued until the Building Official and/or City Engineer approve the required reports. Upon approval of these reports, permits for construction

activities may be issued, if they are in accordance with the findings and recommendations of the reports. Site inspections and submitted permit materials shall demonstrate that all necessary measures recommended by the reports and by City staff are addressed in the construction process. In no case will permits be issued for development that would increase landslide risks on the development site, or upon neighboring properties, as indicated in the approved reports.

4.5.70.04 - Required Indemnification and Release -
Prior to issuance of Building Permits for structures within or abutting Landslide Hazard areas, the applicant shall sign an agreement, provided by the City, to indemnify and release the City from potential liability resulting from damage to life or property resulting from landslides. This indemnity and release shall be recorded with the property, and shall run with the land.

4.5.80.04 - Grading Regulations -

a. Types of Grading - The following regulations address two types of grading, both of which are defined in Section 4.5.80.03, above:

1. Mass Grading; and
2. Grading on Individual Lots.

c. Mass Grading Standards - The following standards shall apply to development throughout the City of Corvallis:

1. Maximum Allowed Cut Depth and Fill Height - The following standards govern the maximum cut depth and fill height:

Site Characteristics	Maximum Cut Depth and Fill Height
No Extenuating Conditions	Eight-ft. Standard
One Extenuating Condition	10-ft. Standard only where allowed to work around extenuating condition
Two or more Extenuating Conditions	12-ft. Standard only where allowed to work around extenuating conditions

2. Extenuating Conditions - Exceptions to the Eight-ft. Standard for Mass Grading shall be based on the following specific extenuating conditions:

a) Street/Pedestrian Alignment - Additional Cut/Fill provides for the alignment of a necessary street or pedestrian connection. A necessary street or pedestrian connection is one which is needed to create a Block Perimeter of approximately 1,600 ft., or which is identified in an adopted City Master Plan document. A necessary street connection must comply with the slope standards in Section 4.0.60.k of Chapter 4.0 - Improvements Required with Development. Section 4.0.60.k stipulates that Arterial Streets shall not exceed a six percent grade, Collector and Neighborhood Collector Streets shall not exceed 10

percent, and Local and Local Connector Streets shall not exceed 15 percent. The width and overall extent of any street exceeding the Eight-ft. Standard shall be minimized, where feasible, to minimize grading impacts.

b) Significant Natural Feature - Additional cut/fill is necessary to protect a Significant Natural Feature, which is defined as a feature subject to a Natural Hazards (except slopes) and/or Natural Resource Overlay on the Comprehensive Plan Map, or a Significant Tree, as defined in Chapter 1.6 - Definitions. In the case of a preserved tree, a certified arborist must find that the proposed cut/fill exception would preserve the viability of a Significant Tree that would otherwise have been damaged by the application of the Cut and Fill Standards.

c) Detention Facilities - To accommodate stormwater detention facilities where no other viable location exists on the site.

3. Grading Area Limitations - The following requirements apply to Mass Grading in areas with slopes equal to or greater than 10 percent, as mapped on the Natural Hazards Map:

a) Low and Medium Density Residential Development Zones -

Ultimate Lot Size of Tentatively Approved Subdivision/develop-ment within Low and Medium Density Residential Development Zones	Mass Grading Regulations
< or = 6,500 sq. ft.	Grading up to 100 percent of the lot area is allowed. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present.
> 6,500 sq. ft., but < 10,000 sq. ft.	Grading up to 6,500 sq. ft. of each lot is allowed. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present.
> or = 10,000 sq. ft.	No Mass Grading is allowed. See standards for Individual Lot Grading

d. Individual Lot Grading Standards - These standards are in addition to Section 4.5.80.04.c, above, and apply to lots which contain slopes equal to or greater than 10 percent, as mapped on the Natural Hazards Map.

1. Maximum Allowed Cut Depth and Fill Height - The following standards govern the maximum cut depth and fill height:

Extenuating Conditions	Maximum Cut and Fill Height
No Extenuating Conditions	Eight-ft. Standard
One Extenuating Condition	10-ft. Standard only where allowed to work around extenuating condition
Two Extenuating Conditions	12-ft. Standard only where allowed to work around extenuating conditions
If lot would otherwise be unbuildable	The least extensive cut and fill necessary, not to exceed the 12-ft. Standard, to reach the Minimum Assured Development Area, as defined by Chapter 4.11 - Minimum Assured Development Area (MADA).

a) Extenuating Conditions - Exceptions to the Eight-ft. Standard for Individual Lot Grading shall be based on the following specific extenuating conditions:

1) Street/Pedestrian Alignment - Additional Cut/Fill provides for the alignment of a necessary street or pedestrian connection. A necessary street or pedestrian connection is one which is needed to create a block perimeter of approximately 1,600 ft., or which is identified in an adopted City Master Plan document.

2) Significant Natural Feature: Additional cut/fill is necessary to protect a Significant Natural Feature, which is defined as a feature subject to a Natural Hazards (except slopes) and/or Natural Resource Overlay on the Comprehensive Plan Map; or a Significant Tree, as defined in Chapter 1.6 - Definitions. In the case of a preserved tree, a Certified Arborist must find that the proposed cut/fill exception would preserve the viability of a Significant Tree that would otherwise have been damaged by the application of the Cut and Fill Standards.

3) Maintain Driveway Slope - Additional Cut/Fill is necessary to allow for the construction of a driveway at a slope of 15 percent or less. It must be demonstrated, to the satisfaction of the Building Official, that other driveway alignments have been considered and are not feasible before additional Cut/Fill is authorized.

b) Locational Standards -

1) Within the portion of each lot within 50 ft. of the edge of public right-of-way, the combination of cuts and fills may not exceed 16 ft. from Natural Grade, as measured within a linear distance perpendicular from the edge of right-of-way to the 50-ft. boundary; and

2) All retaining walls must be located at least four ft. from any property line or easement line.

2. Gradable Area - In no case shall the cumulative impact of Mass Grading and Individual Lot Grading impact more site area on an individual lot than is allowed under the following standards:

a) Low and Medium Density Residential Development Zones -

Lot size within Low and Medium Density Residential Development Zones	Grading Regulations
< or = 6,500 sq. ft.	Grading up to 100 percent of the lot area is allowed. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.
> 6,500 sq. ft., but < 10,000 sq. ft.	Grading up to 6,500 sq. ft. of each lot is allowed. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.

e. Terracing Requirements and Design Standards - When a cut or fill, or combination thereof, exceeds eight ft. and is greater than a 25 percent slope, terracing shall be provided, as follows:

1. For cuts/fills between 8-10 ft., at least one terrace shall be provided between the two- and eight-ft. level, with a shelf no less than six ft. deep. The slope of the shelf may not exceed 20 percent.

2. For cuts/fills that are more than 10 ft., risers shall not exceed four ft. in height and shelves shall be a minimum of six ft. deep. The slope of the shelf may not exceed 20 percent.

3. Terraces shall be landscaped with a combination of ground cover

plants and shrubs, planted with adequate coverage to stabilize soil in the terraced areas. Trees shall be required, at a minimum 30 ft. oncenter spacing, to mitigate trees removed due to grading and to stabilize soil in the shelf area. Irrigation and maintenance for required landscaping shall be addressed as stipulated in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

4. Wall materials and landscaping shall be subject to final review and approval by the City Engineer and Community Development Director. Acceptable exterior wall materials include quarried stone, brick, concrete masonry, and similar quality materials. Additional flexibility shall be allowed for wall materials for retaining walls which are wholly internal to the development site, provided the materials and design meet Oregon Structural Specialty Code requirements. Retaining walls shall comply with all applicable Building Code requirements.

5. Exceptions to the terracing requirement may be allowed by the City Engineer and Community Development Director if the applicant demonstrates, with the submittal of a report from a certified arborist, qualified Stream scientist, or qualified wetlands scientist that potential impact to an existing Significant Tree or a Significant Natural Feature in the area of the cut and fill would be significantly reduced by an exception to the terracing requirement. A Significant Natural Feature is defined in Chapter 1.6 - Definitions. In the case of a preserved tree, a certified arborist must find that the proposed retaining wall treatment would preserve the viability of a Significant Tree that would otherwise have been damaged by the application of the Cut and Fill Standards, and that the Tree's continued growth will not adversely affect the structural integrity of the wall.

6. Per Chapter 2.12 - Lot Development Option, exceptions to the requirements in "1," through "5," above, may be granted through the Lot Development Option process, if the exceptions qualify as a Minor or Major Lot Development Option. The Lot Development Option may allow an increase in retaining wall height of up to 20 percent of the permitted height, or a reduction of shelf width of up to 20 percent of the required depth, subject to compliance with all Lot Development Option criteria in Section 2.12.30.06 of Chapter 2.12 - Lot Development Option.

Solar Access (Chapter 4.6)

Section 4.6.20 - EXEMPTIONS

Residential buildings constructed or lots developed in locations noted below are exempt from the requirements of this Chapter:

a. On north-facing slopes of 10 percent or more;

b. On portions of sites where Solar Access, as defined in Chapter 1.6 - Definitions, is unavailable due to shading from Natural Resources or Natural Hazards subject to the provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

c. On sites where density is concentrated because density is being transferred from an area on the same development site that is simultaneously being rezoned to Conservation - Open Space; or

d. On sites which contain Natural Resources or Natural Hazards subject to the provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 – Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions and where:

1. The developed portion of the site will exceed minimum required density by at least 50 percent for properties designated as Extra-low, Low, or Medium Density Residential; and
2. The developed portion of the site will exceed minimum required density by by at least 25 percent for properties designated as Medium-high or High Density Residential.

Signs (Chapter 4.7)

4.7.90.01 - Sign Standards for All Residential Zones Except MUR

a. Table 4.7-1 - Residential Zones Except MUR, and its associated special instructions in "b," below, outline the sign standards for all residential zones except the Mixed Use Residential (MUR) Zone. The zones subject to this Section include:

1. RS-1;
2. RS-3.5;
3. RS-5;
4. RS-6;
5. RS-9;
6. RS-9(U);
7. RS-12;
8. RS-12(U); and
9. RS-20.

b. Special Instructions -

1. Attached signs shall not extend above eaves.
2. Unless specified below, signs shall be limited to one frontage.
3. Where a primary frontage exceeds 100 ft.:
   a) Permanent monument signs are allowed - minimum setback is five ft.;
   b) Maximum height for temporary and monument signs is six ft.;
   c) Maximum Sign Area is 16 sq. ft.; and
   d) Illuminated signs are permitted.

4.7.90.09 - Signs in Planned Developments

A sign plan shall be required for all Planned Developments consistent with Chapter 2.5 - Planned Development, whether or not variations from the requirements of this Chapter are requested. The plan shall establish the location and allocation guidelines for signs in a way that ensures all parties in the development have an equitable opportunity to communicate through signs without creating undue negative effects on surrounding properties. The sign plan shall be reviewed as follows:

a. The sign plan shall be reviewed by the Planning Commission concurrently

with the Detailed Development Plan.

b. Before approving the sign plan, the Commission shall find that the signs in the proposed sign plan comply with this Code and/or are compatible with the types of development, existing and future, surrounding the Planned Development.

c. A Sign Permit for each sign in a Planned Development shall be obtained prior to construction or installation. A proposed sign shall comply with these regulations and any additional guidelines or conditions specified in the approved sign plan before a Permit may be issued for the sign.

d. Modifications of a Planned Development sign plan shall follow the provisions for a Major Planned Development Modification outlined in Chapter 2.5 - Planned Development.

7. Architectural Details - Architectural details used consistently on dwelling facades. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or divided lights, or pergolas/trellis work integrated into building facades. If a dwelling is oriented such that its front facade, which contains the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS THREE UNITS OR GREATER, TOWNHOME, TRIPLEX, FOURPLEX, AND APARTMENT RESIDENTIAL BUILDING TYPES

4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas

All building orientations, facades, and entrances shall comply with the following standards.

a. **Orientation of Buildings** - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

1. Primary building entrances shall face the streets or be directly accessed by a sidewalk or multi-use path less than 200 ft. long, as shown in Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street, below. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Entrances shall open directly to the outside and shall not require passage through a garage or carport to gain access to the doorway.

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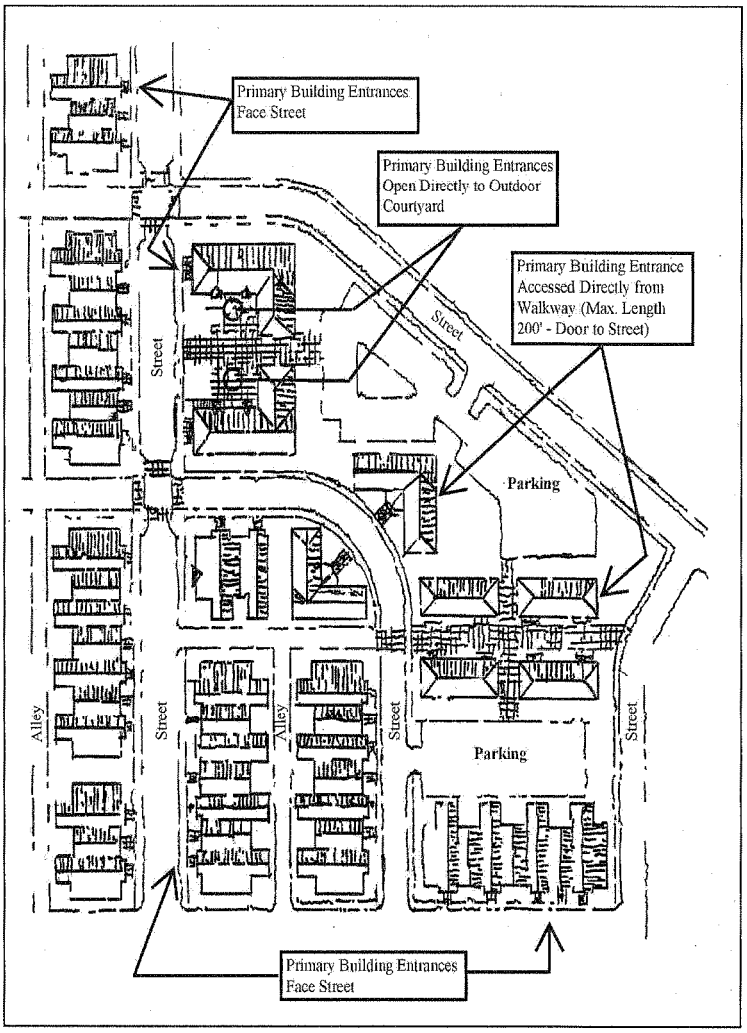

Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street

2. Open courtyard space may increase up to 50 percent of the building front beyond the maximum setback, as shown in Figure 4.10-14 - Open Courtyards, below. Open courtyard space is usable space that shall include pedestrian amenities such as benches, seating walls, or

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similar furnishings, and shall include landscaping. For example, an apartment building in a Mixed Use Residential Zone is required to have a front yard setback of no more than 15 ft. If a developer desires to construct a u-shaped building with a pedestrian courtyard in the center, then one half the width of the building, based upon the lineal footage of the building's street frontage, could be located farther back than the maximum setback of 15 ft.

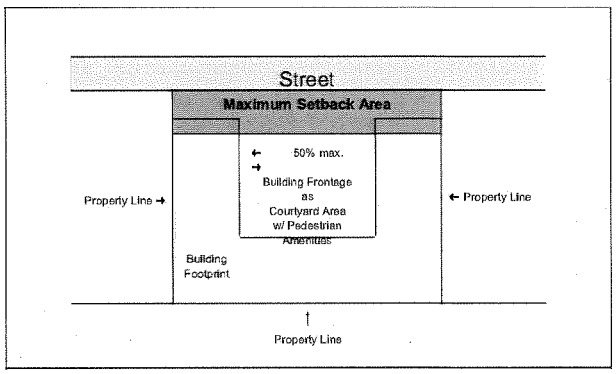

Figure 4.10-14- Open Courtyards

3. Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, except for driveway parking associated with single-family development. See Figure 4.10-13- Primary Building Entrances Within 200 Ft. of the Street for compliant locations of parking and circulation. An exception may also be granted for up to two parking spaces per dwelling unit for Duplexes and Triplexes, provided these spaces are within driveway areas designed to serve individual units within the Duplexes or Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes, on the next page. Parking to the side of buildings is allowed in limited situations, as outlined in Section 4.10.60.02 below.

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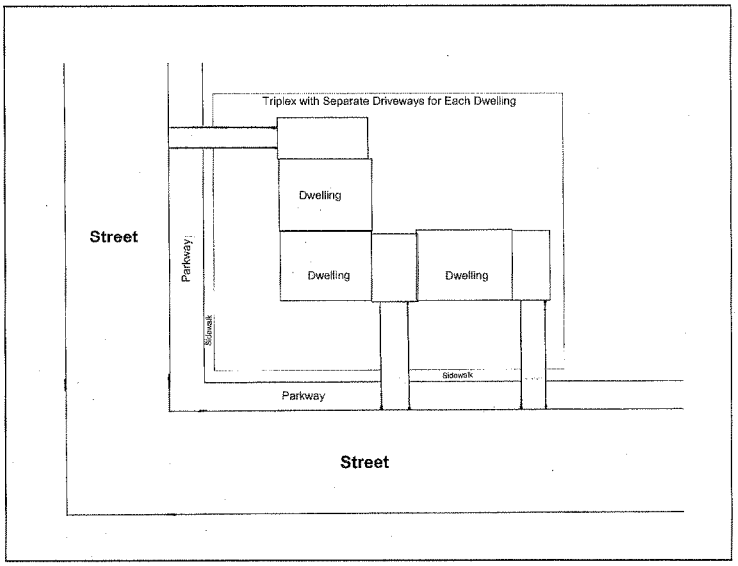

Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes

b. **Percentage of Frontage** - On sites with 100 ft. or more of public or private street frontage, at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Frontage. For sites with less than 100 ft. of public or private street frontage, at least 40 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Frontage.

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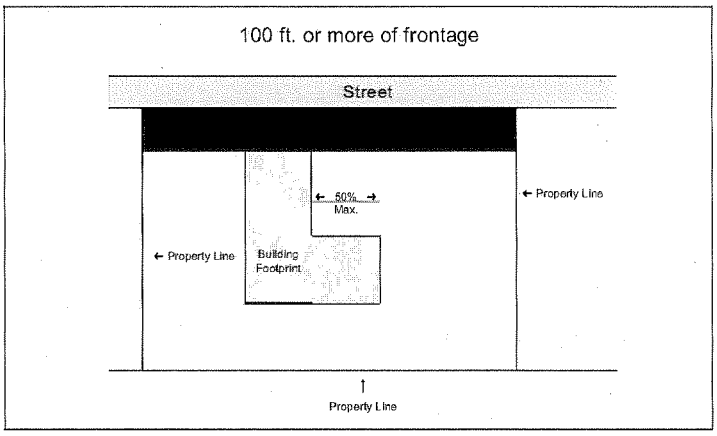

Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Frontage

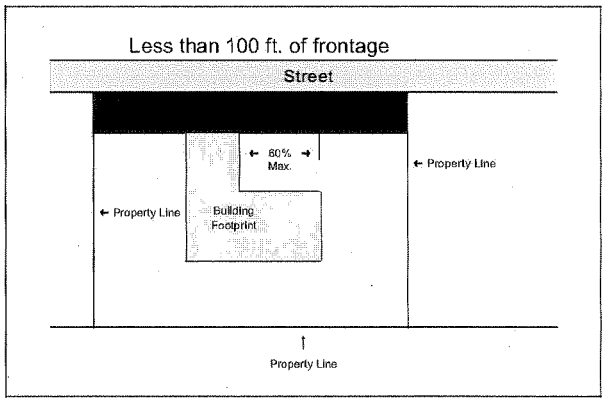

Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Frontage

c. **Windows and Doors** - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

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d. **Grading (Cuts and Fills)** - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

4.10.60.02 - Parking Location

a. Standards

1. Parking lots shall be placed to the rear of buildings. Ministerial exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:

   a) Where lot depth is less than 75 ft.;

   b) Where parking on the side would preserve Natural Hazards or Natural Resources that exist to the rear of a site, and that would be disturbed by the creation of parking to the rear of structures on a site;

   c) Where a common outdoor space at least 200 sq. ft. is proposed to the rear of a site, and parking in the rear would prohibit the provision of this common outdoor space area for residents of a development site; and/or

   d) Where parking on the side would solve proximity issues between dwelling unit entrances and parking spaces. A proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.

2. On corner lots, parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.

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4.10.60.03 - Ratio of Garage/Carport Facade to Street, Placement, and Materials

Provisions for the ratio of garage and carport facades to the street, placement, and materials shall be as outlined in Section 4.10.50.02.

4.10.60.04 - Menus for Pedestrian Features and Design Variety

a. **Pedestrian Features Menu for Triplexes, Fourplexes, and Townhomes** - Each Triplex, Fourplex, or Townhome shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate proposed options on plans submitted for Building Permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.

1. Elevated Finished Floor - An elevated finished floor a minimum of two ft. above the grade of the nearest street sidewalk or streetside multi-use path.

2. Front Porches/Patios - A front porch or front patio for each ground floor dwelling unit, with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and with a minimum of 60 percent of the porch or patio covered to provide weather protection.

3. Sidewalk/Walkway to Front Door - A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

b. **Design Variety Menu** - Roof forms shall be at least a 4:12 pitch with at least a six-in. overhang. Mixed use buildings may provide flat roofs with a decorative cap, such as a parapet or cornice, that is a distinctive element from the main wall of the building. Additionally, each structure shall incorporate a minimum of four of the following eight building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

1. Trim - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.

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2. Building and Roof Articulation - Exterior building elevations that incorporate design features such as off-sets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:

   a) Off-sets or breaks in roof elevation of three ft. or more in height, cornices two ft. or more in height, or at least two-ft. eaves;

   b) Recesses, such as decks, patios, courtyards, entrances, etc., with a minimum depth of two ft. and minimum length of four ft.; and/or

   c) Extensions/projections, such as floor area, porches, bay windows, decks, entrances, etc., that have a minimum depth of two ft. and minimum length of four ft.

3. Building Materials - Buildings shall have a minimum of two different types of building materials on facades facing streets, including but not limited to stucco and wood, brick and stone, etc. Alternatively, they shall have a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc. on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.

4. Increased Eaves Width - Eaves with a minimum 18-in. overhang.

5. Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.

6. Increased Roof Pitch - A minimum 6:12 roof pitch with at least a six-in. overhang.

7. Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriels, covered porches greater than 60 sq.

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ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

8. Architectural Details - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

4.10.60.05 - Service Areas and Roof-Mounted Equipment

a. **Service Areas** - When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area. When located outside a setback area, but within five-10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only, provided it is in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Service areas for residential building types other than single-family, duplex, and triplex units shall be located a minimum of 20 ft. from both on-site and off-site residential buildings. Transformers shall also be screened with landscaping. When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 - Improvements Required with Development.

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b. **Roof-Mounted Equipment** - Roof-mounted equipment, such as heating, ventilation, air conditioning equipment, etc., shall be screened by providing screening features at least equal in height to the equipment and constructed of materials used in the building's exterior construction. Screening features include features such as a parapet, wall, or other sight-blocking feature. The roof-mounted equipment shall be painted to match the roof.

4.10.60.06 - Pedestrian Circulation

a. **Applicability**

These additional pedestrian circulation standards apply to all residential developments with eight or more units.

b. **Standards**

1. Continuous Internal Sidewalks - Continuous internal sidewalks shall be provided throughout the site. Discontinuous internal sidewalks shall be permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the property, or abutting recreation areas and pedestrian connections.

2. Separation from Buildings - Internal sidewalks shall be separated a minimum of five ft. from dwellings, measured from the sidewalk edge closest to any dwelling unit. This standard does not apply to the following:

   a) Sidewalks along public or private streets used to meet building orientation standard; or

   b) Mixed use buildings and multi-family densities exceeding 30 units per acre.

c. **Connectivity** - The internal sidewalk system shall connect all abutting streets to primary building entrances. The internal sidewalk system shall connect all buildings on the site and shall connect the dwelling units to parking areas, bicycle parking, storage areas, all recreational facility and common areas, and abutting public sidewalks and multi-use paths.

d. **Sidewalk and Multi-use Path Surface Treatment** - Public internal sidewalks shall be concrete and shall be at least five ft. wide. Private internal sidewalks shall be concrete, or masonry; and shall be at least five ft. wide.

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Public multi-use paths, such as paths for bicycles, pedestrians, and emergency vehicles, shall be concrete and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All materials used for sidewalks and multi-use paths shall meet City Engineering standards.

e. **Crossings** - Where internal sidewalks cross a vehicular circulation area or parking aisle, they shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping is encouraged.

f. **Safety Adjacent to Vehicular Areas** - Where internal sidewalks parallel and abut a vehicular circulation area, sidewalks shall be raised a minimum of six in., or shall be separated from the vehicular circulation area by a minimum six-in. raised curb. In addition to this requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, shall be provided to enhance the separation of vehicular from pedestrian facilities.

g. **Lighting** - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Section 4.10.70 - STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND CIVIC DEVELOPMENT

4.10.70.01 - Applicability

a. All new commercial, industrial, and civic building types and associated features, such as parking lots, within all zones that refer to Section 4.10.70 shall comply with Sections 4.10.70.02 through 4.10.70.05.

b. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall not be required to comply with this section provided that:

1. The expansion adds floor area of 500 sq. ft. or less; or

2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 154 of 395

Minimum Assured Development Area (Chapter 4.11)

APPLICANT HAS CHOSEN NOT TO PURSUE MADA ALLOWANCES – NOT APPLICABLE

Significant Vegetation Protections

Section 4.12.60 - STANDARDS FOR DEVELOPMENT ON SITES CONTAINING SIGNIFICANT VEGETATION

The location and extent of development on sites containing Significant Vegetation shall be based on the standards established below. Encroachments into areas of Significant Vegetation may be permitted based on the provisions of Chapter 4.11- Minimum Assured Development Area and the following:

f. For areas of Significant Vegetation to be Considered Preserved, They Must Be Treated as Follows -

1. Existing trees shall be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the perimeter of the tree's Circle of Protection. A Circle of Protection is created by the greater of the two areas defined by the formulas below:

a) A radius in feet that equals the diameter in inches of the tree trunk at four ft. above Natural Grade. For example, a 15-in. diameter tree creates a 15 ft. radius of protected area; or

b) A perimeter located five ft. outside of the tree's drip-line.

2. Existing vegetation may be considered preserved only if no cutting, filling, or compaction of the soil takes place within the vegetation's Circle of Protection. A Circle of Protection for vegetation is created by defining a circle around the vegetation, the perimeter of which is located one ft. outside of the vegetation's drip-line or edge.

3. Temporary fencing to protect trees and vegetation shall be used to clearly mark areas to be preserved. Such fencing shall be placed outside the Circle of Protection of all trees and/or vegetation located within 50 ft. of any area where construction, ground disturbance, and/or vegetation removal is likely to occur. All such fencing shall be in place prior to vegetation removal and/or the issuance of an Excavation and Grading Permit and shall be maintained throughout the vegetation removal and/or construction period.

4. Vegetation removal and ground disturbance shall be prohibited within the Circle of Protection for all trees and vegetation areas to be preserved.

5. Irrigation shall be prohibited and no increase or decrease in either drainage volume or frequency shall occur within the Circle of Protection of preserved oak trees.

1) Riparian-related Areas - Riparian-related Areas are defined as Proximate Wetlands, drainage easements and drainage dedications under the City's jurisdiction; and open space tracts that have been created for Riparian Corridor protection purposes.

2) Base Riparian Corridor Widths - Base Riparian Corridor Widths shall be taken directly from the Riparian Corridors and Wetlands Map and shall be measured from Top-of-bank.

Table 4.13-1 - Base Riparian Corridor Widths
Easement Widths are different and are addressed in Section 4.13.70

Drainage Basin - as established in the Natural Features Inventory and shown on the Riparian Corridors and Wetlands Map	**Base Riparian Corridor Width - Riparian Corridors may be required to be expanded to address Riparian-related Areas**
Less Than 20 Acres	50-ft. Riparian Corridor
20 to 160 Acres	75-ft. Riparian Corridor
More Than 160 Acres	100-ft. Riparian Corridor
Willamette River, Marys River and Their Channels (e.g Boone's Slough)	120-ft. Riparian Corridor
Note: When a Stream segment is inventoried as part of a Wetland, and a Wetland Delineation reduces the dimensions of the Wetland area surrounding the Stream, in no case shall the Riparian Corridor width of that Stream be reduced below the appropriate width stated above.	

d) Appropriate Riparian Easement Width(s), as described in Section 4.13.70.

e) Existing and proposed development, including areas of fill, excavation, Stream or Wetland crossings, altered vegetation, etc.

2. Location of the Stream's 0.2-ft. Floodway, Floodplain, and All Proximate Wetlands, Consistent with the Application Requirements in Section 4.5.50.02 - The location of the Floodway and Floodplain shall be consistent with the mapped areas on the Flood Insurance Rate Map (FIRM), unless the FIRM conflicts with field conditions or does not map the boundary in a specified location, in which case the City Engineer shall make a determination consistent with Section 4.5.50.04. The location of Proximate Wetlands may

Section 4.13.50 - USE LIMITATIONS AND EXCEPTIONS WITHIN HIGHLY PROTECTED RIPARIAN CORRIDORS AND RIPARIAN-RELATED AREAS

Highly Protected Riparian Corridors are those which have been identified as warranting a high level of protection due to their environmental importance and Natural Resource quality. Riparian-related Areas are defined as Proximate Wetlands, drainage easements and drainage dedications under the City's jurisdiction, and open space tracts that have been created for Riparian Corridor protection purposes. Additionally, 100-year Floodplain area serves an important Riparian Function. This area is mapped on the City's Natural Hazards Map, and is subject to the protections outlined in Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

In addition to the requirements of the underlying zone, the following limitations and exceptions shall apply to activities within Highly Protected Riparian Corridors and Riparian related Areas, as mapped on the City's Riparian Corridors and Wetlands Map.

a. Removal of Vegetation - Removal of vegetation from Riparian Corridors and Riparian-related Areas is prohibited, except for the following purposes:

1. Stream restoration and enhancement programs;
2. Removal of Non-native, Invasive and/or Noxious Vegetation as defined in Chapter 1.6 - Definitions. If necessary, in conjunction with vegetation removal non-rip-rap erosion control measures shall be utilized;
3. Substitution of local source native plant species for non-native plants. Such local source native plant species shall originate from stock collected from wild plants within 75 miles of planting site;
4. Development of Water-related or Water-dependent Uses as defined in Chapter 1.6 - Definitions, provided such Uses are designed and constructed to minimize impact on existing Riparian Vegetation;
5. Removal of emergent in-channel vegetation likely to cause flooding events that result in structural damage;
6. Perimeter mowing/cutting of vegetation for fire hazard prevention/fuel reduction, provided such mowing/cutting occurs no more than 20 ft. around structures;
7. Continuation of agricultural activities occurring on a property prior to December 31, 2004, such as grazing livestock, growing crops, etc. However, the use of herbicides or other pesticides, the application of synthetic fertilizers, and the storage of toxic materials in these areas is subject to applicable state and federal regulations, as well as the restrictions set forth in the Corvallis Municipal Code.
8. Maintenance and protection of the function of City utilities and transportation facilities located within Riparian Corridors and Wetlands;
9. Allowance of activities under an Oregon Department of Fish and Wildlife approved restoration plan for improving Riparian Function. As a component of this plan, and as a means of controlling the spread of the weeds throughout the Watershed, livestock may be permitted in areas with identified Non-native, Invasive, and/or Noxious Vegetation; and
10. Removal of Hazardous Trees - Requests for removal of Hazardous Trees, except in emergency circumstances, shall be reviewed by the City Urban Forester (or another qualified arborist) and approved, conditionally approved, or denied by the Community Development Director. Any trees removed shall be replaced by like native species or alternative approved native species listed on the City of Corvallis Native Plant List.

b. Building, Paving, and Grading Activities - The placement of structures or impervious surfaces, as well as grading, excavation, and the placement of fill, are prohibited. Exceptions to the drainageway restrictions may be made for the

purposes identified in items 1-7 of this Section, provided they are designed and constructed to minimize adverse impacts to Riparian Corridors and Riparian-related Areas.

1. Replacement or Relocation of Existing Buildings - Replacement or relocation of existing buildings, either within the building's original footprint, or with the same or reduced square footage area elsewhere on the site. A relocation of an existing building within the same square footage area, but located elsewhere on the site, is only allowed if the relocation of the building enhances Riparian, Stormwater, and Floodplain Functions. Under no circumstances shall a relocated building be located within 15 ft. of Top-of-bank. The relocation shall be considered to enhance Stormwater, and Floodplain Function if it furthers any of the following goals without worsening any other goal:
   a) Replaces standard construction with Flow-through Design construction, if the building is within the 100-year Floodplain;
   b) Moves the structure to a higher elevation;
   c) Moves the structure further from the Top-of-bank of the adjacent water body;
   d) Reduces the amount of impervious surface area in the Riparian Corridor; and
   e) Does not negatively impact non-noxious Riparian Vegetation. Nonnative,
   Invasive, and/or Noxious Vegetation is defined in Chapter 1.6 - Definitions.

2. The location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Highly Protected Riparian Corridors and Riparian related Areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the subject area;

3. Redevelopment of utility operations existing as of December 31, 2004, is also permitted. Required riparian easement areas shall be re-vegetated consistent with Section 4.13.50.d.1 and Section 4.13.50.d.2;

4. Development of Water-related and Water-dependent Uses, as defined in Chapter 1.6 - Definitions, where no other viable locations exist;

5. Erosion control or flood control measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers, or other state or federal regulatory agency with jurisdiction in this area. Erosion control or flood control measures shall either utilize bioengineering methods other than rip-rap, or shall utilize rip-rap only to address an imminent hazard to a structure built prior to December 31, 2004. If utilized, the rip-rap installation shall be designed by a Professional Engineer Licensed by the State of Oregon and approved by the Oregon Department of Fish and Wildlife;

6. Development associated with the Minimum Assured Development Area that would be allowed in accordance with Chapter 4.11 - Minimum Assured Development Area (MADA); and

7. Water quality or detention facilities located outside of riparian easement areas, as determined in Section 4.13.70.

e. Subdivisions, Land Partitions, and Property Line Adjustments - For properties with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, no Subdivision, Partition, or Lot Line Adjustment shall create new lots or parcels unless:

1. Each new and remaining lot or parcel contains an area unconstrained by Natural Resources or Natural Hazards; and

2. The unconstrained area in "1," above, is equal to or greater than the Minimum Assured Development Area for the zone or zones in which the development site falls.

Exceptions to this requirement are lots created for public park purposes and privately- or publicly-owned lots completely contained within land zoned Conservation-Open Space. New Subdivisions and Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards.

f. Maintenance - The limitations imposed by this Section do not preclude the routine maintenance of structures and landscaped areas.

1. Maintenance of lawns, non-native riparian planted vegetation and landscaping shall not expand lawn areas or remove or damage any nonhazardous tree. A lawn area is defined as a vegetated area mowed to 18 in. or less in height.

2. The application of herbicides or other pesticides, and the application of fertilizers are subject to applicable state and federal regulations; and developed properties shall be subject to the restrictions set forth in the Corvallis Municipal Code.

3. Where replanting is done, vegetation shall be replanted with native species or approved alternatives, with the exception of continued Agricultural Uses, as specified in Section 4.13.50.a.7.

4. Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and resource functions.

5. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species.

6. Disposal of yard waste or other organic materials, with the exception of downed trees, leaf litter from Riparian Vegetation, and mulch for allowed

riparian plantings, is:

a) Prohibited within Highly Protected Riparian Corridors;

b) Prohibited within 25 ft. of the Top-of-bank within Partially Protected Riparian Corridors; and

c) Regulated by restrictions in the Corvallis Municipal Code.

g. Exemptions - When performed under the direction of the City, and in compliance with the provisions of the Stormwater Master Plan, the following activities shall be exempt from the provisions of this Chapter:

1. Response to public emergencies, including emergency repairs to public facilities; and

2. Routine maintenance or replacement of existing public facilities.

Section 4.13.70 - DRAINAGEWAY TRACTS, EASEMENTS, AND DEDICATIONS

Section 4.13.70.01 - Overview

a. Impacts of Development - Development can have a number of impacts on the drainage system and its associated water quality. These potential impacts include, but are not limited to:

1. Increases in the amount and velocity of surface water runoff;

2. Decreases in the time for stormwater destined for drainageways to reach peak flow;

3. Increases in the frequency and velocity of floods;

4. Channel incision and widening;

5. Increases in water temperature; and

6. Increases in the quantity and types of pollutants that may enter drainageways.

b. Minimizing Impacts of Development -

1. The drainageways within the City are intended to function as a wholistic natural system that includes both Fish-bearing Streams and other Streams whose flow is recognized to have direct impacts on these Fish-bearing Streams. The City intends to manage stormwater from development in a manner that maintains or improves the Properly Functioning Conditions of the Streams utilized for stormwater discharge.

2. Requiring of Easements -

a) Reasons for Requiring Easements -

1) To ensure that negative impacts to the system in "a," above, are minimized;

2) To accommodate and maintain the natural hydrological functions and processes; and

3) To provide and maintain adequate stormwater facilities.

b) When the Granting of an Easements is Required -

1) For new development, expansion of existing development, or redevelopment proposed on land abutting or containing an open, natural drainageway.

2) The granting of this easement shall be under the conditions described in Section 4.13.70.02, below, over lands suitable for conveying storm waters and for maintaining and operating an effective open drainageway system.

3. The easement required by "2," above, is intended to satisfy the

purposes cited in Section 4.13.10, as well as the stormwater management purposes identified in Chapter 4.5 - Natural Hazard and Hillside Development Provisions; and shall be reviewed and approved by the City Engineer.

Section 4.13.70.02 - Easements, Easement Restrictions, Dedications, and Easement Widths

a. Easement - An easement shall be required when:

1. Development is proposed on a vacant parcel or a partially developed parcel, and the amount of impervious surface on the parcel resulting from new development and/or redevelopment occurring after December 31, 2004, would cumulatively equal or exceed 20 percent of the total area of the parcel. The effects of new development and/or redevelopment shall be cumulative from December 31, 2004, and when the net effect of one or more changes results in 20 percent impervious coverage or more, an easement shall be required; or

2. A parcel of land is divided into two or more parcels, whether by Land Partition or Subdivision.

b. Easement Restrictions - The easement shall contain sufficient restrictions on the use of the area to satisfy the purposes cited in Section 4.13.10 above. Restrictions shall apply to structural improvements, regrading, filling, and alteration of existing vegetative cover, as specified on an easement document provided by the City Engineer. Trees that fall within riparian easement areas are not to be removed, unless they are a hazard, or unless they would create flooding that would cause structural damage.

c. Dedications - The City will strongly consider accepting voluntary drainageway dedications provided:

1. Public maintenance of the drainageway is anticipated or public ownership will enhance protection of the resource or maintenance of Stormwater Functions;
2. Dedication of the drainageway area does not create substandard lot size, substandard building setbacks, or otherwise reduce applicable development standards to the point that would render the existing development Nonconforming;
3. The methodologies for determining width described in subsection "d," are utilized; and
4. The land to be dedicated is placed in a separate tract through the Land Division process.

Exceptions for select existing structures located between the 1.0-ft. Floodway and the 0.2-ft. Floodway are outlined in Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

d. **Easement Widths** - When an easement is required, the appropriate width shall be as described in "1," through "5," below. However, in no case shall riparian easements include areas containing existing buildings that are intended to remain, nor shall easements include development area assured under "4," below.

For areas with Riparian Corridors, as designated on the City's Riparian Corridors and Wetlands Map, the associated easement width and requirements shall be as follows:

1. Measurement and Separate Tract - Easement areas shall be measured from Top-of-bank, as indicated from a submitted topographic survey, and shall be placed in a separate tract.

2. Easement Width - When an easement is required, the appropriate width shall be as outlined in Table 4.13-2 - Easement Width, except as modified by the provisions in "3," through "5," below.

Table 4.13-2
Easement Width

Riparian Corridor Areas Mapped on the Riparian Corridors and Wetlands Map	Required Easement Area --To be Placed in Separate Tracts
All Partially Protected Stream Corridors	Drainage channel + 25 ft. from Top-of-bank; or The boundary of the 0.2-ft. Floodway, whichever is greater[2]
Highly Protected Riparian Corridors along the Willamette and Mary's Rivers	Drainage channel + 75 ft. from Top-of-bank; or The boundary of the 0.2- ft. Floodway, whichever is greater[2]
All other Highly Protected Riparian Corridors	Drainage channel + 50 ft. from Top-of-bank; or The boundary of the 0.2-ft. Floodway, whichever is greater[2]
Note: The area between the outer edge of the easement boundary and the outer edge of the Riparian Corridor is regulated by sections 4.13.50 and 4.13.60.	

2 Exceptions for select existing structures located between the 1.0-ft. Floodway and the 0.2-ft. Floodway are outlined in Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

3. If the 0.2-ft Floodway boundary, as determined by maps on file with the City Engineer, extends beyond the required width as specified in "2," above, additional easement width shall be provided as needed to encompass the Floodway.

4. If, through the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA), it is determined that encroachment into a Riparian Corridor area is necessary to allow for utilization of the Minimum Assured Development Area, any associated easement requirement shall be relaxed to the extent necessary to allow for the minimum necessary encroachment into the resource area.
5. Easement widths wider than required in "2," above, may be accepted to cover the full Riparian Corridor, as determined per Section 4.13.40.a.1.

COMMUNITY DEVELOPMENT DEPARTMENT
P.O. Box 1083, Corvallis, OR 97339-1083

Planning (503) 757-6908
Housing and Redevelopment 757-6981
Building 757-6929

NOTICE OF DISPOSITION

ORDER 84-38

CASE DC-84-3, South

APPLICANT Richard South
2665 NW Royal Oaks Dr.
Corvallis, OR 97330

LOCATION South of Ponderosa Avenue, west of Walnut Park. Assessor's Map No. 11-5-20, Tax Lots 1000, 1001, and 1002; Map No. 11-5-29, Tax Lots 200 and 205; Map No. 11-5-28, Tax Lot 800; Map No. 11-5-21CB, Tax Lot 500; and Map No. 11-5-21, Tax Lot 1100

REQUEST Approval of Development District upon Annexation of PD(RD-6)

The Corvallis Planning Commission conducted a review of the proposed request on July 11, 1984 and found that the request should be approved with conditions and adopts the findings of fact and conclusions contained in the staff report, dated June 29, 1984.

If you are an affected party and wish to appeal this decision, appeals must be filed within 10 days from the date of decision, in writing, with the City Recorder. The following information must be included:

a. Name and address of the appellant(s).
b. A reference to the subject development and case number, if any.
c. A statement of the specific grounds for appeal.
d. A statement as to how you are an affected party.
e. Filing fee of $75.00 (no fee required for an appeal of the Community Development Director's decision).

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day.

The City Recorder's Office is located in the Law Enforcement Building, Finance Department, 180 NW 5th Street.

Joel Davis, Vice-Chairman

SPECIAL REQUIREMENTS & CONDITIONS

File Number DC-84-3

Subject/Location South - South of Ponderosa Avenue, west of Walnut Park.

Approval by Planning Commission Date 7/11/84

CONDITIONS OF APPROVAL FOR THE DISTRICT CHANGE UPON ANNEXATION

1. Dedication of open drainageways is required as adjacent areas are approved for development.

2. Northwest Ponderosa Avenue shall be improved to City standards with development of the site.

3. Waterline extension and looping are required with development. Waterline design and construction shall meet the approval of the City Engineer. Fire hydrants shall be provided to meet the approval of the Fire Services Manager.

4. Sanitary sewer extensions are required with development. Sanitary sewers shall be designed and constructed to meet the approval of the City Engineer.

These conditions may be refined based on more detailed information that becomes available during the development review process.

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER 93-45

CASE	**PD-93-3, Cauthorn Development**
REQUEST	**Approval to build one single-family dwelling on 2.55 acres**
APPLICANT/ OWNER	**James and Cindy Cauthorn** **1992 NW Lantana Drive** **Corvallis, OR**
LOCATION	**On Ponderosa Road (south side), east of Deer Run and west of the Ponderosa Point development: Assessor Map Number 11-5-21CB, Tax Lot 500**

The Corvallis City Council conducted a review on an appeal of the above proposed request on August 2, 1993. The Council responded to the appeal by upholding the Planning Commission recommendation approving the development request with conditions thereby denying the appeal. The City Council has adopted the findings contained in the June 16, 1993, minutes plus those in the June 9, 1993, staff report.

The proposal, staff report, and hearing minutes may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

If you wish to appeal this decision, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.

Mayor R. Charles Vars, Jr.
City of Corvallis

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 166 of 395

CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION

ORDER 93-38

TOPIC	*Planned Development*
CASE	*PD-93-3, Cauthorn Development*
REQUEST	*Approval to construct a single family dwelling on 2.55 acres.*
APPLICANT	*James and Cindy Cauthorn* *1992 NW Lantana Drive* *Corvallis, OR*
LOCATION	*On Ponderosa Road (south side), east of Deer Run and west of the Ponderosa Point development: Assessor Map Number 11-5-21CB, Tax Lot 500*

The Corvallis Planning Commission conducted a review of the above case on June 16, 1993, and found that the request should be approved with the attached conditions. The Planning Commission has adopted the findings contained in the June 16, 1993, minutes and the June 9, 1993, staff report.

If you are an affected party and wish to appeal this decision, appeals must be filed within 10 days from the date of decision, in writing, with the City Recorder. The following information must be included:

a. Name and address of the appellant(s).
b. Reference the subject development and case number, if any.
c. A statement of the specific grounds for appeal.
d. A statement as to how you are an affected party.
e. Filing fee of $102.00. (No fee required for an appeal of the Community Development Director's decision.)

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

6.18.93

Terry Barker, Chairperson
Corvallis Planning Commission

ATTACHMENT III

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 167 of 395

Conditions of Approval:
PD-93-3, Cauthorn Development

1. **Drainageway dedication and maintenance:** Prior to issuing City permits, a drainageway dedication must be provided to the City consistent with Attachment D-1. The drainageway will generally be left in a natural condition subject to minimal maintenance consistent with the City's open drainageway policies. If the applicant wishes to maintain a portion of the drainageway to minimize the impact of blackberries and other weeds, the City would issue a maintenance easement related to these shrubs, however, the agreement would not permit damage to existing trees. The easement shall meet the approval of the City Engineer.

2. **Wetlands** - Prior to issuing cut/fill permits, documentation from the Division of State Lands indicating that the impact on these lands is consistent with state and federal laws shall be provided by the developer. An alternative would be to provide a report from a reputable consultant indicating that there are no hydric soils within the impacted area.

3. **Site access** - There shall be only one access point from Ponderosa Street to the subject property. Prior to issuing permits, the applicant shall demonstrate that the proposed access point meets site distance requirements.

4. **Extension of public facilities**

   a. Street & Water facilities - Prior to issuing building permits, the widening and improving of Ponderosa Street to full urban standards across the frontage of the building site (approximately 200 feet) shall be constructed (or assurances provided to construct the improvements within one year from the date permits are issued). Road improvements will involve creating an appropriate transition area west of the building site and may involve cut/fill outside the 200 foot frontage. The water main within Ponderosa shall be extended concurrent with the Ponderosa Street improvements.

   b. Public sewer - The public sewer at the southeast corner of the site shall be extended to the west across the width of the building site (approximately 275 feet of sewer extension).

   c. Detailed engineering plans - Construction permits for public facilities are required. Detailed engineering plans for all public facilities shall be submitted for approval by the City Engineer prior to issuance of construction permits. Street improvements will require appropriate permits from Benton County.

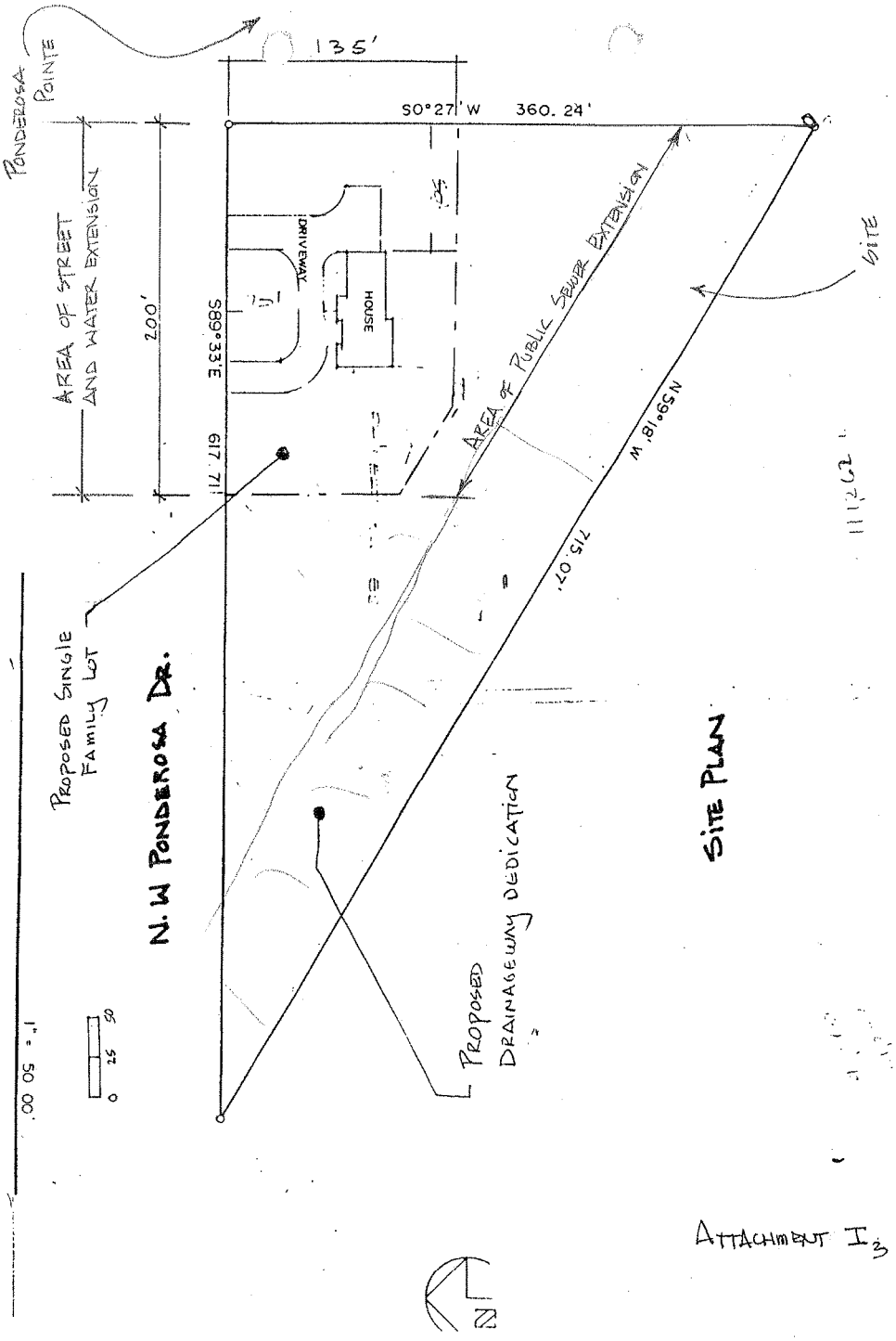
5. Ponderosa right-of-way - Prior to issuing permits, the applicant shall dedicate, to the public, sufficient right-of-way to permit development of Ponderosa Street to full urban standards.

Building permit and related information:

The following are provided for the applicant's information and are not special issues related to the planned development:

A. Environmental assessment of dedicated lands: Prior to final plat the developer shall provide to the City an environmental assessment from a reputable consultant of all lands to be dedicated to the public, the findings of which are acceptable to the City regarding environmental risk or hazards.

B. SDC reimbursements: Where it is anticipated by the developer that there will be System Development Charge reimbursements from City funds to the developer for qualifying extra-capacity facilities, the developer shall initiate and obtain written agreement with the City regarding reimbursement, amount and timing of payments prior to initiating construction of these facilities.


PONDEROSA POINTE
135'
S0°27'W 360.24'
AREA OF STREET AND WATER EXTENSION
200'
S89°33'E 617.71'
DRIVEWAY
HOUSE
AREA OF PUBLIC SEWER EXTENSION
SITE
N59°18'W 715.07'
PROPOSED SINGLE FAMILY LOT
N.W. PONDEROSA DR.
PROPOSED DRAINAGEWAY DEDICATION
SITE PLAN
1" = 50.00'
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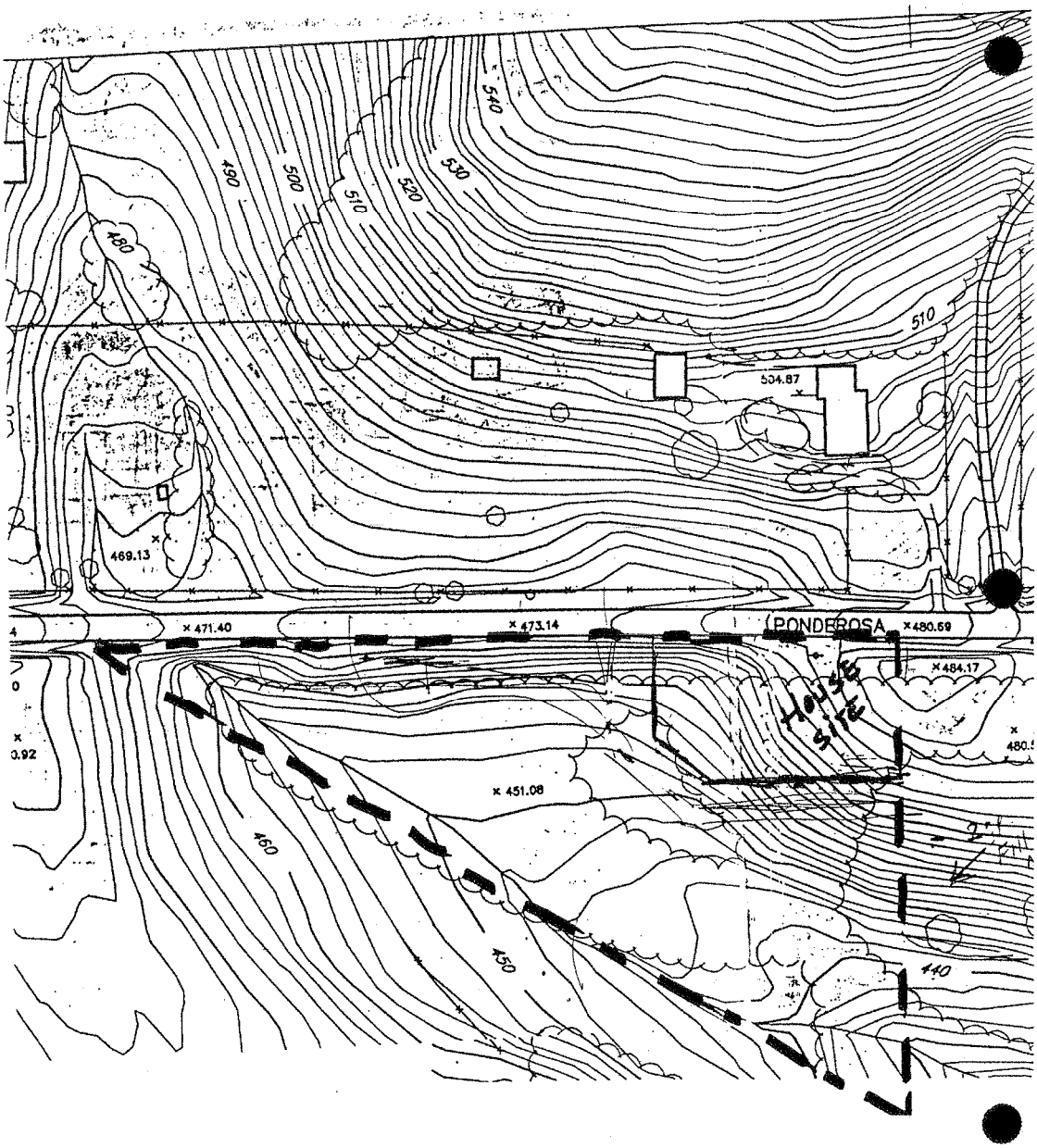
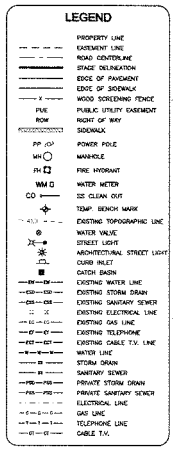
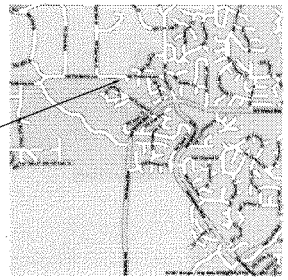
ATTACHMENT I3



ATTACHMENT I 4.

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
COVER SHEET





VICINITY MAP

PROJECT TEAM:

OWNER
WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
Corvallis, OR 97333
(541) 752-3884

PLANNER
CREED A. ECKERT, AICP
4360 NW APPLE TREE PL., NO. 7
CORVALLIS, OR 97330
(541) 908-3834

CIVIL ENGINEER
PETER SEADERS, PE
MSS, INC
535 SW 4th STREET
CORVALLIS, OR 97333
(541) 753-1320

GEOTECHNICAL ENGINEER
TRAVIS MUNSON, PE
FOUNDATION ENGINEERING, INC
820 NW CORNELL AVE.,
CORVALLIS, OR 97330
(541) 757-7645

SURVEYOR
BRIAN SAILOR, PLS
COLE SURVEYING, INC
6765 SW Philomath Blvd
Philomath OR 97370
(541) 929-5500

EXHIBIT INDEX

0	COVER SHEET
EXHIBIT A.1	EXISTING CONDITIONS
EXHIBIT A.2	EXISTING SLOPES IN DEVELOPMENT AREA
EXHIBIT B	CONCEPTUAL & DETAILED DEVELOPMENT PLAN
EXHIBIT C.1	PROPOSED GRADING PLAN
EXHIBIT C.2	PONDEROSA AVE. STREET & STORM DRAIN PROFILES
EXHIBIT C.3	DRIVEWAY STREET & STORM PROFILES
EXHIBIT C.4	SITE CROSS SECTIONS
EXHIBIT C.5	PONDEROSA AVE. CROSS SECTIONS
EXHIBIT C.6	RETAINING WALL PROFILES
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EXHIBIT G	NATURAL RESOURCE PRESERVATION PLAN
EXHIBIT H	LANDSCAPE & IRRIGATION PLAN

WAYDE & FRANKIE KENT
2485 NE STRAWBERRY LANE
Corvallis
(541) 752-3884

REVISIONS: REVISIONS PER MARCH 4, 2008 SRC LETTER — DATE 6/17/08 — BY PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Cover Sheet
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER — OREGON — PETER J. SEADERS
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5956

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SCALE NTS — DATE 10/6/08

0
1 OF 17 SHEETS

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Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
Planning@ci.corvallis.or.us

DEER RUN PARK SUBDIVISION
PLD08-00013 / SUB08-00007
ATTACHMENT K - Page 1 of 17

NOTES:
1. THE PROPERTY LINES WERE DETERMINED BY EXAMINING THE SURVEYS OF RECORD. THIS IS NOT A BOUNDARY SURVEY. BOUNDARIES SHOWN ON THIS SURVEY ARE A GRAPHIC REPRESENTATION TO SHOW THE APPROXIMATE LOCATION OF BOUNDARIES TO EXISTING IMPROVEMENTS.
2. EXISTING FILL MATERIAL TO BE DISTRIBUTED AND USED FOR BUILDING SITES. ALL FILL TO BE PLACED AND COMPACTED PER GEOTECHNICAL ENGINEER'S RECOMMENDATIONS at EXHIBIT F TO THIS DETAILED DEVELOPMENT PLAN.

TREE TABLE

NUMBER	TRUNK DIAMETER	TREE TYPE
1	8"	OAK
2	8"	ASH
3	8"	MAPLE
3A	5"	FIR
4	9"	OAK
5	9"	ASH
6	5"	MADRONA
6A	9"	FIR
7	10"	OAK
8	10"	ASH
9	10"	MAPLE
10	10"	FIR
11	12"	OAK
12	12"	ASH
13	12"	FIR
14	13"	OAK
15	14"	OAK
16	14"	ASH
17	14"	FIR
18	14"	MAPLE
19	15"	OAK
20	15"	MAPLE
21	16"	OAK
22	16"	ASH
23	16"	MAPLE
24	18"	OAK
25	18"	ASH
26	18"	MAPLE
27	32"	OAK

LEGEND

- TREE TO BE PRESERVED / "TREE TO BE REMOVED" — 1'/1" DBH CIRCLE OF PROTECTION PER CLDC; NUMBER OF TREES; TREE REFERENCE NUMBER
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC MARKED "PARSONS PLS 1918", UNLESS OTHERWISE NOTED.
- FLOW LINE AND DIRECTION OF DRAINAGE
- TOP OF BANK PER CLDC DEFINITION
- PARCEL BOUNDARY
- ( ) RECORD INFORMATION FROM BENTON COUNTY SURVEY NO. 8488
- EXISTING CONTOUR
- EXISTING FENCE
- WAT — EXISTING WATER
- OHP — EXISTING OVERHEAD UTILITIES
- TEL — EXISTING TELEPHONE
- GAS — EXISTING GAS
- EXISTING WATER METER
- EXISTING LIGHT POLE
- EXISTING MAILBOX
- EXISTING TELEPHONE PEDESTAL
- EXISTING MAILBOX
- EXISTING WATER VALVE
- EXISTING MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING UTILITY POLE

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WAYDE & FRANKIE KENT
2465 NE ATTEWAY AVE
Corvallis
(541) 752-3884

No.	REVISIONS PER MARCH 1, 2008 PRE-LETTER	DATE	BY
		5/13/08	PJS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit A - Existing Conditions
5260 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER — OREGON — JULY 13, 1982 — PETER J. SENEKER
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OREGON 97330
(541) 753-1201 FAX(541) 753-5858

JOB #	TITLE	DRAWN
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SCALE	DATE	
1"=30'	10/6/08	

A.1
2 OF 17 SHEETS

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
Planning@ci.corvallis.or.us

DEER RUN PARK SUBDIVISION
PLD08-00013 / SUB08-00007
ATTACHMENT K - Page 2 of 17

TREE TABLE

NUMBER	TRUNK DIAMETER	TREE TYPE
1	8"	OAK
2	8"	ASH
3	8"	MAPLE
3A	8"	FIR
4	9"	OAK
5	9"	ASH
6	9"	MADRONA
6A	9"	FIR
7	10"	OAK
8	10"	ASH
9	10"	MAPLE
10	10"	FIR
11	12"	OAK
12	12"	ASH
13	12"	FIR
14	13"	OAK
15	14"	OAK
16	14"	ASH
17	14"	FIR
18	14"	MAPLE
19	15"	OAK
20	15"	MAPLE
21	16"	OAK
22	16"	ASH
23	16"	MAPLE
24	18"	OAK
25	18"	ASH
26	18"	MAPLE
27	32"	OAK

NOTES:
1. THE PROPERTY LINES WERE DETERMINED BY EXAMINING THE SURVEYS OF RECORD. THIS IS NOT A BOUNDARY SURVEY. BOUNDARIES SHOWN ON THIS SURVEY ARE A GRAPHIC REPRESENTATION TO SHOW THE APPROXIMATE LOCATION OF BOUNDARIES TO EXISTING IMPROVEMENTS.
2. EXISTING FILL MATERIAL TO BE DISTRIBUTED AND USED FOR BUILDING SITES. ALL FILL TO BE PLACED AND COMPACTED PER GEOTECHNICAL ENGINEER'S RECOMMENDATIONS at EXHIBIT F TO THIS DETAILED DEVELOPMENT PLAN.

LEGEND

- TREE TO BE PRESERVED / TREE TO BE REMOVED — 1'/1" DBH CIRCLE OF PROTECTION PER CLDC; NUMBER OF TREES; TREE REFERENCE NUMBER
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC MARKED "PARSONS PLS 1918" UNLESS OTHERWISE NOTED.
- FLOW LINE AND DIRECTION OF DRAINAGE
- TOP OF BANK PER CLDC DEFINITION
- PARCEL BOUNDARY
- ( ) RECORD INFORMATION FROM BENTON COUNTY SURVEY NO. 15488
- EXISTING CONTOUR
- EXISTING FENCE
- WAT — EXISTING WATER
- OHP — EXISTING OVERHEAD UTILITIES
- TEL — EXISTING TELEPHONE
- GAS — EXISTING GAS
- EXISTING WATER METER
- EXISTING LIGHT POLE
- EXISTING MAILBOX
- EXISTING TELEPHONE PEDESTAL
- EXISTING MAILBOX
- EXISTING WATER VALVE
- EXISTING MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING UTILITY POLE

LOT 1 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		2285 SF
2	25%	35%		1227 SF
3	35%	GREATER THAN 35%		651 SF

LOT 2 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		592 SF
2	25%	35%		0 SF
3	35%	GREATER THAN 35%		303 SF

LOT 3 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		2546 SF
2	25%	35%		0 SF
3	35%	GREATER THAN 35%		282 SF

LOT 4 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		3762 SF
2	25%	35%		263 SF
3	35%	GREATER THAN 35%		21 SF

LOT 5 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		1928 SF
2	25%	35%		716 SF
3	35%	GREATER THAN 35%		0 SF

LOT 6 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		1489 SF
2	25%	35%		1582 SF
3	35%	GREATER THAN 35%		17 SF

LOT 7 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		2832 SF
2	25%	35%		886 SF
3	35%	GREATER THAN 35%		410 SF

LOT 8 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		2242 SF
2	25%	35%		972 SF
3	35%	GREATER THAN 35%		365 SF

LOT 9 SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		1986 SF
2	25%	35%		3351 SF
3	35%	GREATER THAN 35%		391 SF

ROW & SLOPE EASMENT SLOPE DATA

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR	AREA
1	15%	25%		3107 SF
2	25%	35%		1765 SF
3	35%	GREATER THAN 35%		3736 SF

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WAYDE & FRANKIE KENT
Corvallis
2480 NE STRAWBERRY LANE
(541) 752-3004

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REVISIONS PER SEPT. 5, 2008 SBC LETTER	MT	9/5/08

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit A - Existing Slopes in Development Area
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 14, 1989
PETER A. SEAMEK
RENEWAL: 6/30/2010

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1300 FAX:(541) 753-5905

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A.2
3 OF 17 SHEETS

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ATTACHMENT K - Page 3 of 17

Corvallis Planning Division
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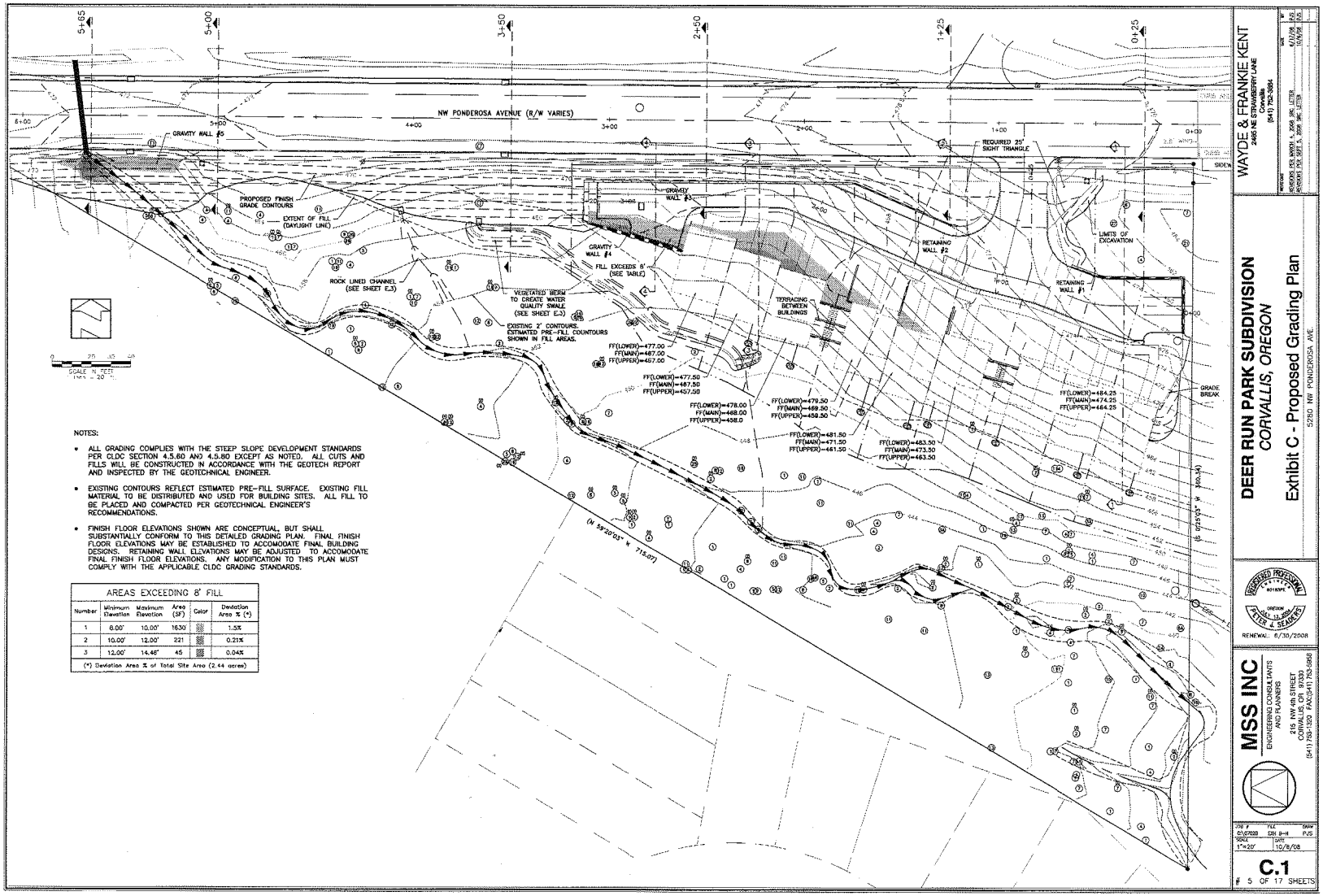
ATTACHMENT K - Page 4 of 17



NOTES:

- ALL GRADING COMPLIES WITH THE STEEP SLOPE DEVELOPMENT STANDARDS PER CLDC SECTION 4.5.60 AND 4.5.80 EXCEPT AS NOTED. ALL CUTS AND FILLS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE GEOTECH REPORT AND INSPECTED BY THE GEOTECHNICAL ENGINEER.
- EXISTING CONTOURS REFLECT ESTIMATED PRE-FILL SURFACE. EXISTING FILL MATERIAL TO BE DISTRIBUTED AND USED FOR BUILDING SITES. ALL FILL TO BE PLACED AND COMPACTED PER GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.
- FINISH FLOOR ELEVATIONS SHOWN ARE CONCEPTUAL, BUT SHALL SUBSTANTIALLY CONFORM TO THIS DETAILED GRADING PLAN. FINAL FINISH FLOOR ELEVATIONS MAY BE ESTABLISHED TO ACCOMODATE FINAL BUILDING DESIGNS. RETAINING WALL ELEVATIONS MAY BE ADJUSTED TO ACCOMODATE FINAL FINISH FLOOR ELEVATIONS. ANY MODIFICATION TO THIS PLAN MUST COMPLY WITH THE APPLICABLE CLDC GRADING STANDARDS.

AREAS EXCEEDING 8' FILL

Number	Minimum Elevation	Maximum Elevation	Area (SF)	Color	Deviation Area % (*)
1	8.00'	10.00'	1630		1.5%
2	10.00'	12.00'	221		0.21%
3	12.00'	14.46'	45		0.04%

(*) Deviation Area % of Total Site Area (2.44 acres)

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Corvallis, OR 97333
541.766.6908
Planning@ci.corvallis.or.us

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PLD08-00013 / SUB08-00007
ATTACHMENT K - Page 5 of 17

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
Planning@ci.corvallis.or.us
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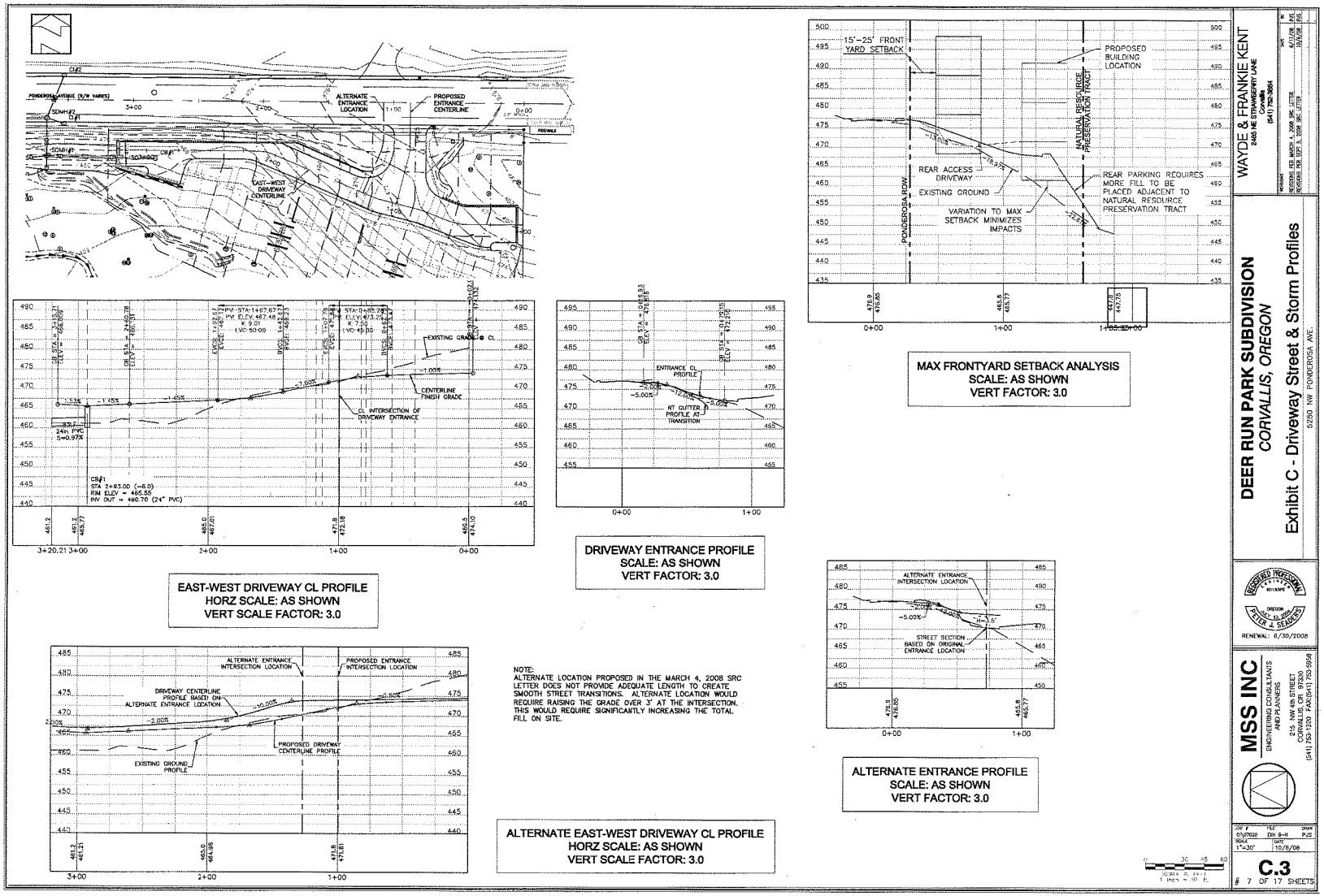
WAYDE & FRANKIE KENT
2460 NE STRAWBERRY LANE
Corvallis
(541) 752-3884
DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit C - Ponderosa Ave. Street & Storm Drain Profiles
5280 NW PONDEROSA AVE.
MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1220 FAX:(541) 753-5868
C.2
6 OF 17 SHEETS
Ponderosa CL
HORZ SCALE: AS SHOWN



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Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

541.766.6908
Planning@ci.corvallis.or.us

DEER RUN PARK SUBDIVISION

PLD08-00013 / SUB08-00007

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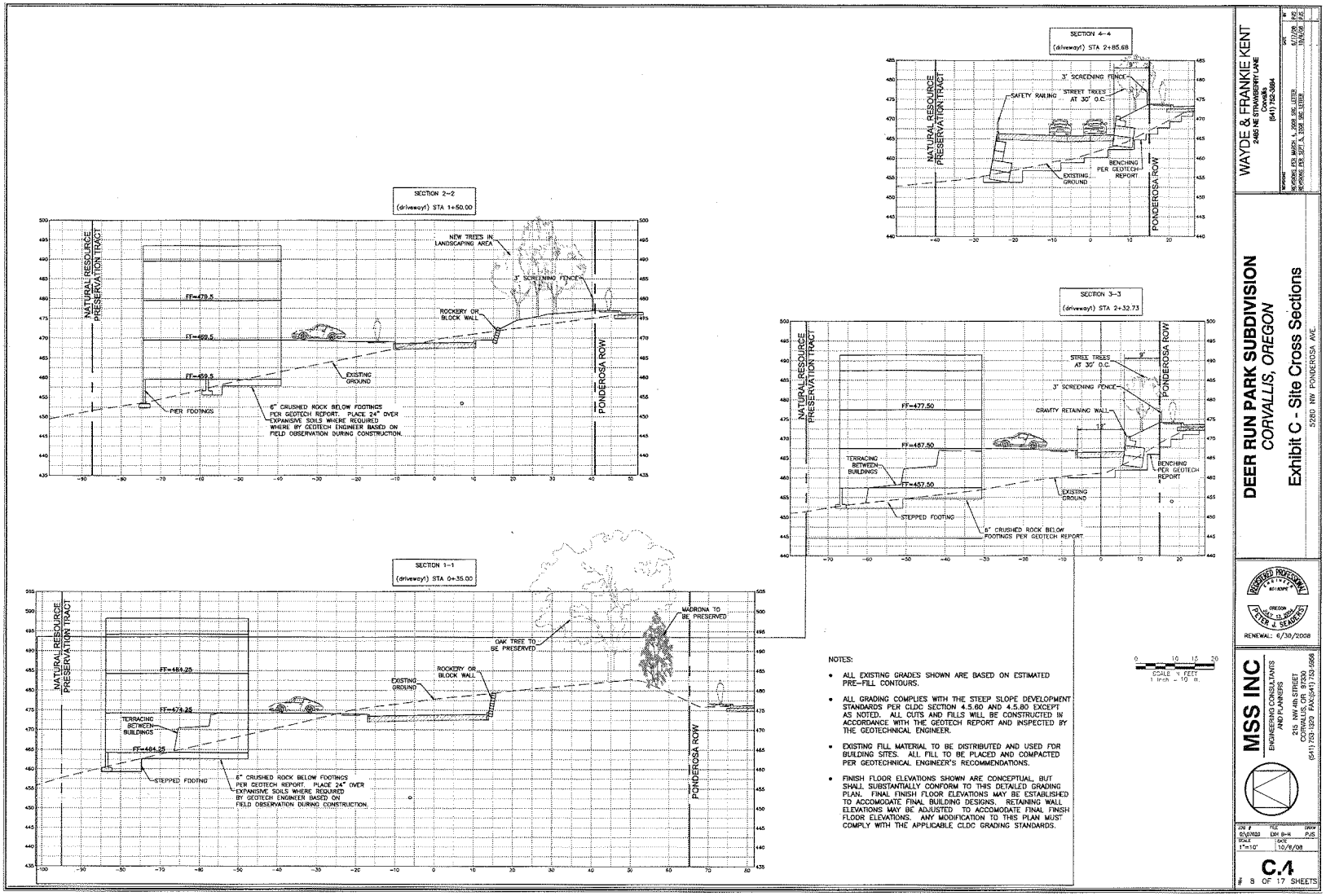

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501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
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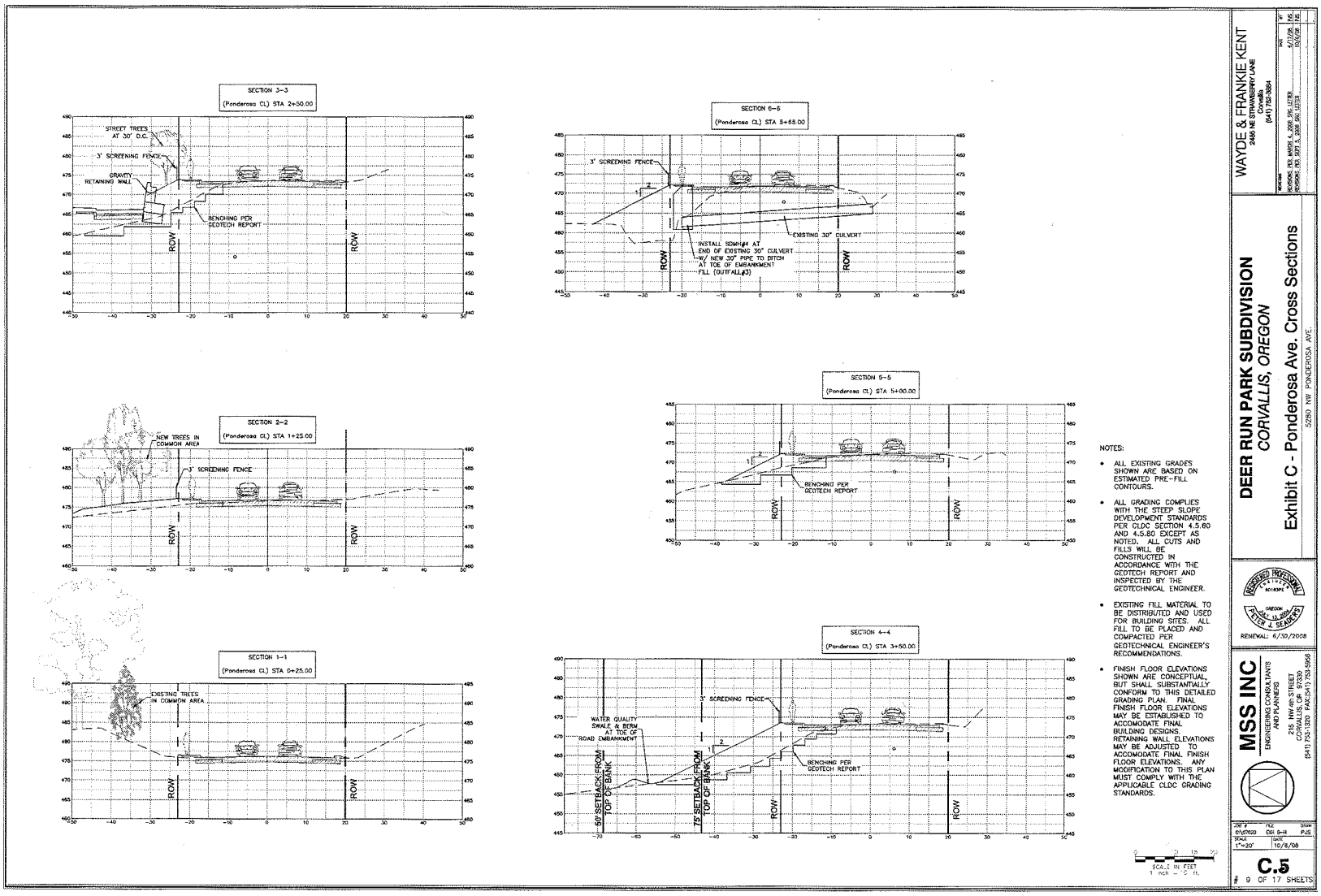

NOTES:

- ALL EXISTING GRADES SHOWN ARE BASED ON ESTIMATED PRE-FILL CONTOURS.
- ALL GRADING COMPLIES WITH THE STEEP SLOPE DEVELOPMENT STANDARDS PER CLDC SECTION 4.5.60 AND 4.5.80 EXCEPT AS NOTED. ALL CUTS AND FILLS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE GEOTECH REPORT AND INSPECTED BY THE GEOTECHNICAL ENGINEER.
- EXISTING FILL MATERIAL TO BE DISTRIBUTED AND USED FOR BUILDING SITES. ALL FILL TO BE PLACED AND COMPACTED PER GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.
- FINISH FLOOR ELEVATIONS SHOWN ARE CONCEPTUAL, BUT SHALL SUBSTANTIALLY CONFORM TO THIS DETAILED GRADING PLAN. FINAL FINISH FLOOR ELEVATIONS MAY BE ESTABLISHED TO ACCOMODATE FINAL BUILDING DESIGNS. RETAINING WALL ELEVATIONS MAY BE ADJUSTED TO ACCOMODATE FINAL FINISH FLOOR ELEVATIONS. ANY MODIFICATION TO THIS PLAN MUST COMPLY WITH THE APPLICABLE CLDC GRADING STANDARDS.

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Corvallis Planning Division
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Planning@ci.corvallis.or.us

DEER RUN PARK SUBDIVISION
PLD08-00013 / SUB08-00007
ATTACHMENT K - Page 9 of 17

NORTH & WEST CURB & WALL PROFILES
HORZ SCALE: AS SHOWN
VERT SCALE FACTOR: 3.0

NORTH & EAST CURB & WALL PROFILES
SCALE: AS SHOWN
VERT FACTOR: 3.0

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WAYDE & FRANKIE KENT
2480 NE STRAWBERRY LANE
Corvallis
(541) 752-3884

REVISIONS	DATE	BY
REVISIONS PER MARCH 5, 2008 SRC LETTER	4/7/08	MS
REVISIONS PER SEPT. 5, 2008 SRC LETTER	10/6/08	MS

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit C - Retaining Wall Profiles
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2004
PETER W. WALKER
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-9955

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C.6
10 OF 17 SHEETS

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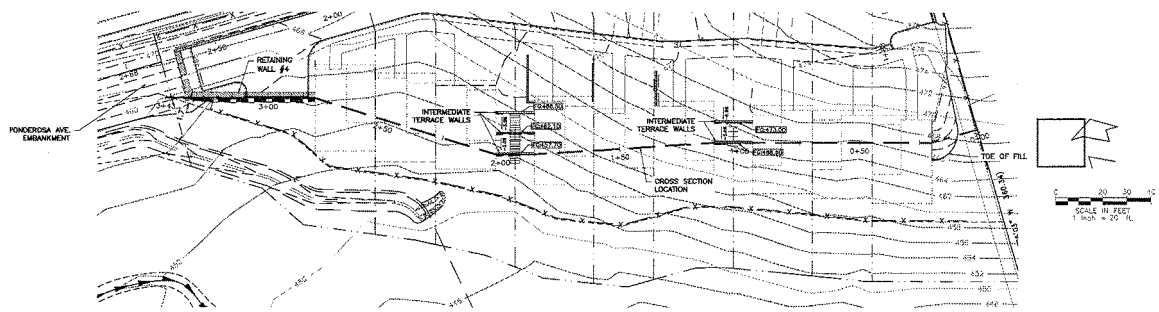
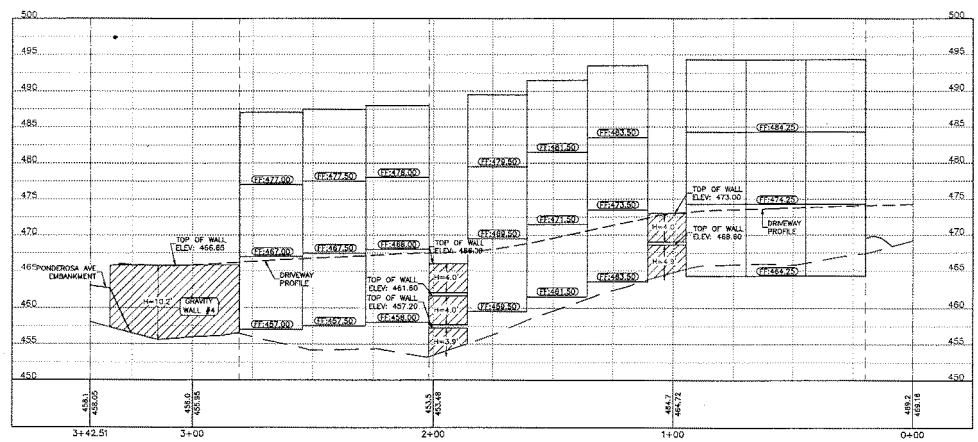
ATTACHMENT K - Page 10 of 17





Site Cross Section of Buildings & Intermediate Retaining Walls
HORZ SCALE: AS SHOWN
VERT SCALE FACTOR: 3.0

WAYDE & FRANKIE KENT
2465 NE STRAWBERRY LANE
Corvallis
(541) 752-3884

DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit C - Site Cross Section & Intermediate Wall Profiles
5280 NW PONDEROSA AVE.

RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5956

C.7
11 OF 17 SHEETS

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Corvallis Planning Division
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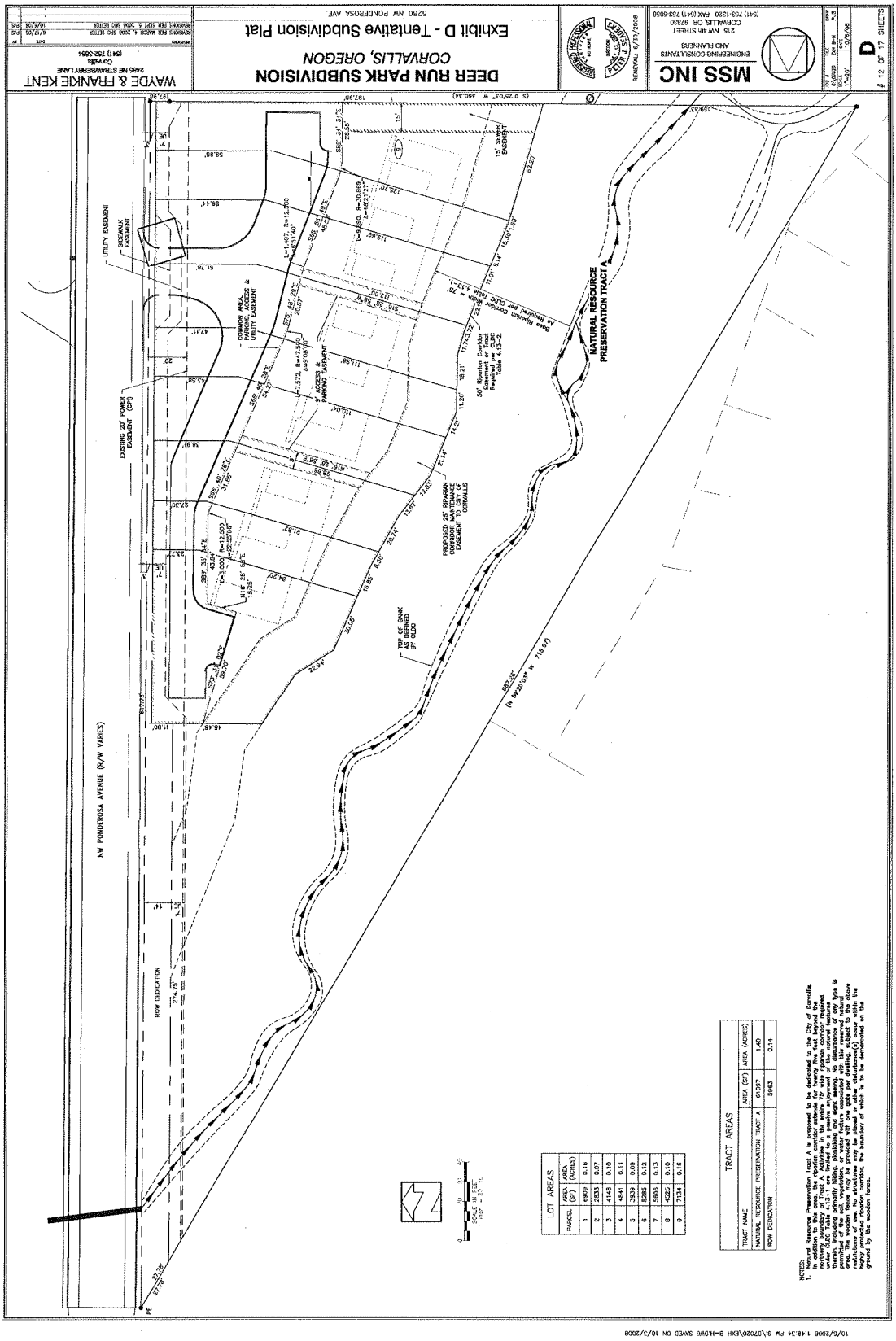
ATTACHMENT K - Page 11 of 17


DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit D - Tentative Subdivision Plat
5280 NW PONDEROSA AVE
MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
315 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1220 FAX:(541) 753-8650
RENEWAL: 6/30/2008
WAYDE & FRANKIE KENT
2465 NE STRAWBERRY LANE
Corvallis
(541) 752-3884
D
12 OF 17 SHEETS
NW PONDEROSA AVENUE (R/W VARIES)
ROW DEDICATION
274.75'
EXISTING 20' POWER EASEMENT (OPE)
UTILITY EASEMENT
SIDEWALK EASEMENT
COMMON AREA, PARKING, ACCESS & UTILITY EASEMENT
5' ACCESS & PARKING EASEMENT
15' SEWER EASEMENT
50' Riparian Corridor Easement or Tract Required per CLDC Table 4.13-2
Base Riparian Corridor Width = 75'
As Required per CLDC Table 4.13-2
PROPOSED 50' RIPARIAN CORRIDOR MAINTENANCE EASEMENT TO CITY OF CORVALLIS
TOP OF BANK AS DEFINED BY CLDC
NATURAL RESOURCE PRESERVATION TRACT A
691.26'
(N 34°20'03" W 715.07')
LOT AREAS
PARCEL
AREA (SF)
AREA (ACRES)
1 6909 0.16
2 2833 0.07
3 4145 0.10
4 4841 0.11
5 3939 0.09
6 5285 0.12
7 5806 0.13
8 4525 0.10
9 7134 0.16
TRACT AREAS
TRACT NAME
AREA (SF)
AREA (ACRES)
NATURAL RESOURCE PRESERVATION TRACT A 61097 1.40
ROW DEDICATION 5963 0.14
NOTES:
1. Natural Resource Preservation Tract A is proposed to be dedicated to the City of Corvallis. In addition to the one, the riparian corridor extends far twenty five feet beyond the mapped riparian corridor boundary. Activities and uses are restricted within the riparian corridor under CLDC Table 4.13-1 are limited to a passive enjoyment of the natural features thereto, including primarily hiking, picnicking and sight seeing. No disturbance of any type is permitted, except for the removal of hazardous trees and the planting of native vegetation in this area. The wooden fence may be provided with one gate per dwelling, subject to the above restrictions. A maximum of two gates may be provided within the preserve tract. Within the highly protected riparian corridor, the boundary of which is to be demarcated on the ground by the wooden fences.
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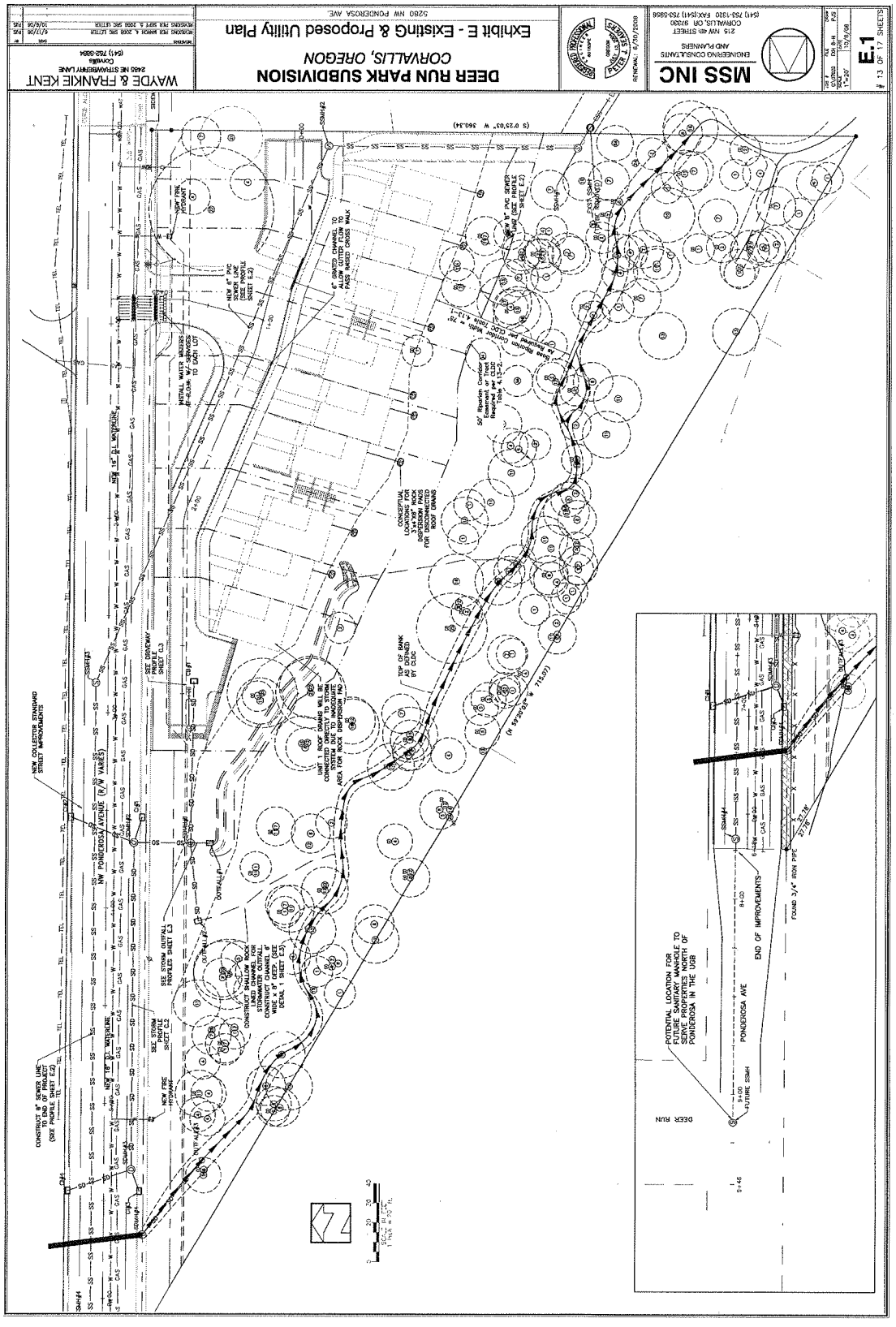
DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit E - Existing & Proposed Utility Plan
5280 NW PONDEROSA AVE.
MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1220 FAX:(541) 753-6956
E.1
13 OF 17 SHEETS
WAYDE & FRANKIE KENT
2460 NE STRAWBERRY LANE
Corvallis
(541) 752-5884
NW PONDEROSA AVENUE (R/W VARIES)
DEER RUN
PONDEROSA AVE
POTENTIAL LOCATION FOR FUTURE SANITARY MANHOLE TO STUB FOR EXTENSION NORTH OF PONDEROSA IN THE VAB
END OF IMPROVEMENTS
FOUND 3/4" IRON PIPE
FUTURE SSMH
NEW COLLECTOR STANDARD STREET IMPROVEMENTS
CONSTRUCT 8" SEWER LINE TO END OF ROAD (SEE PROFILE SHEET C.4)
NEW 15" D.I. WATERLINE
NEW TEE WATERLINE
NEW FIRE HYDRANT
SEE STORM OUTFALL PROFILE SHEET C.5
SEE STORM PROFILE SHEET C.5
SEE DRIVEWAY PROFILE SHEET C.3
INSTALL WATER METERS TO EACH LOT
NEW 8" SAN. SEWER LINE (SEE PROFILE SHEET C.3)
4' GRATED CHANNEL TO CONVEY FLOW UNDER PASS UNDER CROSS WALK
NEW 8" PVC SEWER MAIN (SEE PROFILE C.2)
CONSTRUCT SHALLOW ROCK STORMWATER CONTROL
CONSTRUCT CHANNEL 8' WIDE, 1' DEEP (SEE DETAIL 1 SHEET C.5)
CONCEPTUAL LOCATIONS FOR SHALLOW ROCK INFILTRATION TRENCHES FOR DISCONNECTED ROOF DRAINS
TOP OF BANK AS DEFINED BY CLOC
UNIT 1 ROOF DRAINS WILL BE CONNECTED DIRECTLY TO STORM SYSTEM DUE TO INADEQUATE AREA WITHIN LOT
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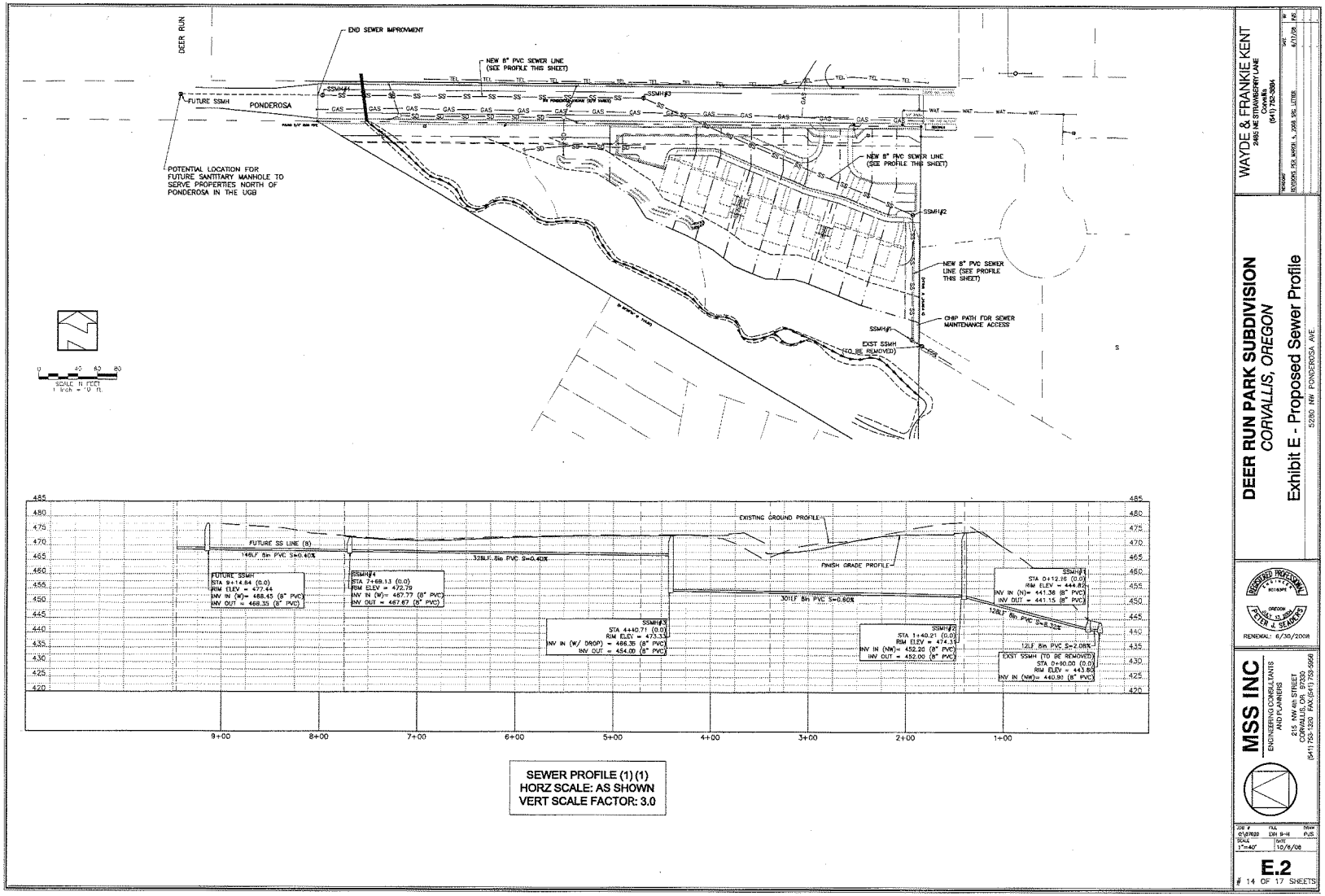

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
Planning@ci.corvallis.or.us

DEER RUN PARK SUBDIVISION

PLD08-00013 / SUB08-00007

ATTACHMENT K - Page 14 of 17

CORVALLIS
SUSTAINING A COMMUNITY FOR GENERATIONS

Corvallis Planning Division
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Corvallis, OR 97333

541.766.6908
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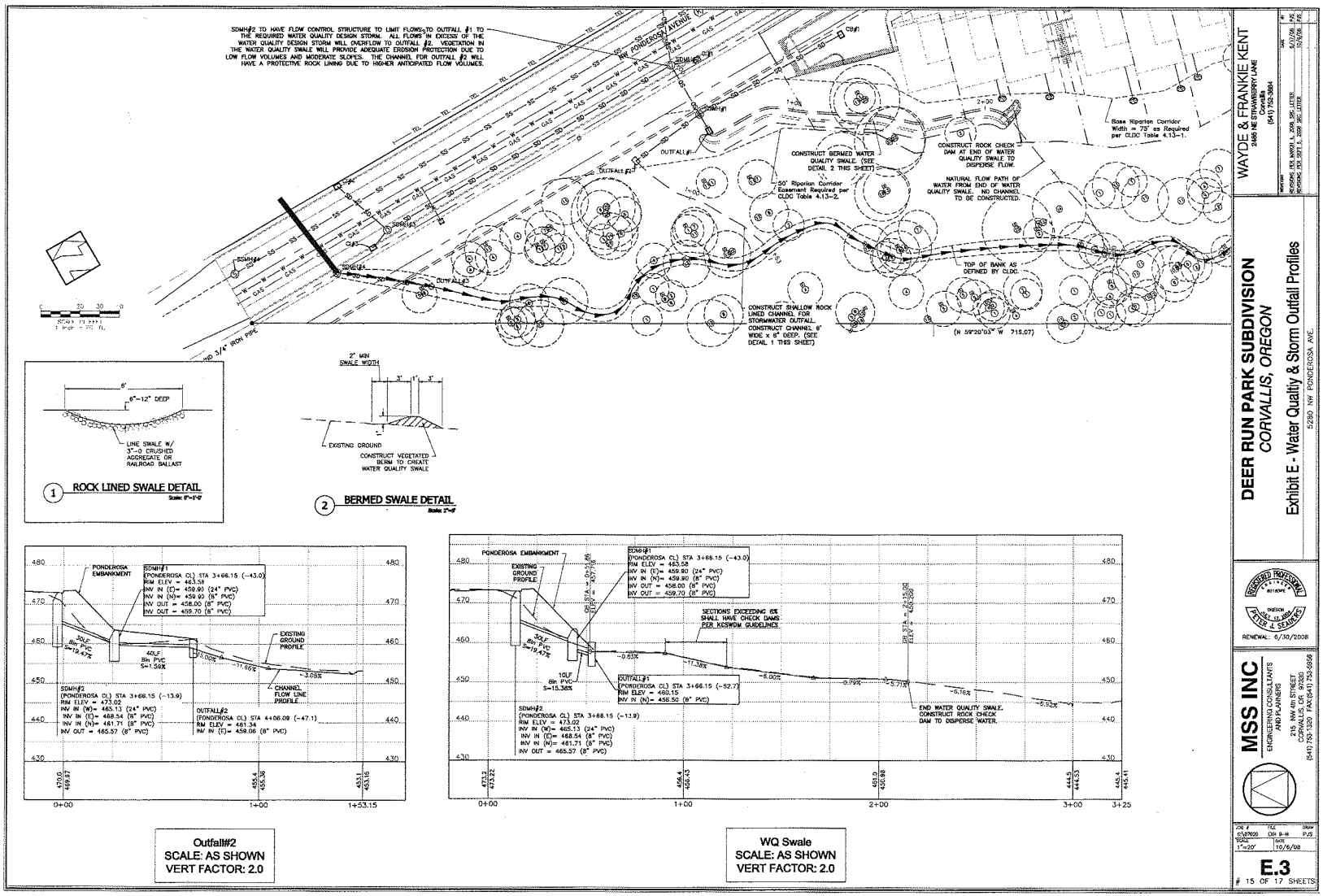
DEER RUN PARK SUBDIVISION

PLD08-00013 / SUB08-00007

ATTACHMENT K - Page 15 of 17



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WAYDE & FRANKIE KENT
2465 NE STRAWBERRY LANE
(541) 752-3984

REVISIONS	BY	DATE
RESPONSE FOR LAND USE APPLICATION	PJS	6/1/08
RESPONSE FOR 2ND LAND USE APPLICATION	PJS	10/6/08

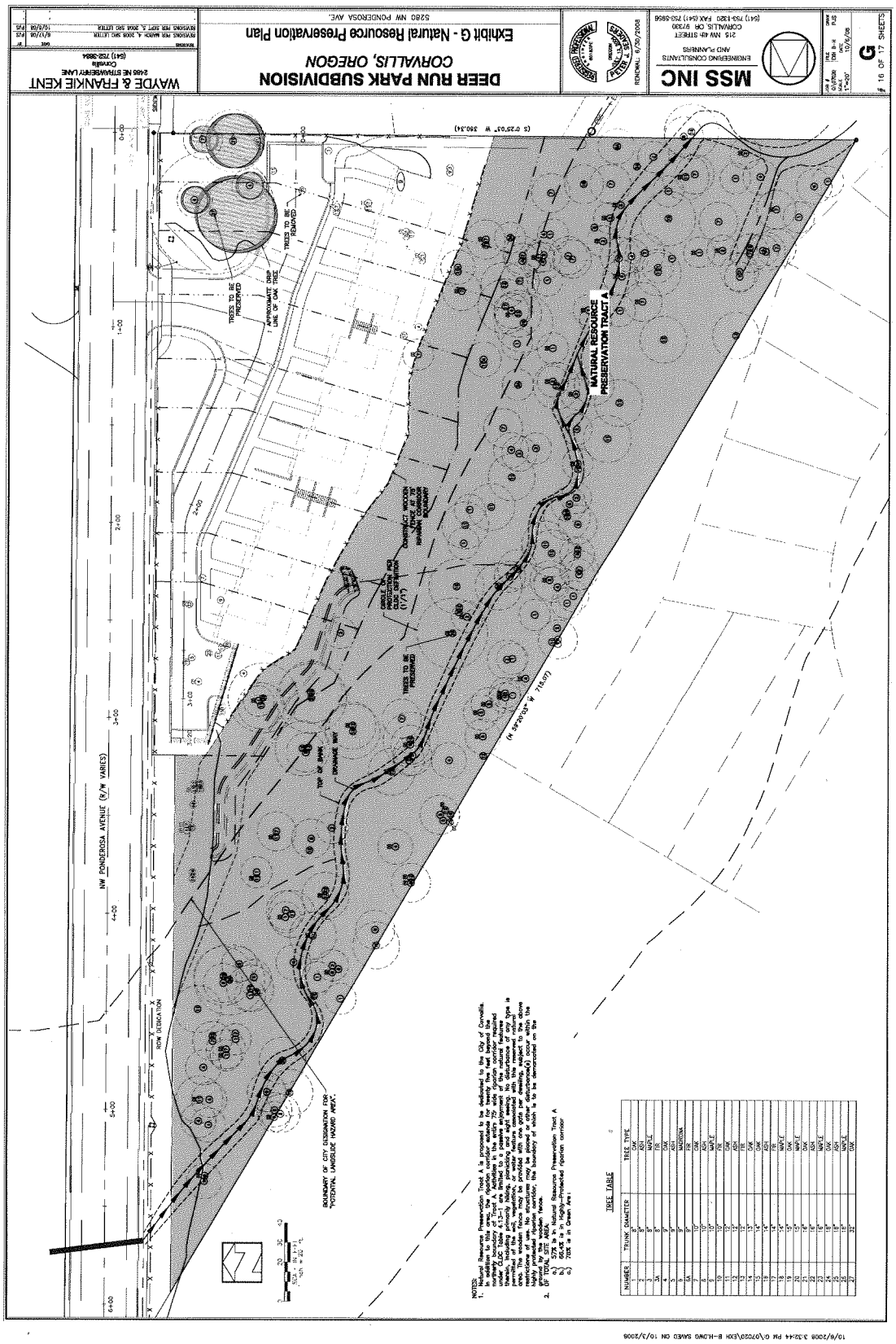
DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit E - Water Quality & Storm Outfall Profiles
5280 NW PONDEROSA AVE.

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 10, 1981
PETER J. SEARCEY
RENEWAL: 6/30/2008

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1301 FAX (541) 753-6956

JOB #	FILE	DRAWN
07020	EXH B-H	PJS
SCALE	DATE	
1"=20'	10/6/08	

E.3
15 OF 17 SHEETS


DEER RUN PARK SUBDIVISION
CORVALLIS, OREGON
Exhibit G - Natural Resource Preservation Plan
5280 NW PONDEROSA AVE.
MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1220 FAX (541) 753-8956
RENEWAL: 6/30/2008
WAYDE & FRANKIE KENT
2466 NE STRAWBERRY LANE
Corvallis
(541) 752-3864
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16 OF 17 SHEETS
NW PONDEROSA AVENUE (R/W VARIES)
ROW DEDICATION
TOP OF BANK
DRAINAGE WAY
TREES TO BE PRESERVED
TREES TO BE REMOVED
APPROXIMATE DRIP LINE OF OAK TREE
NATURAL RESOURCE PRESERVATION TRACT A
CONSERVATION EASEMENT FOR RIPARIAN CORRIDOR BOUNDARY
BOUNDARY OF CITY DESIGNATION FOR TOPOGRAPHIC CARRYOVER FACING AREA
(S 0°25'02" W 260.34')
(N 58°20'03" W 718.07')
NOTES
1. Natural Resource Preservation Tract A is proposed to be dedicated to the City of Corvallis. In addition to this area, the riparian corridor extends for twenty five feet beyond the boundary of Tract A. Activities within this area are limited to a maximum of three natural features under CLDC Table 4.13-1 are limited to a maximum of three natural features, including primarily hiking, picnicking and sight seeing. No disturbance of any type a maximum of three natural features, including primarily hiking, picnicking and sight seeing. No disturbance of any type a one. The wooden fence may be provided with one gate per dwelling, subject to the above limitations. Refer to the Natural Resource Preservation Tract A Management Plan for more details on the highly protected riparian corridor, the boundary of which is to be demarcated on the ground by the wooden fence.
2. DISTRIBUTION OF TREES:
a.) 578 in Natural Resource Preservation Tract A
b.) 664.5 in highly protected riparian corridor
c.) 726 in Green Area
TREE TABLE
NUMBER | TRUNK DIAMETER | TREE TYPE
1 | 8" | OAK
2 | 9" | OAK
3 | 8" | MAPLE
3A | 8" | FIR
4 | 9" | OAK
5 | 9" | ASH
6 | 8" | MADRONA
6A | 10" | FIR
7 | 10" | ASH
8 | 10" | ASH
9 | 10" | MAPLE
10 | 12" | OAK
11 | 12" | ASH
12 | 13" | OAK
13 | 13" | OAK
14 | 14" | OAK
15 | 14" | OAK
16 | 14" | FIR
17 | 14" | MAPLE
18 | 14" | FIR
19 | 15" | MAPLE
20 | 15" | OAK
21 | 16" | OAK
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23 | 18" | OAK
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26 | 20" | OAK
27 | 32" | OAK
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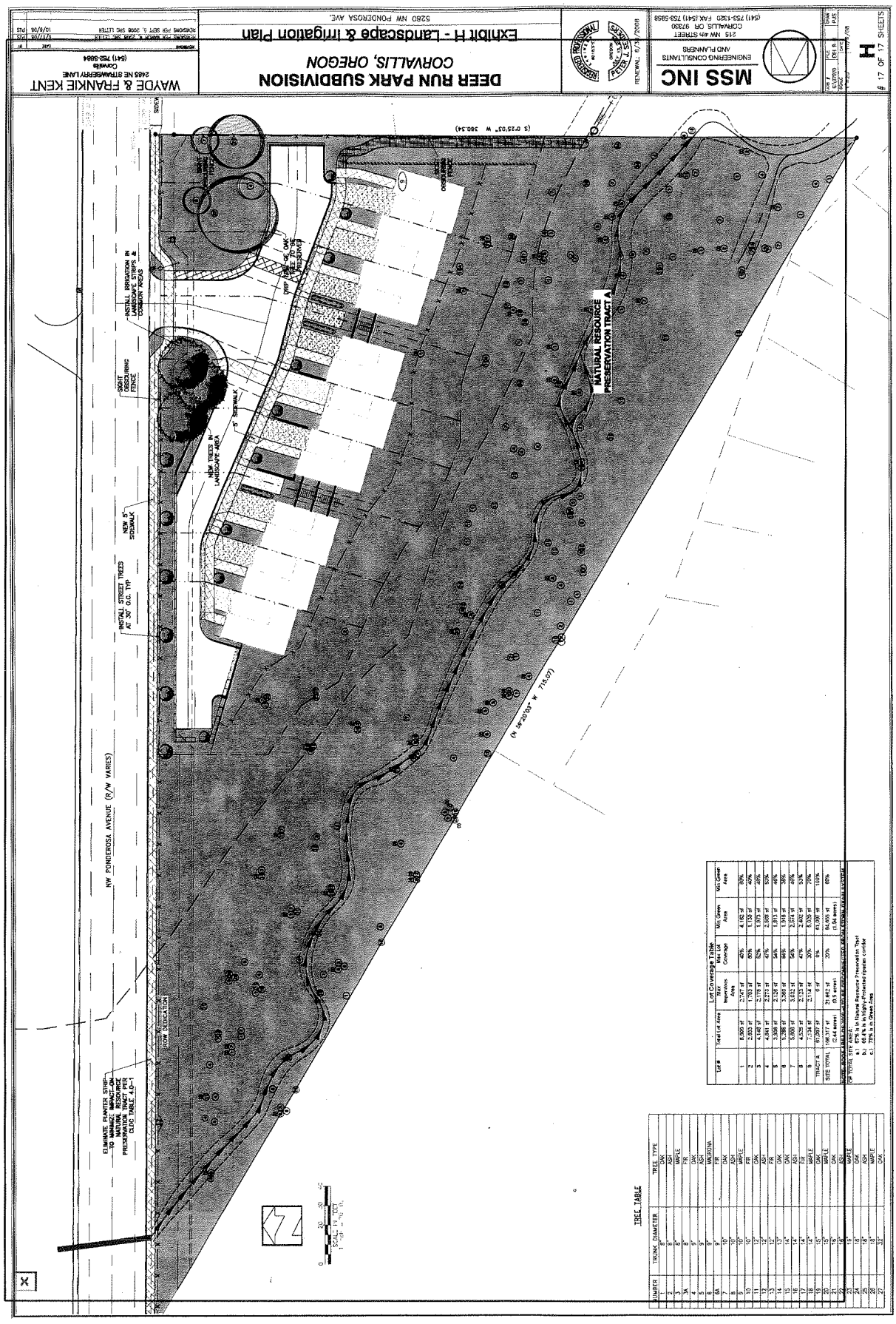

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

541.766.6908
Planning@ci.corvallis.or.us

DEER RUN PARK PLANNED DEVELOPMENT
& TENTATIVE SUBDIVISION PLAT
OCTOBER, 2008

"DEER RUN PARK"

BALANCING AN ACRE OF LOW DENSITY RESIDENTIAL DEVELOPMENT WITH OVER ONE POINT SIX ACRES OF PROTECTED RIPARIAN CORRIDOR

RECEIVED
OCT - 6 2008
Community Development
Planning Division

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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PLEASE NOTE: THIS PROPOSAL WAS FORMERLY TITLED "MADRONA OAKS"

APPLICANTS & PROPERTY OWNERS:

Wayde and Frankie Kent
2485 NE Strawberry Lane
Corvallis, Oregon 97330
(541) 752-3884

PROPOSAL:

Subdivision, Conceptual and Detailed Planned Development to Create Nine Single Family, Attached Townhouses on Individually Owned Parcels in the LDR Zone

SITE ADDRESS & COUNTY ASSESSOR'S MAP#:

5280 NW Ponderosa Avenue
T11S., R.5W., Section 21CB,
Tax Lot 00500

THE APPLICATION TEAM CONSISTS OF:

PROJECT PLANNER:

Creed A. Eckert, AICP
4360 NW Apple Tree Pl. #7
Corvallis, Oregon 97330
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creed333@q.com

PROJECT ENGINEER:

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(541) 753-1320
peter@mssengineering.com

GEOTECHNICAL ENGINEER:

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ARBORIST:

Jason Morrow
ISA certified arborist #151498
PO Box 50094
Eugene, Oregon 97405
(503) 358-3564
j.torres.morrow@gmail.com

SURVEYOR:	**Cole Surveying** **6765 SW Philomath Blvd.** **Philomath, Oregon 97370** **(541) 929-5500** **dave@colesurveying.com**

MORE ABOUT THE SUBJECT PROPERTY:

APPROXIMATE SITE AREA:	**2.55 Acres Prior to R.O.W. Dedication**
COMPREHENSIVE PLAN DESIGNATION:	**Low Density Residential (LDR)**
ZONING DESIGNATION:	**PD RS-6 (Low Density Residential with a "Planned Development" Overlay)**
SIGNIFICANT NATURAL RESOURCES PER CITY OF CORVALLIS INVENTORIES:	**A Highly Protected Riparian Corridor & A Potential Landslide Hazard Area**
CURRENT USE:	**Vacant**

SECTION I: BACKGROUND:

The applicants' property is located at 5280 NW Ponderosa Avenue, and referred to as Benton County Tax Assessor's Map number T.11S., R.5W., Section 21CB, Tax Lot 00500. It is a triangular wedge of land located between NW Cassia Place to the east and NW Deer Run Street, about one hundred and fifty (+ / -) feet to the northwest. This roughly 2.55 acre site has just over 600 feet of frontage on the south side of NW Ponderosa Avenue, a designated "collector" street by Corvallis transportation planning and engineering documents. Please see Figure 1, Benton County Tax Assessor's Map, on the following page.

The subject property is zoned Low Density Residential (RS-6), with a maximum allowable density of six residential units per gross acre. In 1984, prior to the applicants' purchase of the tract, the site was annexed into the City limits with planning actions A-84-1 and DC-84-3. A Planned Development (PD) Overlay was applied by initiation of the Corvallis City Council at that time. This was reportedly based upon a suspicion of significant natural resources and/or natural hazards occurring on the site. At the time of this application, the City of Corvallis Planning Department's natural features inventory mapping indicates a substantial portion of the site as a "potential landslide hazard area", while additional land area is indicated as riparian corridor subject to "high protection", according to standards of Chapter 4.13 of the Corvallis Land Development Code. Please see Figure 4 of this applicants' narrative.

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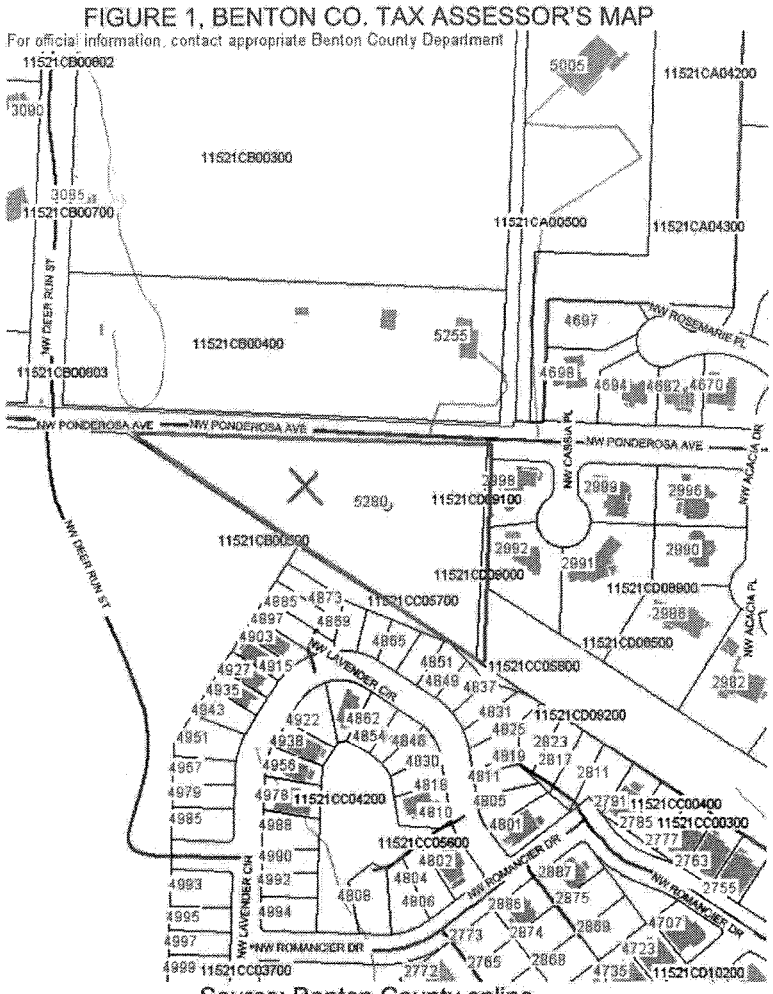
FIGURE 1, BENTON CO. TAX ASSESSOR'S MAP



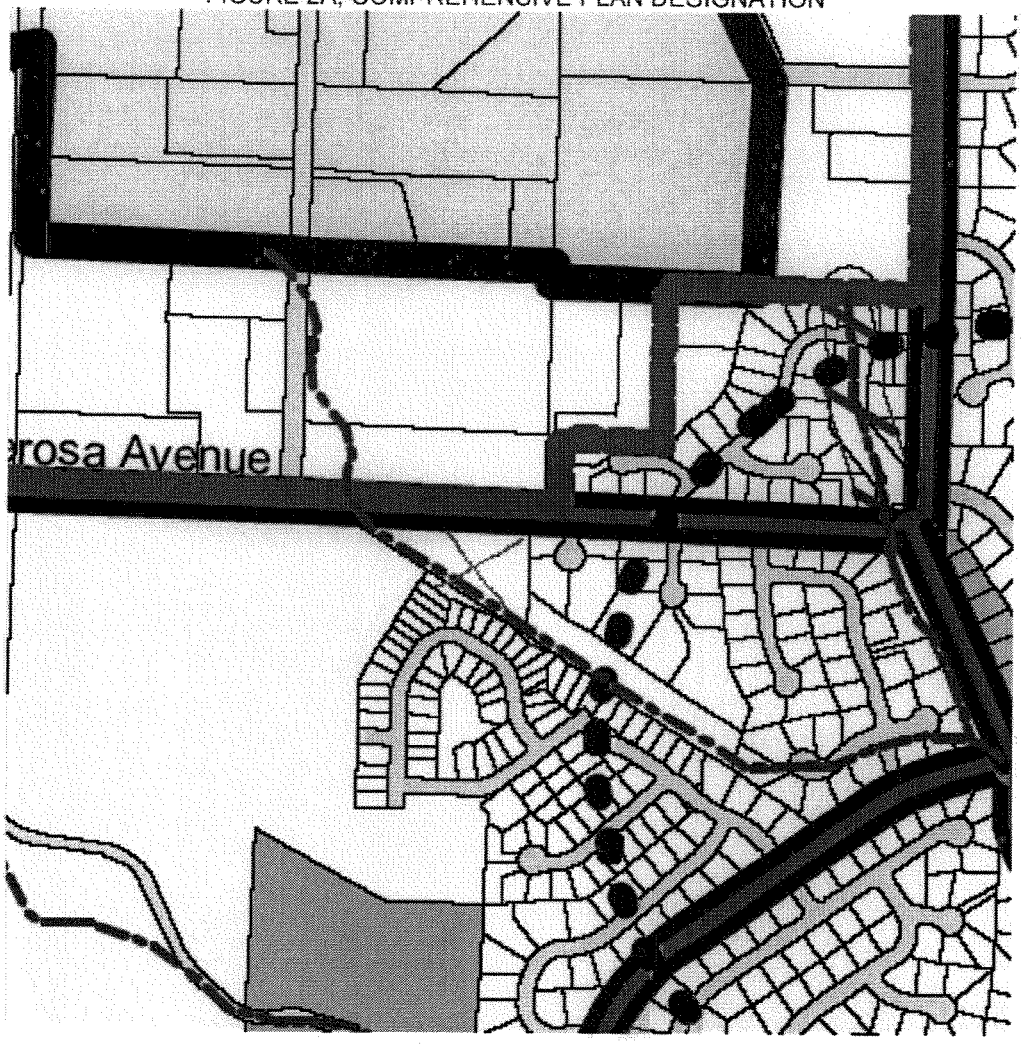
Source: Benton County online

City Planners have reported that the "potential landslide hazard" areas mapped throughout the community are predicated upon general advisement for further investigations from the Oregon Department of Geology and Mineral Industries (DOGAMI), and are the result of general aerial photo interpretations by that agency. As will be discussed, this application establishes that no "potential landslide hazard" actually exists on the subject property, as evidenced by the project geotechnical engineer's report, Exhibit F to this narrative.

The highly protected riparian area is centered upon an intermittent or seasonal creek which traverses the site northwesterly to southeasterly. When flowing, this is a tributary to Dixon Creek.

Please refer to Section III.A. of this application narrative for a comprehensive discussion of these natural features as they relate to the use and development of the subject property. The following Figures, 2A and 2B, illustrate the comprehensive plan designations and zoning districts of the subject and surrounding properties, respectively, per the City' official planning maps.

FIGURE 2A, COMPREHENSIVE PLAN DESIGNATION



Subject property is surrounded on 3 sides by City of Corvallis Low Density Residential Plan Designations. Property north of Ponderosa Avenue is in the County's jurisdiction, but this UGB land is also subject to a Low Density Residential Plan Designation upon annexation.

Source: City Comprehensive Plan Map

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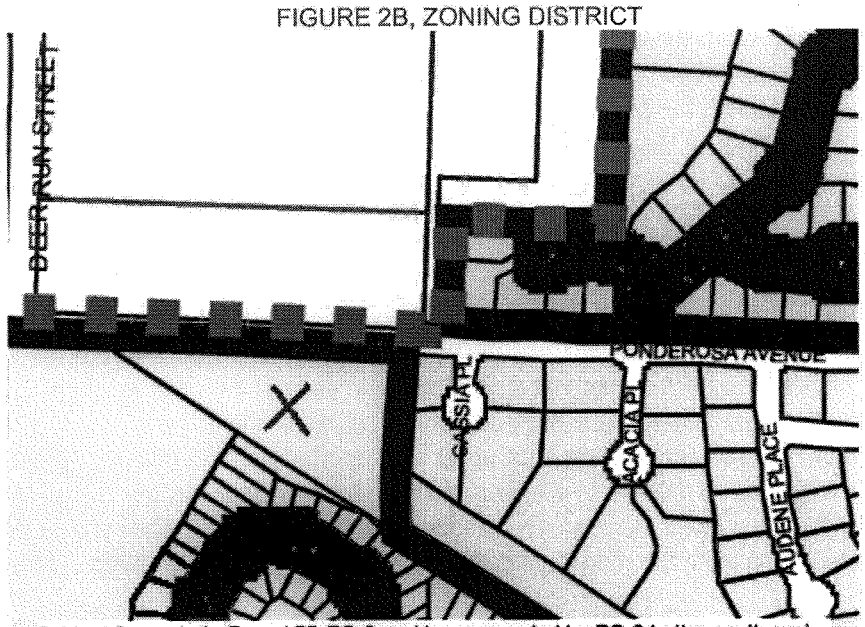
FIGURE 2B, ZONING DISTRICT



Subject Property is Zoned PD RS-6 and is surrounded by RS-6 to the south and west; Benton County UR5 to the north; and City of Corvallis RS-3.5 to the east.

Source: City Zoning Map

The applicants purchased the subject property in November of 2003. Since that time, there have apparently been some incidents of unauthorized placement of various materials on the otherwise vacant property. This activity has occurred without the prior knowledge or consent of the applicants / property owners. Please refer to Exhibit A, Existing Conditions. Some of the materials which have been placed on the site were placed there by contractors seen performing work on new residential developments in the neighborhood, according to neighbors' reports directly to the applicants. One incident also involved a family member who assumed the applicants' permission to place materials when no such permission had been granted. Subsequent to these actions, the City cited the applicants with a violation for unauthorized "fill" materials placed on the site.

In July of 2006, the applicants were requested to complete, and shortly thereafter submitted to the City Development Services Division, an "Erosion Control Permit" application, addressing the erroneously placed fill materials. The applicants were further instructed by City planning personnel at that time that fully remedying the situation would require approval of professionally engineered excavation and grading plans, in conjunction with Conceptual and Detailed Development Plans under the *PD* section of the *Corvallis Land Development Code (CLDC).*

Any action, the applicants were advised, including either distributing and compacting any useable materials for use as fill on the site, or even simply removing the erroneously dumped piles, would require fully engineered plans and planning commission approval under the PD process. Over time, the applicants have come to accept this fact.

Since their purchase of the subject property, the applicants have entertained a number of prospective purchasers for the parent parcel, but the substantial development constraints assigned to this site (including but not limited to: the necessity for Conceptual and Detailed Planned Development (PD) approval; the prohibition of development activity on nearly seventy percent of the parent parcel; and, for some the most disconcerting liability, the "high potential landslide hazard" designation with which the site has inaccurately been earmarked) precluded any transaction from occurring.

One particular sale agreement was contingent upon a finding of feasibility of residential development approval, but was voided when the purchaser could not reasonably assess, after meeting with city development department staff, their risk in assuming the burden for the significant land use approvals, environmental and other determinations which the City presents as obstacles to development of this site. This contingency buyer was reportedly an experienced developer, who nonetheless was greatly intimidated by the daunting land use related challenges associated with instigating any development of the property. In short order they, like prior inquiring parties and those who would come after, declined to purchase the property from the applicants.

In light of the requirement for PD submittal in order to facilitate any activity on the site whatever, and after unsuccessful attempts to market the site while the specter of unquantifiable expenses associated with City development approvals continued to loom overhead, the applicants have selected a team of professionals to plan and design an attractive and thoroughly contemplated addition to the neighborhood, as illustrated in Exhibit B, Applicants' Conceptual and Detailed Development Plan, and the related drawings to this application. Approval of this request would permit residential development upon just over a third of the subject's land area, while maintaining the majority balance of the site (1.62 acres of the 2.55 gross total) in a highly protected riparian corridor. Three townhouse style triplexes are proposed, each unit in private ownership and on an individual, legally subdivided new parcel, as depicted on Exhibit B, Applicants' Conceptual and Detailed Development Plan.

A prior version of this application was entitled "Ponderosa Heights"; it envisioned eight to nine single family dwellings served by a private, looping alley, and was submitted to the City on July 30th, 2007. City Planning and Engineering provided written comments on that Conceptual and Detailed Development Plan which were dated August 21st and August 16th, 2007, respectively. In responding to the Staff's substantive comments regarding that prior layout and plan, the project team determined that the current arrangement, for three townhouse style triplex units for individual ownership, most thoroughly addressed the City's concerns and the more significant development standards of the CLDC which were at the heart of those.

Perhaps most importantly, it was determined that the new plan could eliminate the need for a retaining wall along the length of the new residential area's interface with the highly protected riparian corridor to the south, and would also greatly reduce the likelihood of other upland impacts of the development upon the crucial soils and vegetation in this protected riparian corridor found in the lower elevations of the site. Please see the graphics contained at Exhibit C.3 and C4.

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In February and June of 2008, the applicants submitted application materials which were evaluated by City development review staff. Each of these subsequent submittals better addressed the concerns raised from the prior review, and with each "application", significant progress was made with respect to minimizing necessary deviations and establishing closer compliance with the Corvallis Land Development Code (CLDC). In some instances throughout this close coordination between the applicants' representatives and staff, the application team differed with staff regarding which of their concerns rightfully should hinder proceeding with scheduling a public hearing before the planning commission, and which of those it seemed could reasonably have been worked out between parties in the interim, following the scheduling of the hearing and prior to it's actual occurrence. The applicants have in each case opted to address the concerns of staff squarely rather than make arguments for proceeding to the Planning Commission with a PD application which may not have full support from staff.

On July 8th of this year, the applicants received "final written review comments" from the City's planning and engineering representatives concerning their June submittal, which bore the same name, Deer Run Park, as the current application. Having prior satisfied all but a few very minor requirements as expressed to them, they justifiably anticipated being assigned a public hearing date forthwith. Rather, nine days later, the applicants' representative was told in telephone communication from city planning staff that engineering had reconsidered a key aspect of the proposal, namely the requested deviation of six feet from the typical right of way dedication for that portion of Ponderosa Avenue which abuts the development, and that a complete re-design of, at a minimum, the affected public right of way and any abutting private features of the plan, would be necessary.

The City Engineer would now require a full collector standard (14') dedication for the improved Ponderosa Avenue right of way, despite not having so indicated over the course of a year and a half, and eleven meetings (though his appointees), with the project engineer, Mr. Peter Seaders of MSS Engineering. After some weighty written and verbal discussions (and some three weeks), the City Engineer's office recanted this edict, and specified instead another modification to the applicants' long standing right of way improvements and dedication plan, to arrive at a mere three foot (3') dedication for the improved Ponderosa Avenue right of way. In a letter to the City dated September 10, 2008, the applicants provided the following response to this turn of events:

> "The applicants are pleased that the City will not require the full 16' dedication. These changes (to the public street's profile) described in your letter will be reflected in the forthcoming materials from MSS Engineering. At this late juncture, it is not considered feasible or efficient for the applicants to accept the City's sudden offer for a significantly reduced right of way dedication, since, similar to requiring the entire sixteen foot dedication as had been formerly suggested, doing so would require very substantial and costly re-design and significant amendments to the area calculations of the application narrative.

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> Having submitted, at the City's behest, ~~nine~~ *fif*teen copies of the roughly 100 page document, and after doing so three times now, it would seem most efficient to maintain, to the greatest extent feasible, the specifics of the applicants' existing proposal as that was submitted in June of this year and as it is described in the applicants' current narrative."

The applicants were informed in short order that only a dedication of exactly three feet was supportable at this point. Although the project team had expressed a desire, for obvious reasons of short term economy, to adhere to our June 2008 right of way design (which had remained essentially unchanged since our original submittal in July 2007), we conceded the obvious, long term benefits to the project associated with the City now requiring, not *allowing* but *dictating*, a deviation of eleven feet (11') from the collector standard, which would typically require a fourteen foot (14') dedication for public right of way.

Specifically, this change, however very untimely, could have clear and direct positive benefits in the form of increased safety for pedestrians on the improved public sidewalk, and decreased concerns for the physical stability and integrity of the elevated roadway and it's appurtenances, along with the associated retaining wall. The relocation of the right of way boundary compared with prior layouts which the applicants were permitted to consider significantly reduces the scale of the necessary retaining wall near the right of way, from between 8-10 feet to just 4 feet in height, and permits the retaining wall in question to comply with the City's four foot setback requirement applicable to such structures, thereby eliminating the need for one deviation request as compared with the former proposal submitted in June of this year.

Based upon these substantial benefits to the project and the public, and also based upon advisement that staff would not recommend approval of the application without this modification, the applicants have revised their Conceptual and Detailed Development Plan to provide a three foot right of way dedication, and to otherwise comply with the very latest written input from City staff (i.e., a letter from the Planning Division which is dated September 5th, 2008, and which, among other discussions, details the new requirements for the improved street profile) in this and all regards.

The current application was submitted to the City on August 8th, 2008. The applicants have signed a waiver to Oregon's statutory 120 day mandamus law.

As a result of the applicants' extensive efforts, and considerable fiscal expense, the current Tentative Subdivision Plat and Conceptual and Detailed Development Plan before you demonstrate a very high level of conformity with the Corvallis Comprehensive Plan and the applicable development standards of the subject, Low Density Residential (PD RS-6) Zone. The character and general nature of the Conceptual and Detailed Development Plan are also entirely compatible with existing residential patterns observed in the vicinity.

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The proposed home sites would enjoy very significant natural features and amenities in the adjacent Natural Resource Preservation Tract A, a riparian and vegetation protection zone which is proposed to be dedicated to the City for posterity (please refer to Applicants' Exhibit B, Conceptual and Detailed Development Plan). Alternatively, this tract could potentially be owned and maintained by the Homeowners' Association, although dedication in this instance appears to be supported by the code, as will be discussed subsequently in this document.

Each proposed deviation from development standards is addressed in detail in this application, including a statement as to the consistency of the requested modification with the respective purposes of the modified standard and of the PD Section, accompanied by a description of at least one compensating benefit which may be expected to result from approval of each individual modification requested by the applicants. The following sections provide a much more detailed discussion of the specific proposal contained in this application.

SECTION II: PROPOSAL:

Of this parcel's approximate 2.44 acre total area (following a required .11 +/- acre right of way dedication, described in subsequent sections of this narrative), fifty seven percent (57%), or 1.40 acres, is proposed for dedication to the City for natural resource protection and preservation to perpetuity. This is the area indicated as Natural Resource Preservation Tract A on, most notably, Exhibits B, D, G, and H, contains the drainageway and associated riparian area. High Protection Riparian Corridor status also applies to an additional twenty five feet beyond the northerly boundary of Tract A, as determined by the extent of a seventy-five foot wide, 'high protection' riparian corridor which is required under *Table 4.13-1 of the Corvallis Land Development Code (CLDC)*.

The drainage course intended for protection under this section is an intermittent tributary to Dixon Creek which traverses the southerly portion of the site, northwesterly to southeasterly. The channel's route was the subject of a professional survey, viewed on the exhibits to this application. The applicants' land surveyors, Cole Engineering, have confirmed that the northerly dotted line of the drainage, as it appears on the exhibits to this application, indicates the "top of (the) bank" as defined by current Corvallis Code. Figure 3 is a photograph, taken during relatively wetter conditions, of a stretch of the tributary which is wholly contained within Proposed Tract A on the site. This vantage point looks upstream and is oriented generally west-northwest.

Each of the nine proposed new parcels would share it's southerly property boundary with the northerly terminus line for Natural Resource Preservation Tract A, providing a significant visual, lineal and aural buffer between future residential uses on the subject property and existing neighboring residences located some one hundred plus feet to the south. Tract A, though not considered by the project arborist to be a high value functioning natural area, due in large part to a number of invasive species which dominate the site, is nonetheless covered in hundreds of trees ranging in species from oak to ash, fir, maple and madrona.

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FIGURE 3: PROTECTED DRAINAGEWAY AND RIPARIAN AREA
(AN INTERMITTENT TRIBUTARY TO DIXON CREEK)

Source: Creed A. Eckert, AICP, 2007

In addition to providing valuable buffering benefits, this intermittent creek and associated riparian area also result in a substantial value adding amenity for the planned development, in terms of viewsheds, opportunities for observing wildlife, and other passive enjoyment of the natural setting and protected status of some two thirds of the parent tract's total land area.

An underground sanitary sewer line is proposed to extend for about fifty five feet into the extreme easterly edge of the riparian corridor, as may be viewed on the Applicants' Existing and Proposed Utility Plan, Exhibit E to this application. Circles of protection for riparian trees in the vicinity of the sewer line extension would not be disturbed, a fact which is also illustrated on Exhibit E. Exhibit E further depicts a rock lined drainage swale intended to provide controlled discharge to the creek of storm water runoff quantities that are not required to be treated under King County Manual standards. This swale has been aligned to avoid tree impacts altogether.

Construction of a required water quality treatment swale, to be achieved by installation of a berm as opposed to through any excavation, has also been planned and designed in such a manner as to significantly minimize or avoid impacts upon root systems in the identified circles of protection of riparian trees. Although this requires that the applicants request a PD modification to permit very minor incursions into the circles of protection for a number of trees abutting the required water treatment swale, the project arborist has provided assurance that the limited extent of activity proposed with the drainage swale's superficial (on the surface) construction will not be expected to have any adverse impact upon these or any other specimens on the site.

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For instance, no disturbance of sub-surface root systems would be necessary. Please see Attachment E, Arborist's Report.

Both utility installations proposed within the riparian zone, as discussed above, are necessary to accommodate development of the property, and both have been designed to avoid any adverse impacts upon root protection zones for trees in this important riparian area. Additionally, the City Engineer's staff have worked with the application team extensively in arriving at these specific aspects of this Conceptual and Detailed Development Plan, and have provided both general and specific guidance and concurrence relative to the same.

As stated, Mr. Jason Morrow, the project's ISA Certified Arborist, concludes at Attachment E that impacts to riparian trees associated with these two utility installations are anticipated to be very minor, and will not result in a concern for the continued health and survival of any preserved specimen(s). Mr. Morrow will be personally available in the public hearing to corroborate this information and to answer any questions concerning the viability of trees proposed to be preserved under this development plan.

Thanks entirely to the relatively minor, if somewhat numerous, deviations from standards requested under this plan, no other disturbance of soils, vegetation, or root protection zones associated with the highly protected riparian corridor is necessary or proposed with this application. In addition, the Commission's granting of the requested deviations would permit ground disturbing activities to maintain a very significant physical setback, which is well in excess of code standards, from the riparian corridor's boundary. In the event of approval, this would go much farther to protect against hydrologic and other cumulative impacts of the construction and new residential land use upon the riparian zone and it's resources as compared with traditional development under a typical, non-PD related zoning and development scenario.

This site's unique general topography is an existing physical characteristic which has been deftly incorporated into this Conceptual and Detailed Development Plan, and is proposed to be retained to the greatest extent feasible. In so doing, the application team found we were simultaneously providing increased protection for soils and trees in the riparian zone than had previously been envisioned.

More specifically, architectural and infrastructure adjustments which were intended to accommodate the existing lay of the land and general drainage patterns, and with the added benefit of restricting cuts and fills to well behind the riparian zone boundary, include but are not limited to the use of "pier footing" and "step footing" foundations for the new dwellings (please see Exhibit C.4., Site Cross Sections). This approach, coupled with the applicants' proposed placement of structures and parking plan, permits cuts and fills associated with the development to be greatly minimized, and limits those ground disturbing activities to areas with an average separation from the riparian boundary of between *twenty five to forty feet.*

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Of course, the code requires only that development activities in the RS-6 Zone not encroach closer than *within five feet* of a rear property line (assuming each unit is provided a useable side OR rear yard of fifteen feet or greater in depth), regardless of any protected resource(s) which may be located across the subject boundary. In this manner, the applicants' Conceptual and Detailed Development Plan far exceeds the standards and protections which would be provided or normally expected under traditional development with "straight zoning" (ie., with no PD overlay). This substantial benefit, and the relevant architectural and site grading details pertaining to this aspect, are nicely illustrated on Exhibits C.3. and C.4, Existing and Proposed Grading Plan. These drawings depict the location of the riparian corridor's boundary and illustrates the applicants' plan for keeping earth work considerably separated from that line.

The above could not be achieved if parking were placed behind the buildings, as is typically required, as opposed to the applicants' proposed parking plan, viewable on Exhibit B. In order to further accommodate the applicants' proposed maximum separation between significant ground disturbing activities and the protection zones of roots for trees within the highly protected riparian corridor, the applicants are requesting that a very limited number of shared parking spaces (particularly, three spaces) be permitted to be located between Unit 9 and the Ponderosa Avenue right of way. Following discussions of this application narrative seek to demonstrate why this relatively minor deviation, from this recently adopted code provision, is in this case consistent with the intent of the standard, and further how any foreseeable, potentially adverse effects of approval would be mitigated.

In further efforts to meet parking standards while avoiding adverse fill impacts adjacent to the riparian zone, two (2) common use parking spaces are proposed to be located to the sides of the units, consistent with *CLDC Section 4.10.60.02.a.1.(b).* Shared parking is proposed in a number of locations: e.g., in the extreme northeasterly corner (three spaces) and northwesterly corner (one space) of the development tract. One additional space which is located to the west of Unit 1 in Parcel 1 is intended to be reserved for that unit's sole use.

Given staff's promised condition of approval restricting the dwellings to four (4) two bedroom units and five (5) three bedroom units, the total number of spaces proposed herein exceeds code requirements by five spaces. Efforts to provide two additional overflow parking spaces immediately west of Unit 1 were abandoned due to foreseeable impacts upon a riparian zone tree which is required to be preserved under the Applicants' Natural Resource Preservation Plan. Please see subsequent sections of this narrative for additional discussions concerning off-street parking.

The Applicants' Tentative Subdivision Plat (Exhibit D) proposes to create nine new parcels, Parcels 1 through 9 on the attached exhibits, ranging in area from 2,833 square feet to 7,134 square feet, and Natural Resource Preservation Tract A, a 1.40 acre (roughly 61,000 square foot) portion of a swath of riparian corridor affecting the southerly portion of the site. High Protection Riparian Corridor status also extends for twenty five feet (25') into the proposed rear yards for lots 1-9. Parcels 3-9 would have their northernmost extremities subject to a common use easement for the mutual use and enjoyment of all residents in the Deer Run Park Subdivision, and all lots in the planned development would be subject to the same easement to accommodate vehicular and pedestrian access and circulation, off-street parking needs, and for utilities.

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The applicants' development plan would implement three townhouse style triplex units, one on each new parcel, for individual unit ownership. The plan's specific arrangement of structures, parking and amenities within the development area takes great pains to minimize visual impacts of the proposal upon both travelers on the neighboring public street and occupants of adjacent and nearby properties.

The applicants even went so far as considering impacts upon the potential future residential uses on Benton County / City of Corvallis UGB property located across Ponderosa Avenue from the subject property. This is evidenced in the substantial improvements proposed for the public right of way, and more so in the applicants' proposed landscaping and other treatment of the project's visual interface with this public street on the north. Efforts to retain existing landmark vegetation near the entrance to the site, in Lots 8 and 9, and new green plantings proposed for Lots 4-6, reinforce the applicants' commitment to this important objective.

The applicants' primary measures intended to minimize visual impacts of the planned development upon neighboring uses include:

- Retaining existing topographic and vegetative buffers (especially noteworthy in the northeasterly sector of the parent parcel, portions of proposed Parcels 7-9);
- Planting additional trees and vegetation in the common areas which are shared among Lots 4-6 (please see Exhibit B);
- Installing a screening fence along the development's frontage where not precluded by vision clearance standards;
- Installing a screening fence between the 3 easterly most parking spaces and the nearby property boundary, shared with the project's nearest existing neighbors, to the east.
- Placing structures in lower elevations of the property, where their visibility from the road and adjacent properties is minimized over higher elevations, which alternative locales are also closer to the street;
- Providing both garage and driveway parking for all but one of the units, thereby significantly reducing the need for shared parking spaces or an expansive parking lot;
- Designing the residential cluster to follow the course of the existing topography to the greatest extent feasible, avoiding any attempts to raise existing lower elevations to higher visibility contours;
- In conjunction with the above, providing additional, code compliant parking on the sides of structures, eliminating the need for a standard parking lot; and
- Planting street trees in the Ponderosa Avenue right of way and adjacent to the private driveway and sidewalk.

A "Common Area, Parking, Access and Utility Easement" would affect the northerly portion of the development area (see Exhibit D). These are the areas containing, most notably, the existing oak and madrona trees targeted for voluntary preservation (in Lots 8 and 9), and the three new trees proposed to be planted in the extreme northerly portions of Lots 4-6 (please see Exhibit H, Landscape and Irrigation Plan). These areas are intended for common recreational and typical yard uses, in addition to providing visual and other benefits.

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A single shared driveway is proposed to approach Ponderosa Avenue near the parent parcel's northeasterly corner as depicted on Exhibit B. The Corvallis Fire Protection District and City Engineering personnel have reviewed and conceptually concurred with the applicants' vehicular and emergency access plan as depicted on the exhibits to this application.

Following discussions with City Development Engineering personnel, the applicants have proposed a ½ street improvement for the parent parcel's entire length of frontage on Ponderosa Avenue, with some minor deviations as noted. In addition to these very substantial public improvements proposed for the Ponderosa Avenue right of way, viewable on Exhibits C and E, public sanitary and storm sewer facilities will be constructed "to and through" the site, and a public water main will be extended for the length of the parent parcel's frontage on Ponderosa Avenue. On-site bicycle and pedestrian linkage will be provided to connect the new homesites with the existing and planned public network in the vicinity in a manner consistent with the City's *Pedestrian Oriented Design Standards* (*CLDC Section 4.10*).

Proposed lot areas and dimensions and the bulk of other development characteristics are generally consistent with the standards applicable in the PD RS-6 Zone, with any minor exceptions to development standards which may be requested herein carrying the burden of demonstrating their consistency with the purpose statements of the *PD* Section of the *CLDC.* In no case has an exception been requested which would compromise the integrity of the Applicants' Natural Resource Preservation Plan (Exhibit G) or the natural resource protection provisions of the City of Corvallis. Additionally, no exception(s) are suggested under this application which would adversely impact either the development's compatibility with it's neighbors or it's capability to demonstrate consistency with the purposes of the planned development process.

Establishing permanent and substantial protections for the subject property's considerable natural functions and amenities, while still permitting a reasonable level of residential activity on the parcel, is the primary impetus for the applicants requesting the subject modifications to development standards detailed in this application. Any requested minor design tweaks are viewed as necessary in order to make efficient or any use of the severely constricted buildable portion of the property remaining upon protection of the trees and other resources held in the required 75' wide riparian corridor. These requested modifications are viewed as entirely consistent with the intent of the planned development process to lend flexibility to the development approval procedures, while observing the respective purposes of that section and of the standards applicable in the underlying zone. Please refer to Section III.A. of this narrative for more details regarding this discussion.

The applicants are seeking simultaneous approval of Conceptual and Detailed Development Plans under this consolidated PD and Tentative Subdivision Plat application. The following sections discuss the decision criteria applicable to this request, beginning with those for Conceptual and Detailed Development Plan approval, and proceeding to a discussion of the criteria for Tentative Subdivision Plat approval.

SECTION III: DECISION CRITERIA, PLANNED DEVELOPMENT

Section 2.5.10 of the Corvallis Land Development Code (CLDC) describes the City's general intent in establishing the Planned Development (PD) process:

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"Section 2.5.10 - BACKGROUND

It is the intent of this Chapter to establish procedures that permit flexibility in the land development process, allow for better preservation of Significant Natural Features, and allow for innovation in site planning and architectural design. The Planned Development process is established to allow the review and approval of Conceptual and Detailed Development Plans, to provide the mechanism for achieving greater flexibility and improved design in cases where the scope of proposed modifications to pre-stated standards exceeds that permitted through a Lot Development Option. A Lot Development Option allows minor modifications to required specification standards on an individual lot of record. The procedures for a Lot Development Option are identified in Chapter 2.12 - Lot Development Option.

a. The Procedures of this Chapter are Applicable When -

1. A property owner requests a Conceptual and/or Detailed Development Plan concurrent with a specific project review; or

2. A Nonresidential or Residential Planned Development Overlay, established in accordance with the provisions of Chapter 3.32 - Nonresidential PD (Planned Development) Overlay or Chapter 3.33 - Residential PD (Planned Development) Overlay, respectively, exists on the site and is shown on the City's Official Zoning Map."

In this case, the Residential PD Overlay affecting this property was placed on the zoning map as a result of a legislative action by the City of Corvallis, and not at the request of the applicants.

Section 2.5.10.a.2. continues*:*

"Depending on the level of detail provided in a Planned Development application, a Planned Development project proposal is called a Conceptual Development Plan or a Detailed Development Plan. A Conceptual Development Plan provides general concepts for development on a site. A Detailed Development Plan provides the specifics for development on a site and is required following or simultaneously with approval of a Conceptual Development Plan. When a Detailed Development Plan is processed simultaneously with a Conceptual Development Plan, it is called a Conceptual and Detailed Development Plan. Upon Planning Commission approval of a Detailed Development Plan or a Conceptual and Detailed Development Plan, Building Permits are issued consistent with that Plan."

This proposal seeks simultaneous approval for Conceptual and Detailed Development Plans to permit low density residential use of the site's balance which is not proposed to be in perpetual resource protection. In accordance with the above, this application includes all of the requirements identified by the *CLDC* for concurrent Conceptual and Detailed Development Plan approval.

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In the event of approval of this request, it is the applicants' hope that a future owner or developer need only complete or financially secure any required public improvements and apply for building permits in order to implement residential development and activities on the subject property in a manner which is consistent with the terms of the Conceptual and Detailed Development Plan contained in this proposal.

The purposes of the PD procedures are described as follows:

"Section 2.5.20 - PURPOSES
Planned Development review procedures are established in this Chapter for the following purposes:

a. *Promote flexibility in design and permit diversification in location of structures;*
b. *Promote efficient use of land and energy, and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;*
c. *Preserve, to the greatest extent possible, existing Significant Natural Features and landscape features and amenities, and use such features in a harmonious fashion;*
d. *Provide for more usable and suitably located pedestrian and/or recreational facilities and other public and/or common facilities than would otherwise be provided under conventional land development procedures;*
e. *Combine and coordinate architectural styles, building forms, and building relationships within the Planned Development;*
f. *Provide the applicants with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;*
g. *Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures; and*
h. *Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met."*

"a. *Promote flexibility in design and permit diversification in location of structures;"*

This purpose element of the PD Section is particularly important to this Conceptual and Detailed Development Plan, as it permits the flexibility which is necessary to realize residential development of this unique parent parcel. The applicants are requesting flexibility in building standards in order to maximize the efficient and environmentally responsible use of the non-resource portions of the property.

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For example, locating the structures within twenty five feet of the front property line as required by code would necessitate a very substantial volume of fill being placed immediately adjacent to the riparian boundary, in order to accommodate vehicular parking and circulation; would greatly increase visual impacts upon neighbors and the street; and would necessitate placing some parking behind the buildings. This would result in significantly greater impacts to soils and vegetation in the adjacent protected riparian corridor. Please refer to graphics at Exhibit C.3 and C.4.

The relatively modest deviations to standards requested herein would facilitate a development pattern which is appropriate to the site's topography and unique natural feature characteristics, and which mitigates any otherwise foreseeable adverse visual impacts of the new residential uses.

Approximating the density range targeted for this site by the Comprehensive Plan and it's implementing ordinance (i.e., a minimum of 4 units per net acre, a maximum of six units per gross acre) while maintaining high protection status for the riparian corridor, and simultaneously protecting the maximum feasible number of significant trees on the parent parcel, are all common, though potentially conflicting, objectives of this Conceptual and Detailed Development Plan and the City of Corvallis. This plan represents the development scenario which is most sensitive to efforts to protect the natural features of the site, and which also permits the most reasonable level of residential activity which is appropriate to the tract's carrying capacity, while providing an opportunity for some capital return for the owners and applicants.

One requested design modification concerns reducing the scale of a required landscaping strip adjacent to the private, internal sidewalk in front of the new homes. Site constraints resulting from the ineligibility for development of two thirds of the parent parcel's total land area, coupled with the triangular-wedge shaped configuration and challenging topography of the subject tract of land, combine to preclude the full width landscaping strip while still meeting the bulk of yard and setback requirements of the RS-6 Zone. Further, a conforming landscaping strip adjacent to the sidewalk in Lot 1 would constrict vehicular access to the westerly parking spaces beyond it's feasibility.

Another means by which the applicant seeks to employ flexibility in the design of this Conceptual and Detailed Development Plan involves reducing the green area of just one parcel below the 40% minimum standard of *CLDC 3.3.40.a.* As may be viewed in the Lot Coverage Table on Exhibit B, Proposed Parcel 6 would contain just 36% green area. This was unavoidable due to the amount of impervious area which is associated with the needed driveway to serve the development with access to Ponderosa Avenue. All of the remaining eight proposed parcels either meet or greatly exceed the 40% minimum green area standard of *CLDC 3.3.40.a.*

An alternative driveway location is evaluated, as formerly recommended by City Engineering personnel, at Exhibit C.3., and is illustrated to be less functional in terms of street transitions and the amount of fill necessary to accommodate this alternative scenario.

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***"b.** Promote efficient use of land and energy, and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;"*

Development under this Conceptual and Detailed Development Plan has been clustered in the northeasterly corner of the parent parcel for a multitude of reasons, not the least of which is the configuration and scale of the 1.62 acres of highly protected riparian corridor which occurs on this site. Additionally, the design team are proposing an arrangement of structures, uses and vehicular access which best accommodates the lay of the land, while avoiding unnecessary cuts and fills and other expenditures of energy during construction and occupancy; which utilizes available solar access and potential energy; and which provides for an efficient circulation pattern and provision of public and private utilities.

The sanitary sewer is proposed to connect to an existing public main near the southeast corner of the subject property via an eight inch (8") public line as depicted on Exhibit E, Applicants' Existing and Proposed Utility Plan. *CLDC Section 4.13.50.b.2.* permits that the City Engineer may approve utilities in the riparian corridor when it appears the most efficient way to serve the property. Exhibit E illustrates that, in order to connect to the nearest public man hole, the sanitary sewer line must extend into the riparian area, along the easterly property boundary, for a distance of about fifty five (55) feet. Based upon the location of this existing manhole, this is apparently the method by which prior planning efforts in the neighborhood foresaw the subject site developing and obtaining sanitary sewer service in the future.

The applicants request that the City Engineer make a determination under *Section 4.123.50.b.2.* that the applicants' proposal is the most efficient means of providing sanitary sewer in this case. Similarly, the applicants request a parallel determination by the City Engineer relative to the location of the proposed stormwater drainage swale depicted on Exhibit C being the most efficient and economical alternative available. The Project Engineer has worked extensively with City Development Engineering personnel in arriving at these sanitary and storm water management plans. Please see Section III.A. of this document for additional discussion of this issue.

***"c.** Preserve, to the greatest extent possible, existing Significant Natural Features and landscape features and amenities, and use such features in a harmonious fashion;"*

1.62 acres of the subject property's 2.44 acre total area (following the required right of way dedication) are proposed to be retained in a Highly Protected Riparian Corridor (See Exhibit B), for perpetual preservation of the natural resources contained therein. This represents over sixty six percent (>66%) of the total area of the parent parcel in natural resource preservation. This is considered the maximum extent of protection imaginable, short of a complete moratorium on any building on the site whatever. Over fifty seven percent (>57%) of the total land area is proposed to be contained within Natural Resource Preservation Tract A, consistent with the requirements of *CLDC Table 4.13-1.*

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Numerous trees which are considered as significant by the code's definition, but which are not included as significant vegetation in the City's natural features inventory, are located within the riparian corridor. Except for a very minor and superficial potential irritation to trees appearing on the Applicants' Tree Survey (Existing Conditions, Exhibit A) and associated drawings in the immediate vicinity of the construction of the water quality treatment swale, all trees in Tract A would be protected from any disturbance through use limitations of this Conceptual and Detailed Development Plan. Additionally, trees in the westerly portions of Tract A would remain highly visible from Ponderosa Avenue where the natural preservation tract has a considerable stretch of frontage on that public street..

As previously discussed, the dwellings are proposed to be placed in the lower elevations of the site and to be built into the hillside, as depicted on Exhibit C.4. This approach further represents the applicants' attempts to design the PD in a manner which is harmonious with the existing site features.

This application narrative and associated graphics provide a clear illustration of the applicants' plan for preserving all inventoried significant natural features on the site, primarily through implementing a "hands off" approach to the entire natural resource tract bordering the south and west of the proposed development parcels (following temporary impacts of construction during installation of the proposed sewer line, water treatment facility and swale). As stated, this would have the simultaneous effect of protecting all of the riparian corridor trees on the site, which are inventoried on Exhibit G, Applicants' Natural Resource Preservation Plan, despite their being excluded from the City's latest significant vegetation inventory.

Please refer to Section III.A. of this narrative for a more detailed discussion of the resources and amenities identified on this site, and the applicants' plan for preserving and protecting them from harm.

***"d.** Provide for more usable and suitably located pedestrian and/or recreational facilities and other public and/or common facilities than would otherwise be provided under conventional land development procedures;"*

The applicants' plan incorporates into the rear yards of the proposed new parcels the twenty five foot wide swath of protected riparian corridor which is not required to be included in an easement or separate tract according to *CLDC Table 4.13-1.* Use restrictions applicable to the fifty foot wide riparian easement, restrictions which are required by the code and enforced by the applicants' Conceptual and Detailed Development Plan, apply to the entire, seventy five foot wide riparian corridor. Residents of each proposed unit may nonetheless pass through a gate in the wooden fence demarcating the boundary of the riparian corridor, thereby accessing this southerly green area of their rear yards for typical passive yard uses, such as picnicking and bird watching, which do not conflict with the use restrictions applicable to the entire highly protected riparian corridor. In addition to the private yards and common areas proposed under this plan, residents of the planned development could enjoy passive activities, such as hiking or nature watching, in the significant green area of Tract A, proposed to be dedicated to the City.

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Each unit will be connected to a sidewalk system which links with the new sidewalk and bike lane to be installed, at the developer's expense, along the south side of Ponderosa Avenue. The applicants propose innovative approaches for ensuring that vertical separation and other safety aspects of the pedestrian plan will create a safe and attractive pedestrian system. In no case would a primary building entrance be connected to the public network by a sidewalk which is in excess of two hundred feet (200'), consistent with the City's Pedestrian Oriented Design (POD) standards.

*"**e.** Combine and coordinate architectural styles, building forms, and building relationships within the Planned Development;"*

As may be viewed on Exhibit B, this Conceptual and Detailed Development Plan provides a common pattern of three story structures in a triplex townhouse arrangement. Attachment D includes examples of the conceptual types of structures intended, and this application narrative also provides a list of specific architectural menu items which staff has advised are typically sufficient to facilitate positive findings by the Planning Commission relative to the criteria for Detailed Development Plan approval, and to accommodate a determination that the proposal is capable of complying with the applicable related development standards not waived or modified in this decision.

The private townhouse units are placed on an internal flank of the development area in an effort to exhibit sensitivity to views from neighboring land uses and transportation facilities. Covenants, codes and restrictions (CC&R's) contained in a Homeowners' Association Agreement could ensure general consistency among structure types and their general characteristics.

*"**f.** Provide the applicants with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;"*

This purpose statement seeks to provide applicants with some semblance of assurance, granted not certainty of approval, but a "*reasonable assurance*" of success, prior to "*expenditure of complete design monies*". This apparently refers to the Conceptual vs. the Detailed Development Plan stages of the PD process, and observes that gaining prior approval of a Conceptual Plan provides significantly greater assurance that a subsequent and consistent Detailed Development Plan will be approved.

If the burden of evidence under the Conceptual Development Plan process were substantially less than that of the more standard procedures for tentative land division approval, it may be possible to construe that this aspect constituted providing a greater level of "*reasonable assurance of ultimate approval before expenditure of complete design monies* " over traditional partitioning and subdivision practices, as required under this section. In fact, though, the Conceptual Plan layer requires substantially more details and information over its counterpart the tentative plat, meaning it is significantly more expensive to purchase or produce.

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It may also be viewed that the level of assurance given an applicant for final subdivision or partition plat approval, following tentative approval, is commensurate with that given for a Detailed Development Plan after Conceptual approval under the PD process, assuming in both cases that the later submittal closely matches it's predecessor in character and substantial details. Standard development procedures, such as partitioning or subdividing under the Corvallis code, also seek to provide some prior opportunity for pre-application conferences and feasibility investigations with City staff. These are intended to provide a potential applicant with at least a cursory sense of the likelihood of success for their application, and proposals or characteristics thereof which cannot be supported by staff or the code can often be "red flagged" at that time. As referenced above, the procedures for these standard tentative and final plat land divisions also certainly require less burden of proof, and that less design work be submitted, than does the comparatively bulky PD process.

It is unclear what exactly is intended by the specific language "before expenditure of complete design monies", above. PIPC (Public Improvements by Private Contract) documents, or, alternatively, the information normally contained in a Detailed Development Plan under the PD section (and/or the information contained in a final partition or subdivision plat) might conceivably constitute the "*complete design*" as intended above; however, we note that none of these are ever required until subsequent to a primary land use approval. It remains unclear, by reading the code, precisely or even generally where this added sense of assurance is to be found under the PD process, or how this sense is actually to be conveyed to any applicant(s).

Despite the above facts, perhaps in consideration of the substantial professional consulting services which must be retained in order to produce successful Conceptual and Detailed Development Plans, the City has apparently sought, through the above purpose statement of the PD Section, to provide some additional level of prior assurance to the applicant for Conceptual and Detailed Development Plan approval over that described for the standard procedures above.

"*Provide the applicants with reasonable assurance of ultimate approval before expenditure of complete design monies.*"

We would submit that it may have been the City's intention, when adopting this purpose statement, that the PD applicants' "*reasonable assurance of ultimate approval before expenditure of complete design monies*" be ensured largely through the extensive close coordination with City staff which is necessary in preparing a thorough and feasible application under the PD Section of the code.

The PD process inherently involves working closely with the staff to the Planning Commission, to ensure that immense efforts at planning, designing and engineering a proposal are not wasted in producing an application that cannot or likely will not be approved. In the case of this application, a fraction of the correspondence and cooperation between the applicants' team and staff is evidenced by the references in this text to specific conversations or advisement provided by the City during the process to date, and in some limited cases, by attachments to this document.

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Over the past two years, the team has coordinated with City Planning, Community Development, Public Works, Fire Protection, and Development Engineering personnel on countless of the larger and the more minute details of these submitted materials, to best facilitate an application which is thorough and which warrants approval.

It is our hope that the Commission will find this extensive coordination is well reflected in the details of this Conceptual and Detailed Development Plan and Tentative Subdivision proposal, and that the application warrants adoption of positive findings in support based in part upon that substantial coordination.

*"**g.** Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures; and"*

The maximum density permissible for this site under the comprehensive plan is up to fifteen units (6 units per acre x 2.44 gross acres, upon dedication of additional required right of way to the City). This proposal for nine new homes represents just sixty percent of the maximum targeted density identified by the Comprehensive Plan. As stated over sixty six (>66) percent of the total site area is reserved for natural resource preservation, representing a much more compatible neighbor than would standard subdividing, which might propose upland development which is more detrimental to the riparian resources, while seeking to absolutely maximize density in the name of profitability.

As was also discussed above, the applicants have opted to display a greater level of sensitivity to their closest existing neighbors, east of the parent parcel, by providing a screening fence between the parking in Lot 9 and this adjacent property boundary. Additional measures aimed at mitigating visual impacts of the proposal have been discussed above, including but not limited to green plantings in and near the right of way, and building with the lay of the land rather than in spite of it..

For the above reasons, this Conceptual and Detailed Development Plan is considered to provide greater compatibility with surrounding land uses than might be provided under conventional land development procedures.

*"**h.** Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met."*

Following is a brief description of each proposed modification to standards associated with the Applicants' Conceptual and Detailed Development Plan, followed by a detailed table listing each proposed modification from code, and the corresponding compensating benefit(s) which the applicants have proposed to off-set or mitigate the requested exception.

Parking Between Buildings and The Street

Approval of this modification for three parking spaces permits fills associated with the development to terminate an average of between twenty five and forty feet north of the boundary of the riparian zone, greatly increasing the level of protection provided the resources therein from adverse impacts of residential construction.

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Creating parking behind the structures would require an exorbitant amount of fill material be placed to accommodate a level parking arrangement, and that this material be placed abutting the riparian corridor's boundary, in conjunction with an obtrusive and potentially damaging retaining wall along that boundary. On the other hand, footings for the structures under the applicants' development scenario can be on piers, and stepped down as depicted on Exhibit C.4., eliminating the need for grading work right up to the rear property lines. This could not be physically nor economically achieved for vehicle parking which was required to be located proximate to the highly protected riparian area.

Exceed 25' Maximum Front Yard Setback

Inherently related to the above requested modification, approval of this proposed deviation permits avoiding adverse visual impacts of the new triplexes upon travelers on Ponderosa Avenue and adjacent residences. Denial of this aspect would require that buildings be placed in the higher elevations of the site, closer to the road, greatly increasing visibility of the dwellings from nearby properties, and increasing significantly the already deviant amount of fill materials necessary to realize development of this site. Additionally, and likely more important to decision makers, compliance would require placing parking behind the buildings, involving substantially increased amounts of fill materials in the lower, southerly portion of the proposed development area, and incurring potentially severe impacts of construction upon protected natural resources, as was briefly described under the discussion of the above proposed modification.

Reduce Landscaping Strip Adjacent to Private Sidewalk

Site constraints associated with the parent parcels' configuration and extensive natural resources preclude providing a five foot wide planting strip while observing necessary setbacks and other protective measures aimed at the riparian zone resources. Safe vehicular access and off-street parking requirements further preclude conformance with this standard.

Permit Mass Grading of the entire lot area of Proposed Parcel 9

The Civil Engineer for the project, MSS Engineering, states that the site cannot be developed without this modification, as existing topographic and hydrological conditions, which conditions the applicants desire to honor to the greatest extent feasible upon development, dictate a comprehensive site grading and drainage plan be implemented. Remaining lots are permitted to be 100% mass graded per *Section 4.5.80.04.3.(a).* The Project Engineer will be available at public hearing to provide additional testimony in this regard, if so desired by the Commission, and all site work and construction will be in accord with the guidance of the project geo-technical engineer, Foundation Engineering.

Exceed 8' Maximum Fill Standard in Very Limited Areas

The extent of area affected by this requested modification amounts to less than two percent of the total land area contained within Proposed Parcels 1-9, referred to herein as the "development area" or "developable" portion(s) of the parent parcel. The approximate percentage of the site total which is subject to each fill category, 8-10' of fill; vs. 10-12'; vs. 12-15 feet, are shown in the table on Exhibit C.1.

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Prior development scenarios entertained by the project team, most notably including those which would take a second access to Ponderosa Avenue at or near what is now Proposed Parcels 1 and 2, and the slightly more recent draft which provided additional overflow parking west of Unit 1, but which was nixed based upon impacts to riparian trees, all involved significantly greater amounts of fill. Under these prior considered scenario, larger overall areas would have been affected by this proposed deviation from standards.

The area of the most significant deviation proposed under this modification request would permit three distinct areas of the site, totaling approximately 1,630 square feet in area, to be filled to between 8-10' (eight to ten feet) above existing grade. As may be viewed on Exhibit C.1., the need for this level of fill is primarily driven by a desire to provide level access and circulation in Lot 1, and to facilitate driveways and front yards for dwellings on Lots 2-5.

In addition to the above, 221 square feet are proposed to be filled to between 10-12' (ten to twelve feet) above existing grade, and 45 square feet are proposed to receive between about 12-15' (twelve to fourteen point five two feet) of fill. Please see Exhibit C.1. for a graphic depiction and table of this data.

The Applicants' Conceptual and Detailed Development Plan plainly represents the closest we can come to conformance with the subject standard, and contains the least total area feasible (less than two percent of the total development site) proposed for greater than eight feet of fill materials. All ground work activity is subject to the requirements and guidance of the project geotechnical engineer, Foundation Engineering, whose detailed report and addendum are attached to this document as Exhibit F. Since no development can occur without exceeding the above standard, this is considered the minimum deviation necessary to permit this property to be utilized in a manner consistent with the vision for it as expressed in the comprehensive plan and it's PD RS-6 Zoning. That vision, which combines low density residential development with preservation of significant natural features, is aptly and responsibly realized in the Applicants' Conceptual and Detailed Development Plan, Exhibit B to this document.

At the City's request, the applicants evaluated an alternative driveway location, viewable at Exhibit C.3. This exhibit contains a profile and brief discussion describing the increased adverse impacts of this relocated driveway scenario upon street surface transitions / alignment and, notably, upon the amount of fill materials which would be required to accommodate the proposal.

Reduce Side Yards

Table 3.3-1 requires that rear yards be a minimum of five feet in depth; side yards a minimum ten foot depth; and that each lot have one useable yard of at least fifteen feet in depth. This proposal provides side yards of seven and one half feet (7.5') in depth for Lots 3 and 6's respective easterly sides and for westerly side yards of proposed Lots 4 and 7. Lots 1 and 9 are compliant, while Lots 2, 5, and 8 are exempt from the minimum side yard standard. In compensation for the above proposed deviations, the plan incorporates rear yards which are well in excess of the five foot minimum required by code. Rear yards associated with this Conceptual and Detailed Development Plan range from twenty five to forty feet in depth. These substantial rear yards are considered a very significant compensating benefit for the reduced side yards proposed herein.

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Corvallis code requires a seventy five foot wide riparian corridor associated with the creek on this site (Table 4.13-1); however, Table 4.13-2 only requires that fifty feet (50') of that riparian corridor be maintained in a separate "easement" or tract of land. In a March 4th, 2008 meeting with staff, which was conducted to review City planning and engineering's comments on a prior submittal, the project team inquired whether the additional twenty five feet of required riparian corridor was then eligible for use as rear yards in the detailed development plan. "*Otherwise, why the distinction between required tract width and the larger, total riparian corridor's width*?" all parties wondered aloud.

The applicants hence requested a clarification from City staff: "*Does this, as it appears, permit the applicants to incorporate the balance 25' of protected riparian corridor as rear yards, subject to the same protections and restrictions of use as apply to the riparian easement / tract?*" The applicants' consultant was advised that this specific question was, at our request, brought before a weekly Thursday planning staff meeting at the City during early March.

The subsequent direction provided to the applicants was that the additional riparian corridor could be incorporated as rear yard, provided the Conceptual and Detailed Development Plan satisfactorily demonstrated that the riparian zone protections would apply and could feasibly be enforced there as they are within the boundaries of Proposed Natural Resource Preservation Tract A. In order to ensure the above, the applicants have added a strongly worded and detailed statement to the Conceptual and Detailed Development Plan, Exhibit B. This statement reads:

"***Natural Resource Preservation Tract A is proposed to be dedicated to the City of Corvallis. In addition, the highly protected riparian corridor extends for twenty five feet northerly beyond the northerly boundary of Tract A. Activities in the entire 75' wide riparian corridor required under CLDC Table 4.13-1 are limited to a passive enjoyment of the natural features therein, including primarily hiking, picnicking and sight seeing. No disturbance of any type is permitted of the soil, vegetation, or water feature associated with this reserved natural area. The wooden fence may be provided with one gate per dwelling, subject to the above restrictions of use. No structures may be placed or other disturbance(s) occur within the highly protected riparian corridor, the boundary of which is to be demarcated on the ground by the wooden fence***."

As referenced above, the applicants also propose a wooden fence be erected along the boundary of the seventy five foot wide riparian corridor, to further reinforce where the protected riparian area begins and, conversely, where back yard development such as tool sheds or play structures may occur.

Lot 9 enjoys an increased, though triangular, side yard which ranges in depth from about seventeen to twenty five feet. This is in part in deference to the development's closest existing neighbors, on the east, and provides an increased physical separation, and hence buffer, over that which is required by the code for a triplex neighboring single family residences.

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It has the increased benefit of providing additional yard area for residents of unit 9, although a "chip path" intended for City access to the public sanitary sewer manhole to the southeast is included in this increased setback area.

In addition to the above, occupants of all triplexes would enjoy a common use easement across those northerly portions of Lots 3-9 which are located opposite the access drive from the structures on these lots. Exhibit D, Tentative Subdivision Plat, illustrates this common use easement, and Exhibit H, Landscape and Irrigation Plan, depicts existing and new green specimens which are intended to enhance these common areas. This provides additional yard area (in lots 4-9) for the mutual use and enjoyment of residents of the planned development. The common use area of Lot 3 provides access to the stairs leading to the sidewalk on Ponderosa Avenue.

In no case would development be permitted to encroach upon the required five foot minimum rear yard area imposed by the code. The dwelling on lot 1 would nearly abut the natural resource preservation fencing, but still maintains a fifteen foot deep rear yard, at it's narrowest point.

Lot 1 also enjoys an oversized side yard on the west, totaling about six hundred square feet in area and measuring about 20 feet in width. As may be viewed on the Exhibits to this application, and as discussed elsewhere in this narrative, the applicant has taken further pains to maintain very significant additional setbacks from the riparian zone for any significant earth work.

In a letter to the consultant which is dated September 5th, 2008, Mr. Jason Yaich of the Corvallis Planning Division recommended the applicants develop their case for this PD modification beyond that which is provided in the above discussion. In response, the consultant provided the following (excerpted from a letter to Mr. Yaich, dated 9/10/08):

> **"1) L.** We understand Staff may have some concerns regarding the applicants' proposal to include portions of the riparian corridor for inclusion as useable rear yard area for Lots 2-8. We agree with Staff's statements in the September 5th correspondence that the circumstances and particular characteristics of this planned development may reasonably warrant Staff's support of this aspect. In compensation for this deviation from the norm, the applicants' Conceptual and Detailed Development Plan provides additional common yard areas in the northerly portions of lots 4-9; ensures protection of valuable natural resources through appropriate use restrictions and erection of a wooden fence on the boundary of the resource area; and maintains an adequate range of choice for making non-intrusive uses of the rear yard areas contained behind the natural resource protection fencing depicted on the applicants' exhibits to this application. Additionally, the applicants' Conceptual and Detailed Development Plan provides compensating benefits in the form of side yards which exceed the 15' minimum standard for proposed Lots 1 and 9."

After excerpting the preceding existing passages from this application narrative, the consultant's 9/10/08 letter went on to re-introduce into the record excerpts from our prior letter to Mr. Yaich of July 8th, 2008:

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"6. The applicants continue to propose that the twenty five foot wide "Proposed Riparian Corridor Maintenance Easement to City of Corvallis", or that portion of the 75 foot wide highly protected riparian corridor which lies outside of the fifty foot tract required under CLDC Table 4.13-2, be considered as "useable yard" for purposes of satisfying CLDC 3.3.30.e.2.'s requirement for "*...a minimum 15 ft. useable yard either on the side or rear of the dwelling.*" We note that the code does not provide a definition of "useable yard", although both of the terms "use" and "yard" are defined:

> "*Use – Purpose of or activity on a site.*" (CLDC Page 1.6-58).
>
> "*Yard – Open space unobstructed from the ground upward except as otherwise provided in this Code. In the case of a corner lot, the front, rear, and side yards that were determined at the time of original construction of structure(s) on the lot may be used for the purposes of remodeling, rebuilding, and/or constructing additions, accessory structures, etc.*" (CLDC Page 1.6-63).
>
> The code further describes rear yards thus:
>
> *"Yard, Rear - As shown in Figure 1.6-31 - Rear Yard below, yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel to the nearest point of the main building."* (CLDC Page 1.6 -64).

Proposed rear yards as defined above average just over thirty feet in depth, far exceeding the 15' minimum standard. North of the proposed natural resource preservation fencing, rear yards are fairly narrow, particularly on the westerly end of the development area. Since these portions of the proposed rear yards average between 5-10 feet in width, full compliance with CLDC 3.3.30.e.2. north of the fence is not feasible. Staff's suggestion for providing additional outdoor area under a cantilever of the structures does not appear to be consistent with the code's definition of rear yard, above, and may not meet the test for "useable yard".

We note that the term "useable yard" does not inherently require that the available uses be wholly un-restricted; indeed, around the community, many yards or portions thereof are reserved for tree and other resource protection, often at property owners' discretions. These yards nonetheless remain useable for a wide variety of typical, non-intrusive yard uses.

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The applicants feel that the use restrictions imposed by this conceptual and detailed development plan leave a sufficient range of options for enjoying the private rear yards south of the fences to warrant considering those areas as "useable yards" for purposes of this section.

This range of permissible activities nonetheless stops well short of permitting any ground disturbing activities, including but not limited to the erection of structures or play equipment and removing vegetation. The applicants remain open to working with Staff and/or the Commission if any amendment(s) to the strongly-worded use restrictions statement on the conceptual and detailed development plan is/are desired in order to reinforce the protection of the site's natural resources.

Rather than request a reduction in or waiver of the 15' yard standard in question, the applicants prefer to request that the privately owned rear yards south of the natural resource protection fencing be considered as contributing to, in fact exceeding in terms of required square footage and dimensions for private yards, the minimum 15' useable yard requirement.

The applicants ask that Staff consider this matter to be satisfactorily addressed, based upon the above evidence."

This concludes this section's discussion of this matter. The above paragraphs describe the applicants' numerous proposed compensating benefits for the reduced side yards. Although it may represent an untraditional approach to providing over-sized rear yards, this Conceptual and Detailed Development Plan nonetheless doubles the required depth for rear yards, in partial compensation for the reduced side yards.

Reduce Green Area of Lot 6 to 36%

It is an unavoidable fact that at least one of the proposed new parcels is going to experience a larger area of impervious cover as a result of construction of the necessary driveway to access Ponderosa Avenue. The applicants are pleased at the success of their efforts to localize this impact to just one parcel, and to compensate for the loss of green area there by providing additional green space in the rear yard of the affected lot and elsewhere in the parent tract. As a result, the proposed driveway depicted on exhibits to this application is primarily centered on Parcel 6, and sixty three percent (64%) of that new lot would hence be in impervious cover, leaving 36% green as compared with the 40% standard of *CLDC 3.3.40.* All remaining lots in the planned development far exceed the standard, with the exception of Lot 2, at precisely 40% green area. Please see the lot coverage table on Exhibit B.

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Lot Coverage Table

Lot #	Total Lot Area	Max Impervious Area	Max Lot Coverage	Min Green Area	Min Green Area	Rear Yard
1	6,909 sf	2,747 sf	40%	4,162 sf	60%	1,702 sf
2	2,833 sf	1,703 sf	60%	1,130 sf	40%	800 sf
3	4,148 sf	2,175 sf	52%	1,973 sf	48%	1,165 sf
4	4,841 sf	2,273 sf	47%	2,568 sf	53%	1,275 sf
5	3,939 sf	2,126 sf	54%	1,813 sf	46%	906 sf
6	5,285 sf	3,369 sf	64%	1,916 sf	36%	1,114 sf
7	5,606 sf	3,032 sf	54%	2,574 sf	46%	1,070 sf
8	4,525 sf	2,123 sf	47%	2,402 sf	53%	833 sf
9	7,134 sf	2,114 sf	30%	5,020 sf	70%	1,869 sf
ROW DED.	0 sf					
TRACT A	61,097 sf	0 sf	0%	61,097 sf	100%	
SITE TOTAL	106,317 sf (2.44 acres)	21,662 sf (0.5 acres)	20%	84,655 sf (1.94 acres)	80%	10,734 sf (0.25 acres)

NOTE: ROOF AREA OF 7000 sf TO BE DISCONNECTED FROM STORM DRAIN SYSTEM

Source: Exhibit B

Reduce A Portion of ROW Dedication from 14' to 3'

***Please Note**: As was described in a previous section of this applicants' narrative, the applicants prior submittals all proposed an eight foot (8') dedication, or a six foot deviation from the collector standard, to incorporate a 6' wide street tree planting strip in the improved right of way (ROW) for Ponderosa Avenue. This was based on advisement that our prior original concept, to remove the planter strip altogether, would not be supported by staff.*

After providing written review comments on three development plans which conformed to this direction, City Engineering has since indicated that the current profile, involving a three foot (3') dedication and which eliminates the tree planting strip altogether, is the only scenario which will be supported by City staff. This is apparently based upon safety and other concerns relative to the height and location of the retaining wall associated with the ROW improvements and private facilities on site. As in all preceding cases, the applicants have deferred to this latest direction from the City Engineer's office, and have prepared the current development plan to incorporate street profiles and a right of way dedication which is consistent with these latest specifications provided.

In addition to the significant development constraints placed on this property by virtue of it's shape and the significant riparian corridor protections affecting a large majority of the site, additional factors contribute to the applicants' request to reduce the land dedication required to accommodate improvements to Ponderosa Avenue adjacent to the proposed development. A large Oak tree and juxtaposed ornamental Madrona are located in the northerly proposed common area of Lots 8 and 9. The applicants intend to preserve these trees, along with three smaller oaks in the same locale, despite needing to impact the circle of protection for the largest oak with the construction of the driveway, curb and one common parking space (Please see Exhibit B). These trees are located on a small hill, and dedicating the land area required, and effecting construction of the full collector standard in this case, would be certain to have a terminal effect on the roots of the subject landmark oak.

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Preserving this large oak and the smaller madrona and oak trees would help to retain some of the existing character of the subject property. This in perhaps the most highly-visible and certainly most compatibility-sensitive sector of the site, where the planned development's closest neighbors are located across the easterly property boundary.

Continuing to provide an opportunity for people to enjoy the visual and natural amenities provided by these existing specimens, hence retaining some of the character of the site under existing, pre-development conditions, is the applicants' sole motivation for attempting to preserve the maximum number of trees possible in this area. This cannot be achieved with the full fourteen foot dedication which would normally be required to affect a full collector street standard. Beyond the proposed development area, adjacent to proposed Natural Resource Preservation (NRP) Tract A, the applicants are proposing to provide the full fourteen foot wide dedication to accommodate the collector street standard, although no street tree planting strip will be provided along this stretch of roadway, due to the green appearance of NRP Tract A and code provisions discussed under the following modification .

Remove Street Tree Planting Strip from New Ponderosa Avenue Profile

Please Note: *As with the above standard, the first three versions of this application proposed, at City Staff's behest, a reduced width planting strip, from 12' to 6', but subsequent and recent dictates from the City Engineer's office have indicated that only a proposal which removes the tree planting strip from the profile altogether would be accepted by staff. The applicants have prepared this aspect of their Conceptual and Detailed Development Plan accordingly.*

The impetus for the applicants' original request to omit or reduce the planting strip was twofold:

1. The developable portion of the subject site is limited and in a constrained configuration, making it necessary to make the absolute most efficient use of every remaining square inch for meeting off-street parking and pedestrian oriented design standards of the City, among others. For this reason, full conformance with the standard would constrict parking and vehicular access for the site beyond feasibility.

2. The above mentioned trees which are intended for preservation would not survive the cut into the hill which would be required in order to facilitate a twelve foot wide planting strip.

Notably, denial of this aspect (and/or the above requested reduction in street dedication) would effectively eliminate any opportunity for vehicular access to the proposed parking spaces at the northwesterly corner of Lot 1, constricting that circulation route beyond the point of feasibility. At least one additional space would also be lost from the three shared spaces currently proposed at the northeasterly corner of Lot 9.

CLDC Section 4.0.30.a.2. requires the twelve foot planting strip, but also states that the tree planting area "*shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 and Chapter 4.13.*" This supports the applicants' original (and pending) proposal to eliminate the planting strip from the improved street profile along the frontage of Natural Resource Preservation Tract A. This is further reinforced by *CLDC Section 4.0.60.k.9.*

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Perform ¾ Street Improvement to Ponderosa Avenue

Property on the north side of this stretch of Ponderosa Avenue (i.e., map no. 11, 5, 21CB, Tax lot 00400), although included in the Corvallis urban growth boundary, is not yet annexed to the City of Corvallis. For this reason, the City has yet to obtain the right of way dedication sufficient to even approximate, let alone accommodate, the applicable full street standard, or any alternative thereto.

At the time of annexation and development of this *urbanizable*, though as yet *rural* tract of land, the applicants understand that the City will need to acquire up to an additional fourteen feet (14') of right of way on the north side of Ponderosa Avenue, to accommodate the full collector standard under *CLDC 4.060.e*. Property on the north side of this street may or may not qualify for the same or similar PD modifications as does the subject property, in order to reduce their ROW dedication burden under the code.

The above conditions are described by one Corvallis Development Engineering staff person as a "pretty typical scenario" for approval of a half or ¾ street improvement under *CLDC 4.060.e.2*. That section permits such an interim standard when "*other standards required for street improvements are met* (presumably excluding those variations which are legitimately modified under the PD process) *and when the Planning Commission or the Director finds that it will be possible to obtain the dedication when property on the other side of the half-width street is developed.*" Item 3 of a March 4, 2008 Development Engineering review letter includes the following statement:

> "*Since the parcels on the other side are not fully developed and the ROW on the north side is not sufficient to install standard improvements, it may be logical to install a ¾ street improvement and defer the sidewalks and planting strips on the north side to future development.*" (Matt Grassel correspondence to Jason Yaich, March 4, 2008).

In the event of approval of this request, the applicants request staff guidance in seeking application for "zone of benefit" payments for any public improvements, and any SDC cost reimbursements, for which the applicants may be eligible. The applicants have been advised that they would be eligible for systems development charge (SDC) reimbursements upon completion of the oversized water line, the bike lane, and additional asphalt required to bring Ponderosa Avenue to a "collector" standard versus the baseline cost of bringing it to a "local" standard.

The current proposal would provide safe, improved conditions for the parent parcel's entire frontage on Ponderosa Avenue, including a sidewalk and bike lane. Additionally, approval of a ¾ street improvement at this time would neither hinder nor preclude obtaining a full street improvement at such time in the future when the property to the north annexes and develops. For these reasons, this aspect of the applicants' proposal is not considered as a major deviation to standards. In fact, this aspect of the applicants' proposal appears to be *consistent* with the code's provision for permitting ½ or ¾ street improvements, and therefore may not technically require approval under the PD's modifications to standards procedures, since *CLDC 4.060.e.2* specifically permits ½ (or ¾) street improvements in circumstances such as those described above for the subject and northerly abutting properties.

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Permit Some Impacts to Circles of Protection for Preserved Trees

Riparian Trees immediately abutting the proposed water treatment swale would see very minimal disturbance within the perimeters of their circles of protection, in order to accommodate construction of the on-surface storm water quality treatment swale. This minor level of impact was unavoidable, although it is also expected to be inconsequential. This is based upon the applicants' proposal for a bermed swale that does not require excavation or digging to achieve. The schematic detail for this bermed swale is found at Exhibit E.3.

The project arborist states at Attachment E that these trees are more likely to be stimulated than adversely impacted by the proposed minor incursion into their circles of protection by temporary and superficial ground disturbance associated with this relatively low impacting project. Please refer to Applicants' Arborist Report, Attachment E to this document.

The westerly, rock lined outfall would directing storm water runoff flows to the creek for quantities which exceed that required to be treated. This facility has been painstakingly aligned to avoid impacts to the circle(s) of protection of any tree(s). Like the rock lined swale, the schematic for this feature is also viewable at Exhibit E.3. The easterly most proposed outfall to the creek, at the terminus of the water treatment swale, will consist of a natural flow path carrying a low volume of non-turbid storm water to the creek. Please see Exhibits E.1.-3.

The applicants' storm water drainage plan is the result of extensive coordination with City Engineering personnel, and has received their concurrence. The project team was successful in designing the other utility project affecting the riparian zone, the sanitary sewer line extension along the easterly property boundary, in such a manner as to wholly avoid impacting the circles of protection for any trees in the riparian corridor. In fact, no other impacts to trees in the riparian zone are proposed or anticipated.

The applicants propose to preserve five additional trees outside of the riparian zone and within the proposed development area. Lots 8 and 9 contain one very large oak and three smaller oak trees and a madrona, all of which are targeted for preservation. Among these five trees which are desired to be preserved, two of the oaks would experience some level of impacts upon their circles of protection as depicted on the exhibits to this application narrative. Most notably, the large oak, Tree Number 27, would see the greatest level of impact. The project arborist, however, advises at Attachment E that the trees are very likely to survive and even thrive, assuming contractors follow the arborists' recommendations during construction activities.

In summary of this modification request, the applicants are seeking relief from the requirement that no ground disturbing activity occur whatsoever within the circles of protection of trees which are intended to be preserved. Approval would permit *very minor* impacts to trees numbered as #'s 1, 2, 11, 12, 16, 22 and 25 in the riparian zone, adjacent to the water quality swale, and #'s 27 and 4 in the development area, in the northerly portions of Lots 7-9. Please refer to Exhibit A, Existing Conditions, Exhibit E, Utility Plan, and Exhibit G, Natural Resource Preservation Plan.

The following pages contain a table illustrating each modification to City standards proposed in this planned development, and describing the corresponding compensating benefit(s) which may be anticipated to ensue in the event of approval of each respective adjustment.

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APPLICANTS REQUEST MODIFYING THE FOLLOWING STANDARDS:			AND PROPOSE TO PROVIDE THE FOLLOWING COMPENSATING BENEFITS:
RS-6 Stds & POD Stds	***CLDC 3.3.30.e.1. (also) 4.10.60.01.b.***	All 3 Structures > 25' from Front Property Line	Responds to Lay of Land; Maintains < 200' Physical Connection to Ponderosa Sidewalk, Reduces Visual Impacts and Reduces Fill Impacts on Riparian Trees
POD Stds	***CLDC 4.10.60.06.f.***	Reduce Landscaping Strip Adjacent To Private Sidewalk from 5 to 2 feet	Ensures Compliance/Off--Street Parking Req'ts & Adequate Vehicle Circulation. Vertical Separation/pedestrian Crossings Ensured, Substantial Green Imp'ts Provided near ROW. Meets intent/standard- small trees can thrive in 2' bed. Vehicular, Pedestrian Traffic levels on Site, Safety Concerns Expected to be low.
GRADING Stds	***CLDC 4.5.80.04.c.3.(a)***	Mass Grading Necessary for Comprehensive Site Development	Implements a Development Plan for Vacant, Residentially Zoned Property Which Provides Protection of Natural Resources. Geotechnical Engineer Rec'ns (Exhibit F) Followed to Letter. Site Conditions Dictate Comprehensive Mass Grading Approach and Site Cannot Feasibly be Developed w/out This. Only one lot Requires a 634 s.f. Modification (Lot 9).
GRADING Stds	***CLDC 4.5.80.d.1.***	< 2% of Develop't Area Exceeds 8' Maximum Fill Std	Accommodates a Post Development Storm Water Drainage Pattern which Responds to Pre-Development Hydrological and Topographic Conditions and Provides Controlled Flow to the Creek, Maintaining Historical Flows or Lesser. Geotechnical Engineer Recommendations (Exhibit F) to be Followed to Letter. Total Deviation area Equals less than two (2) percent of Development Area.
YARD REQ'Ts RS-6 ZONE	***CLDC 3.3.30.e.3.(c)***	Reduce Side Yards, East Sides of Lots 3 & 6; West Sides of Lots 4, 7.	These have Side Yards of 7.5' Which are Terraced for Utility and Enjoyment. 4,860 s.f. additional Yard Area Available in Lots 4-9 Proposed Common Areas. West Side of Lot 1 and East Side of Lot 9 Compliant; Units 2, 5, and 8 Are Exempt. Huge Rear Yards Compensate for this Requested Deviation along with the Provision Of Overflow Parking Which Could not be Accommodated Otherwise.

STREET Stds	***CLDC Table 4.0-1***	3' Right of Way Dedication Proposed For Ponderosa Avenue	Provides Adequate ROW for Collector Standard Improvements Except Street Tree Planter Strip. Permits Preserving Existing Madrona, Oak Trees at Gateway to Development in Lot 9. Permits Additional Plantings in Lots 4-6; Protects Against Adverse Impacts/Riparian Area from Structures, Earthwork Encroaching On Setbacks.
TREE PRES'N	***CLDC 4.12.60.f.1, 4***	Some Minor Development Activities Affecting Trees to be Preserved	Applicant Limited These Impacts By Eliminating 2 Parking Spaces and Locating Utilities in Least Invasive Locations Feasible. Riparian Zone Trees Labeled as Numbers 1,2,11,12,16,22 and 25 on Exhibit E, Utility Plan, Would See Minimal Disturbance of Soils w/in Their Circles of Protection, Expected to Continue to Thrive Per Professional Arborist's Opinion at Attachment E. Dev't Area tree #'s 4 & 27 Would Also See Impacts, survive.
MIN. GREEN AREA REQ'T OF RS-6	***CLDC 3.3.40.***	Lot 6 Would Have 36% Green Area Due to the Driveway	Lot 6 has app. 1,702 Square Feet of Private Rear Yard Which More Than Compensates For the Loss of Green Area Which Would Normally Be Associated with this Side or other Lots' Yards. It's Twice the Required Size in Order to Accommodate the Private Driveway Serving the Development and to Facilitate the Deeper Rear Yards Proposed. Without the Driveway, All Lots Would Comply. Additionally, Remaining Proposed Lots 1-5 and 7-9 Exceed this Standard by An Average of 13 Percent, so Green Area Provided Elsewhere Greatly Exceeds Total Req't.
LAND DIVISION Stds	***CLDC 4.4.20.03.a.***	Lot Depths Exceed Code's Maximum Guideline of 2.5 x Lot Width	Permits limited use, enjoyment, e.g., for picnicking, of the 25' of Riparian Corridor not Required to be Contained in the 50' Riparian Easement under Table 4.13.2 These Rear Yards are Unique AND Useable, Though They are Not Buildable. Compliance with the Standard Would not Permit Residents to Own Land Associated with Each Unit Individually, Severely Impacting Feasibility of Owner- Occupied Residences and Decreasing Marketability.

Section 2.5.30 - GENERAL PROVISIONS

Planned Development is an alternative development process that provides an avenue for a developer to request variations from development standards while maintaining the purposes stated in Section 2.5.20 and meeting the review criteria outlined in Section 2.5.40.04."

The above statement reinforces that applicants who develop under the PD designation and procedures are entitled to request *"variations from development standards while maintaining the purposes stated in Section 2.5.20 and meeting the review criteria outlined in Section 2.5.40.04."* While this applicants' narrative contains findings of fact which fully demonstrate the proposal's thorough consistency with the purpose of the PD section as well as with the PD Review Criteria contained in *Section 2.5.40.04*, only those limited deviations from the City's development standards which are necessary to realize residential use of the subject property are sought in this application.

Lot and building design standards, pedestrian oriented requirements, street trees, minimum required setbacks, resource protections and other aspects of the City's current development standards, as expressed in the *CLDC*, are observed as closely as possible in the details of this Conceptual and Detailed Development Plan and associated graphics as illustrated on Exhibits A-H. In instances where the proposal varies from the standards, the plan maintains consistency with the intent of the modified regulations and that of the planned development process.

It is the hope of the applicants that this demonstration of substantial conformity to standards will be answered with swift and concise conditions of approval permitting them to progress toward the ultimate sale of the property for pending residential development and uses consistent with its comprehensive planning and zoning designations and this Conceptual and Detailed Development Plan.

SECTION III.A. CONCEPTUAL DEVELOPMENT PLAN:

Section 2.5.40 states: *"An application filed for a Conceptual Development Plan shall be reviewed in accordance with the following procedures.*

2.5.40.01 - Application Requirements

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived. ***Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to this Code's applicable requirements."***

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Consistent with the above code recommendation, the applicants attended a pre-application conference with Community Development Department and Engineering Staff on June 18th, 2007, prior to preparing and submitting the original draft of this proposal. Countless additional meetings and coordination preceded and followed that formal pre-application conference for PD and Subdivision approval.

"Applications shall be made on forms provided by the Director and shall be accompanied by:

***a.** Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;"*

Please see the introductory section of this application narrative for the address and Benton County Tax Assessor's Map numbers for the subject property. A copy of the Benton County Assessor's Map for this site and surrounding area is provided in Section I of this application narrative as Figure 1. Finally, Attachment A, which is on file with the City Planners' office, contains a written legal description of the subject property.

***"b.** Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City.*

The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;"

A copy of the City's General Land Use Application Form accompanies this application packet. This form has been signed by Mr. and Mrs. Kent, the applicants and owners of the subject property. Please refer to page 1 of this application narrative for the contact information for the Kent's as requested under this subsection of the code.

***"c.** Fifteen copies of the narrative, on 8.5 by 11 in. sheets, and 15 copies of graphics at an 8.5 by 11 in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11 by 17 in. size if, for legibility purposes, such a size would be helpful;"*

The applicants have submitted the appropriate number of copies of all application materials, as directed by this section of the code and more specifically requested by staff.

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*"**d.** Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24 by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted;"*

Six sets of full-scaled drawings have also been provided per this subsection in a 24 x 36" format.

*"**e.** An electronic version of these documents (both text and graphics, as applicable) if an applicants have produced part or all of an application in an electronic format.*

The applicants shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;"

Electronic files of all of the application materials have been provided to the City as feasible.

"f. Graphic Requirements

Graphics shall include the following information where applicable:

1. Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;"

The applicants understand that this requirement is typically waived by the Planning Director, although it can be provided upon request of Staff or the Commission.

"2. Zoning Map - Typically one in. = 400 ft., but up to one in. = 800 ft., depending on the size of the site, with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;"

Please refer to Section I, Figure 2.B. of this document , Zone Map.

"3. Comprehensive Plan Map - Typically one in. = 800 ft. with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;"

Please refer to Section I, Figure 2.A. of this applicants' narrative, Comprehensive Plan Map.

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"4. Existing Land Use Map - Typically a topographic map that extends at least a 1,000 ft. beyond the site. The map shall include building footprints and distinguish between single-family, multi-family, Commercial, and Industrial Uses, as well as other significant features such as roads, parks, schools, and Significant Natural Features identified by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions;"

Please refer to Attachment B, Existing Land Use / Vicinity Map.

"5. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:

a) All information and preservation plans required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable;"

Please see Exhibit G, Natural Resources Preservation Plan, and Exhibit H, Landscape and Irrigation Plan.

"b) All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and"

The property is clear of any jurisdictional wetlands per the U.S. Department of Interior Fish and Wildlife Service's National Wetlands Inventory (NWI) map for Corvallis.

"c) Archaeological sites recorded by the State Historic Preservation Office (SHPO)."

To the applicant's knowledge, this site is not recorded with the State Historic Preservation Office (SHPO) as bearing any archaeological or other cultural resources.

"6. Site Plan(s) and Other Graphics –

a) Site plan(s) and other graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed in this Section and "b," below."

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The Conceptual and Detailed Development Plan at Exhibit B, and all related drawings viewable in the additional Exhibits to this application narrative, have been prepared in a manner which is consistent with the above subsection.

"Graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 – Significant Vegetation Protection Provisions, and Chapter 4.13 – Riparian Corridor and Wetland Provisions; Minimum Assured Development Area information from Chapter 4.11 – Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director's opinion, would assist in providing a context for the proposed development."

Please see Attachment B, Existing Land Use and Vicinity Map.

"The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site (e.g., such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site)."

The Director has not requested any information on lands located in excess of 150 feet from the subject property, with the exception of the Existing Land Use and Vicinity Map regularly required under *Section 2.5.40.01.f.4.* and provided at Attachment B of this application.

"b) The site plan and related graphics shall also include:

1) Boundary of the proposed development site and any interior boundaries related to proposed development phases or Land Divisions;
2) Number of lots and their dimensions, including frontage, depth, and area in sq. ft., as applicable;"

The above information appears on the Tentative Subdivision Plat located at Exhibit D, as required under this subsection. No phasing is proposed under this PD proposal.

"3) General location and floor area of existing and proposed structures and other improvements, including maximum building heights, Building Types, and gross density per acre for residential developments; and location of fire hydrants, overhead lines in the abutting right-of-way, easements, fences, walls, parking calculations, and walkways; and any proposed Use restrictions. Where required by the applicable zone, lot coverage and Green Area calculations shall be provided. An indication of approximate building envelopes may be required to evaluate building relationships;"

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All structures would be site built, wood construction of an architectural scope and nature which blends with and complements the existing styles in the neighborhood and vicinity. The Conceptual and Detailed Development Plan at Exhibit B illustrates the applicants' proposed approximate 2,625 square foot building footprints. Each three story unit contains just over 2,000 square feet in living area, and is capable of supporting two or three bedrooms. Attachment D provides a visual representation of the building types and general floor plan patterns planned for the site.

There are no existing structures on the site. The applicants have discussed with staff a potential condition of approval limiting the dwellings to four (4) two bedroom units and five (5) three bedroom units. Performance standards are proposed to ensure full conformance with all City development standards not specifically modified in this decision, specifically including but not limited to the maximum building height standard applicable in the RS-6 Zone (i.e.,, no building would be permitted to exceed the 30 foot standard of *Section 3.3.30 and Table 3.3-1, RS-6 Development Standards*, unless a variance and/or PD modification were granted in the future).

The subject property would be approximately 2.44 acres in total area, following dedication of additional right of way to the City. Gross residential density is calculated by dividing the total number of units proposed to be built by the total (or gross) land area in the development. This results in a calculation in this case of nine (9) units divided by 2.44 acres, for a quotient of 3.69 units per acre, or a gross residential density of approximately 4 units per acre *(9 / 2.44 = 3.69)*. This is consistent with the Comprehensive Plan's density range for RS-6 Zoned land of between 3-6 units per acre.

By comparison, *Table 3.3.30* of the *CLDC*, intended to implement the Comprehensive Plan, permits a range of between two to six (2-6) units per acre in the RS-6 Zone, and requires that new subdivisions and PD's achieve a minimum of four units per *net* acre. The definitions section of the code explains that gross acres are used for maximum density calculations, while net area is used for minimum density calculations. The minimum density standard applicable to lots created after December 31st, 2006 is four units per *net* acre. The standard applicable to parcels created prior to that date is a minimum of two units. The Applicants' Conceptual and Detailed Development Plan is consistent with the applicable density standards of the City of Corvallis, in that it proposes nine new units on 1.04 acres, for a net residential density of nine units per net acre (9 u/ac). This clearly exceeds the applicable minimum density standard.

The applicants' proposal seeks to maximize the most efficient use of the parent parcel's land base while maintaining a standard of addressing demands of the local real estate market. Prior drafts of the Applicants' Conceptual and Detailed Development Plan, which incorporated a higher density or more varied housing types on the site, proved ultimately infeasible when considering turning radii and other requirements for emergency vehicle access; applicable lot development standards; parking requirements, and the demands of designing the infrastructure to serve the site.

All utilities in the Ponderosa Avenue right of way will be placed underground as required by City standards. Screening fences are proposed along strategic and extensive stretches of the northerly and easterly property boundaries.

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Retaining walls, subject to the recommendations and requirements of the project geotechnical engineer, expressed in Exhibit F and to be further determined prior to and during construction, are depicted on Exhibits B and C.6., and are necessary to accommodate development within the parameters of the site's considerable topographic relief, elevation relative to the abutting public roadway, and unique configuration and orientation. All of these features, along with easements and pedestrian facilities, are graphically illustrated on the exhibits attached to this narrative.

Exhibits A, D, and E, as applicable, provide the locations of existing and proposed hydrants, utility lines and easements, pedestrian facilities and other details requested in the above excerpted code language. A new hydrant is proposed to be placed immediately east of the new driveway approach, in Lot 7, and the closest existing hydrant is located at the northwest corner of Ponderosa Avenue and Cassia Place, approximately 160' to the east of the subject property. In addition, all nine new residential units will be required by the Corvallis Fire Department to have automatic fire sprinklers.

A "Common Area, Parking, Access and Utility Easement" would affect the northerly portion of the development tract (see Exhibit D). These are the areas containing, most notably, the existing oak and madrona trees targeted for voluntary "preservation" (in Lots 8 and 9), and the three new trees proposed to be planted in Lots 4-6 (please see Exhibit H, Landscape and Irrigation Plan). These areas are intended for common recreational and typical green area uses, in addition to providing visual and other benefits.

Off-street parking would be accommodated through a combined garage and driveway approach, in conjunction with code compliant parking on the sides of structures, consistent with *CLDC 4.10.60.02.a.1.(b)*, and three spaces located between Unit 9 and Ponderosa Avenue. The applicants' parking plan represents the only feasible means to avoid adverse impacts upon the riparian zone resources which would otherwise be associated with placing parking behind the structures as normally required under the City's *Pedestrian Oriented Design Standards (POD's)*. Please see the applicants' comparison at Exhibits C.3. and C.4. of the fill impacts adjacent to the riparian zone which would be associated with parking behind the buildings as opposed to the proposed scenario.

CLDC Section 4.1.30.a. requires 2.5 vehicle parking spaces per 3 bedroom unit, and 1.5 vehicle parking spaces for each 2 bedroom unit. In addition, this section requires 1.5 bicycle parking spaces per 2 bedroom unit, and 2 bike parking spaces per 3 bedroom unit. These may be located within garages or other structures. With nine 3 bedroom units, that equates to a requirement for 22.5, or 23, vehicle parking spaces, and 18 bicycle parking spaces.

Finally, the code provides that a reduction in required vehicle parking may be obtained through *Section 4.120.q.2.(a)*. Though that section appears to reduce the parking burden on this plan from 23 vehicle spaces to 21, based upon the provision of bicycle parking, planning staff have indicated they would not recommend application of this relief in this case, due to the absence of on-street parking adjacent to this development. The applicants could not locate support in the code for such a legal criterion or requirement, and the availability of on-street parking, or for that matter the consideration of "*...other compatibility factors*" as cited by staff in Attachment C, do not appear to be necessary conditions for qualifying for this relief under *Section 4.120.q.2.(a)* of the code.

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Although the code does not require parking facilities beyond the minimum required under *CLDC 4.1.30.a.2.*, which is more than accommodated by the applicants' proposal, and despite their belief that the plan qualifies for *Section 4.120.q.2.(a)*'s credit for bicycle parking discussed above, the applicants nonetheless acknowledge the constrained number of parking spaces which can be accommodated on this uniquely challenging site. The plan admittedly provides little opportunity for visitors, special occasions or "overflow" parking, assuming all nine of the units have 3 bedrooms.

Staff has proposed a condition of approval that would specify a mix of four (4) two bedroom units and five (5) three bedroom units, which results in an overall parking requirement of 19 spaces, excluding any credit(s) for bicycle parking and/or any other purpose. Staff indicated that any larger number of two bedroom units would not be consistent with the maximum parking standard of *Section 4.1.20.o.*, which limits "overflow" parking spaces to a maximum of thirty percent of the minimum number required under *4.1.30.a.* This would leave the applicants' remaining five proposed spaces to serve as substantial overflow parking, amounting to an additional twenty six percent over the number of spaces "required" per read of the code.

If it is city planning staff's practice to, in effect, increase by some 25% the parking requirements expressed by the code for a modest and relatively small scale residential development, it seems the code should be amended in order to require, at the onset and in clear and objective language, a sufficient number of spaces to accommodate all foreseeable vehicular needs of the new residential uses. Some zoning ordinances require outright that an additional "x" percent of the total number of required parking spaces be provided for overflow parking (e.g., see Tangent Zoning Ordinance); however, not only is this expected to be specifically described in the pertinent section(s) of code, but it is typically limited to larger residential, or more often commercial and industrial, development; usually only applies when the total number of required spaces is greater than some identified sum (e.g., total requirement of 20 spaces or more); and is not exclusive of parking space credits, for example for bicycle parking, or other relief provided under the same or related sections of code.

The applicants read the code to say that the total parking space requirement for nine (9) three bedroom, attached units is 2.5 spaces per unit, or 23 total spaces. This Conceptual and Detailed Development Plan proposes 24 spaces, or one more space than the code appears to require. Based upon the above discussions, the applicants would prefer that the Commission not limit the developer as suggested by staff's prospective condition of approval.

In demonstrating compliance with the applicable parking standards, this narrative will err on the side of caution in addressing the requirements as expressed to us by staff in their letter of 9/5/08, the "worst case scenario", from the applicants' perspective. The applicants' parking plan consists of a total of twenty four (24) vehicle parking spaces, and room for parking eighteen bicycles within the individual garages at a ratio of two per garage. This plan conforms with the parking requirements of the City of Corvallis, and in fact exceeds the baseline requirement by between one (1) to five (5) additional spaces (depending upon whether the number of bedrooms is dictated as recommended by staff), demonstrating an ability to accommodate overflow parking which may be periodically in demand. Please refer to Exhibit B, Conceptual and Detailed Development Plan, for a graphic representation of the above details.

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Use restrictions which are dictated on the Conceptual and Detailed Development Plan strictly limit activities within Natural Resource Preservation Tract A to a passive enjoyment of nature, and in no case permit disturbing any vegetation, disrupting the drainage pattern in the tract, or any ground disturbing activities whatsoever. Please refer to the use limitations statement on Exhibit B, and excerpted in above discussions of this applicants' narrative.

Additional performance standards dictated in the language and graphics contained in this Conceptual and Detailed Development Plan and associated exhibits would guarantee compliance with all minimum setback requirements, maximum lot coverage standards, and all other obligations applicable to developments in the PD RS-6 Zone not specifically modified by this Conceptual and Detailed Development Plan.

Exhibit H, Applicants' Landscape and Irrigation Plan, proposes a site obscuring fence to be installed along the parent parcel's easterly boundary, in order to further buffer the new planned development from it's only adjacent neighbors, to the east.

The maximum lot coverage standard for impervious surfaces in the RS-6 Zone is sixty (60) percent, leaving a minimum green area requirement of forty (40) percent. All but one of the nine proposed new parcels comply with this standard, and *Parcels 1 and 9 actually bear sixty and seventy percent green area, respectively. In the case of Lot 9, this exceeds the code requirement by thirty percent of the total lot area, or about 2,140 square feet.*

The table provided at Exhibits B and H provides the lot coverage vs. green area calculations for each proposed parcel, for Natural Resource Preservation Tract A, and for the site as a whole. Eight percent (79.5%) of the parent parcel's total area is to be retained or planted anew in green cover.

A public easement is provided to permit public use of the sidewalk along Ponderosa Avenue where it enters private property, adjacent to the recessed driveway entrance viewable on exhibits to this application.

"4) General location and dimensions of areas to be conveyed, dedicated, or reserved as common open spaces, common Green Area, public parks, recreational areas, school sites, and similar public and semi-public uses;"

Exhibit B illustrates that Natural Resource Preservation Tract A is proposed at approximately 61,097 square feet, or 1.40 acres, in area. The applicants propose to dedicate Tract A to the City for perpetual high protection and preservation of the drainage functions and natural resources contained therein. This would preclude the need for an easement affecting this large tract, to permit the City access for maintaining the storm and sanitary sewer utilities located within it's boundaries. Aligned with this proposal, the applicants do propose to grant the City an easement across the 25' wide swath of highly protected riparian corridor intended to be contained within the rear yards of Lots 1-9.

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The applicants have been initially advised by City Staff that the City may favorably consider accepting dedication in this particular case, and has been further counseled to frame a discussion in this application narrative concerning this issue around the following section of city code:

"Section 4.13.07.02.c.

Dedications *- The City will strongly consider accepting voluntary drainageway dedications provided:*

1. Public maintenance of the drainageway is anticipated or public ownership will enhance protection of the resource or maintenance of Stormwater Functions;"

The City does have maintenance responsibility for the subject drainageway which is the subject of this riparian corridor protection, and has indicated it would continue to bear that responsibility upon development of the parent parcel, whether that would be via a maintenance easement or acceptance of a land dedication.

Future owners / residents of the new homesites are relatively ill-equipped to undertake these responsibilities, even in the unlikely event the City desired to convey them. Easements can be cumbersome and litigious as compared with the City outright owning fee title to the land containing the resources and this section of the drainage network.

Public ownership also affords the City a greater level of legal and physical control over activities occurring on the subject tract. Preliminary discussions with planning and public works/engineering staff have been generally supportive, though non-committal, regarding the dedication approach to ensuring protection of the water related and other functions of this natural resource.

"2. Dedication of the drainageway area does not create substandard lot size, substandard building setbacks, or otherwise reduce applicable development standards to the point that would render the existing development Nonconforming;"

Dedication of Natural Resource Preservation Tract A would not have the effect of increasing the level of nonconformity of this plan with any aspect or section of the *Corvallis Land Development Code*, and has no ill or other effect on the modifications to standards requested under this planned development.

Dedication, as compared with shared ownership among future residents and the granting of maintenance easements to the City, does not inherently increase nor reduce the land area proposed for natural resource preservation. Under either scenario, Natural Resource Preservation Tract A would be 1.40 acres in area and will continue to reserve all of it's area, approximately sixty six percent of the parent parcel's total land area, for resource protection. An additional .22 acres, incorporated as part of the back yards yet differentiated from non-resource areas in part by a wooden fence, would enjoy high level riparian area protection under the code and this Conceptual and Detailed Development Plan.

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"3. The methodologies for determining width described in subsection "d," are utilized; and"

The width of the proposed Natural Resource Preservation Tract A, measured seventy five feet from the top of bank of the drainageway, is dictated by the matrix at *Table 4.13-2*, consistent with this standard, and is based upon the land area of the drainage basin which is served by the water course. Cole Surveying has confirmed that the top of bank as indicated on the attached exhibits is consistent with the definition of the same as found in the *CLDC*.

"4. The land to be dedicated is placed in a separate tract through the Land Division process."

The land proposed to be dedicated is contained in Natural Resource Preservation Tract A, as depicted on Exhibit D of this document. This tract would be formally created by the recording of the final plat corresponding to current Exhibit D, Applicants' Tentative Subdivision Plat. The dimensions of the tract were determined by adherence to the specifications of *CLDC Table 4.13-2.*

***"d. Easement Widths** - When an easement is required, the appropriate width shall be as described in "1," through "5," below. However, in no case shall riparian easements include areas containing existing buildings that are intended to remain, nor shall easements include development area assured under "4," below.*

For areas with Riparian Corridors, as designated on the City's Riparian Corridors and Wetlands Map, the associated easement width and requirements shall be as follows:

1. Measurement and Separate Tract - Easement areas shall be measured from Top-of-bank, as indicated from a submitted topographic survey, and shall be placed in a separate tract."

As discussed, Cole Surveying has certified the location of the top of bank, consistent with the applicable City of Corvallis code definition, as that appears on exhibits to this application. The extent of the riparian corridor is measured at seventy five feet from the northerly top of bank per *CLDC Table 4.13-1*, and the easement or tract required under *Table 4.13-2* is measured fifty feet from the same point.

"2. Easement Width - When an easement is required, the appropriate width shall be as outlined in Table 4.13-2 - Easement Width, except as modified by the provisions in "3," through "5," below."

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As discussed, the above-referenced table calls for a fifty foot wide riparian easement in this instance, and the Applicants' Conceptual and Detailed Development Plan reserves that entire area within proposed Natural Resource Preservation Tract A, consistent with the standard. An additional twenty five feet of width adjacent to the northerly boundary of Tract A is also included in the highly protected riparian corridor, consistent with *CLDC Table 4.13-1.*

This proposal appears to be consistent with the above guidelines and criteria for the City's acceptance of the applicants' proposed land dedication for drainageway maintenance and riparian resource protection. Table 4.13-1 requires that a fifty foot wide riparian easement be protected within a separate tract of land, and this is reflected on the exhibits to this document.

Exhibits B, C and D also illustrate a required three foot (3') right of way dedication for the development's frontage along the south side of Ponderosa Avenue. A fourteen foot (14') dedication is proposed for the frontage of proposed Natural Resource Preservation Tract A. This new right of way is incorporated into the proposed public improvements for Ponderosa Avenue which are illustrated on Exhibits B-D.

Two areas have been reserved for common recreational or typical yard uses among all residents of the planned development. Those consist of 1,785 square feet of newly landscaped green area in northerly portions of Proposed Parcels 4-6, and 3,075 square feet in a more sloped aspect, and bearing substantial existing tree specimens which are targeted for preservation by the Applicants' Natural Resource Preservation Plan (Exhibit G). These are located in proposed Parcels 7-9. These areas are intended to provide benefits to partially off-set the lesser dimensions of the proposed side yards for Proposed Parcels 3, 4, 6 and 7. Aside from the seventy five foot wide, highly protected riparian corridor, a portion of which is proposed to be dedicated to the City and alternatively could be subject to joint ownership and maintenance among members of a Homeowners' Association, no additional common or green areas are proposed under the Applicants' Conceptual and Detailed Development Plan.

"5) Existing and proposed circulation system plan and dimensions including streets, driveways, bikeways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;"

No new public streets or significant transportation facilities are proposed. The new homes are proposed to be accessed from a private driveway connecting to Ponderosa Avenue as shown on Exhibits B, C and D. This has been designed to specifications for emergency vehicle access provided by the Corvallis Fire Protection District (CFPD), including pavement striping as requested by that agency. Circulation of vehicles on site is accommodated as shown on Exhibit B.

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A "three quarter street improvement", consisting of improved travel lane, bicycle lane and new sidewalk on the south side, and curbs and gutters on both sides, would be extended for the parent parcel's entire frontage on Ponderosa Avenue. Please see Exhibits C.2. and C.5 for schematic details.

A six foot wide planting strip was formerly proposed to accommodate street trees along the improved frontage on Ponderosa Avenue; however, the City Engineer has since requested that this aspect of the plan be removed in the interests of pedestrian safety and the structural integrity of public and private improvements. Each new residential unit is provided with a direct physical connection of less than two hundred feet, via a private sidewalk network, to the new public sidewalk to be constructed in the Ponderosa Avenue right of way, consistent with the POD requirements of City code *Section 4.10.*

As discussed above, the Applicants' Conceptual and Detailed Development Plan, Exhibit B, illustrates the proposed parking plan. The parking and vehicle circulation areas are subject to an irrevocable reciprocal access, parking and utility easement as indicated on Exhibit D, Tentative Subdivision Plat.

"6) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems, and indicating proposed treatments for points of conflict;"

The public improvements proposed (please refer to Exhibits B, C and E) will complement the existing street profile and enhance circulation for pedestrians and bicyclists in the neighborhood by providing a new bike lane and sidewalk, along the development area's frontage on the existing public street. Along the development's frontage, street trees can be placed behind the sidewalk, on the 2:1 slope just inside of the relocated property line. The proposed sidewalk and bike lane would continue for as long as the site abuts Ponderosa Avenue, and existing specimens in NRP Tract A will provide green amenities along that tract's frontage.

Each unit is provided with pedestrian linkage to Ponderosa Avenue via the proposed raised sidewalks and crosswalks network detailed on Exhibit B. Vertical separation from the vehicle travel lanes is proposed to increase safety for pedestrians and minimize conflicts. Additional mitigation of potential conflicts comes in the relatively low levels of vehicular and foot and bicycle traffic which can be anticipated from this development.

A crosswalk and stairway combination would provide the ultimate connection of the private sidewalk with the public system on Ponderosa Avenue, and three raised crosswalks are proposed as shown on Exhibit B. Occupants of the Deer Run Park planned development would share all pedestrian facilities through implementation of the easement depicted on Exhibit D, and by recording a joint use and maintenance agreement, most likely contained within a Homeowners' Association Agreement.

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The detail at Exhibit B illustrates the applicants' proposal for vertically separating the crosswalks from the travel lanes with features similar to speed bumps, also incorporating alternatively colored and architectural stamped concrete. This emphasizes to motorists that there is a pedestrian crossing in this location, and that they are to utilize slower speeds and caution. With the possible exception of the private driveway, where vision clearance and similar requirements would be observed, the crosswalks are the most notable points of potential conflict between pedestrians / bicyclists and vehicles, and the applicants have undertaken the above specific measures to treat and mitigate this.

Following discussions, and Attachment G of this narrative, include the project engineer's discussion of the Institute of Traffic Engineers' (ITE's) specific estimates for residential vehicle trips on daily and peak hour bases, in response to code requirements for this information. Bicyclists are anticipated to share the travel lanes in the private, interior circulation drive with other vehicles.

It is also noted that the new sidewalk and bike lane along the south side of Ponderosa Avenue which would be constructed in the case of approval of this request could ultimately provide linkage to a "potential trail corridor" indicated in the City's Transportation Plan as just west of the subject property, planned to connect Ponderosa Avenue to recreational opportunities at Walnut Park.

7) Utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;

Exhibit E contains the applicants' Utility Plan addressing each of the above categories of services.

Specific information follows:

Sanitary Sewer: A public, eight inch PVC sanitary sewer line is proposed to be placed in the utility easement of the circulation drive and in the riparian zone as depicted on Exhibit E.1. and profiled at E.2. Connection to the city system would require extending the sewer line for a length of approximately one hundred and forty feet (140') along the easterly subject property boundary, approximately fifty five feet of which is within the highly protected riparian corridor. The applicants understand that *CLCD Section 4.13.0.b.2.* permits the City Engineer to approve this utility location within the riparian zone if it is the most efficient means of serving the property.

The nearest potential connection point to the public system is located about fifty feet south of the southeast corner of the proposed development area (please see Exhibit E). This suggests that when the adjacent property to the east was developed, that project's requirement to provide sanitary sewer "to and through" their property was met by placement of a public man hole well within the riparian easement and setback. Some diligent determination was made that the subject property would likely be connected to the system in this location as opposed to in the Ponderosa right of way or by another means. For this reason, and considering the significant topographic features of the site, the proposed is considered as the most efficient means of providing public sewer service to the proposed planned development.

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The westerly end of the on site sewer line would extend into the Ponderosa Avenue right of way, connecting with an eight inch (8") main which is required to be extended for the length of the parent parcel's frontage.

Storm Drainage: Storm water will be collected from the site via a catch basin viewable at Exhibit C.2. Three manholes are proposed, including two in the right of way and one on site. Stormwater runoff associated with the site and public right of way would be detained in oversized (24") PVC pipes below ground before being directed, via controlled flow, to a water quality treatment swale and two outfalls to the creek. On-site storm lines will be private up to the point of their connection with SDMH#2 (storm drain manhole number 2) in the Ponderosa Avenue right of way. All other lines in Ponderosa, and the facilities that discharge to the drainage channel (including the water quality swale), will be publicly-owned.

The applicants' engineer has worked closely with City Development Review Engineering's staff to ensure that the enclosed storm drainage plan is consistent with the Corvallis Design Criteria Manual and the King County Surface Water Design Manual, as applicable. The project engineer provided the following supporting discussion:

> As shown on Exhibit B, the total on-site impervious area is 20,968 square feet (s.f.). There is an additional 7,405 SF of new impervious area in the Ponderosa Avenue right of way. Note that applicants are only required to count "new" surfaces, so we subtract all of the existing paving that is associated with Ponderosa Avenue. Thus, we have a total of 28,373 s.f. of impervious area associated with the planned development.

The applicants provide the following additional, detailed discussion of the proposed storm system under the subsequent discussion of *CLDC Section 2.4.30.01.g., Tentative Subdivision Plat, Narrative Requirements*, in Section IV of this document:

> Storm water from the roof drains for dwellings on Lots 2-9 would be disconnected from the storm drain system and provided with individual outfalls and sheet flow to the riparian area, as depicted on Exhibits E.1. and E.2. These outfalls and the applicants' drainage plan in general have been designed to meet or exceed standards of the King County Hydraulics Manual, the model utilized by the City of Corvallis for some standards.
>
> The dwelling on Lot 1 would have it's roof drain connected directly to the storm drain system based upon inadequate area for a rock dispersion pad as designed for the remaining, disconnected roof drains. Generally, site drainage would be collected and detained in twenty four inch PVC lines as depicted on Exhibit C.2., Ponderosa Street and Storm Profiles, and would then be combined with runoff from the improved Ponderosa Avenue right of way, following detention in oversized (24") pipes below the public street, before being directed to a water quality swale (Exhibit C.3.). Storm water quantities which beyond that which is required to be treated for water quality would flow directly to the existing creek / drainage channel via overflows at either end of the water quality treatment swale.

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In order to minimize ground disturbance and impacts to trees associated with construction of the required water quality swale, the applicants have proposed a berm design which would not require excavation. Please see Exhibit E.3. for schematic drawings. The project engineer has provided the following additional discussions In support of the applicants' Grading Plan, Exhibit C:

The proposed grading and drainage plan has been designed to create the least possible impact on the existing vegetation in the seventy five foot wide riparian corridor. The primary features of the proposed plan are as follows: (1) maximum retention of the natural flow of storm water runoff on the site; (2) maximum use of landscaping areas to create pervious surfaces that slow the rate that water is discharged from the development; (3) use of Low Impact Development (LID) techniques such as disconnected roof drains; and (4) a 'bermed' water quality swale that provides water quality treatment without creating a channel that will damage the surrounding vegetation.

The applicants' grading and overall development plan has been designed to maximize the amount of landscaping that is provided. In addition, eight of the nine units proposed will use the LID technique of disconnected roof drains. The King County Storm Water Design Manual (Appendix C) recommends the use of splash blocks or 2'x3'x6" rock pads to disperse water from impervious surfaces between 700 SF – 1400 SF in area, depending on the length of natural flow path that is available. The proposed plan has a slightly shorter flow path than the 100 ft recommended, a steeper slope than the recommended 15%, and the roof areas are 875 SF. Thus, in order to mitigate these factors, we propose doubling the recommended 2'x3' size to a 4'x6'x8" rock dispersion pad. This will provide the additional flow spreading required to ensure that no erosion occurs, and natural drainage patterns are preserved. Also, this method is preferable to the use of a dispersion trench because there is no excavation damage to the root systems of protected trees, since the rock dispersion pads are placed on the surface with only very minimal disturbance. Each unit 2-9 will have an individual dispersion pad. Unit 1 will be connected directly to the storm drain system because the lot configuration does not provide a suitable area to place a rock dispersion pad.

By using the rock dispersion pads, the existing drainage patterns are preserved to the greatest extend possible. Roof runoff is spread on the surface and allowed to sheet flow or infiltrate in as similar a manner as possible to the pre-developed conditions. Additionally, the impacts of the required public storm system outfalls have been minimized with the use of a bermed water quality channel.

Since the project exceeds 5,000 SF of "pollution generating impervious area", water quality features are required. As such, the preferred treatment option is a water quality swale. The proposed water quality swale must be placed adjacent to trees that are within the 75' base riparian corridor width, although impacts to roots appear to be avoided under the applicants' plan.

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In observance of the importance of minimizing any impacts on the protected trees, the applicants have abandoned the typical swale design, which would cut into the existing ground in order to create a channel, instead proposing a berm that will form a channel on the uphill side (Please see Exhibit E.3). This berm is only required to be 1 to 1.5 feet high, and as such will not negatively impact the trees to which it is adjacent.

The water quality swale will only carry the limited treatment volumes that are required, and thus will not experience large erosive flows. To achieve this, Storm Manhole #2 will have a flow control structure that limits the flows to the water quality swale to the required treatment volumes, and discharges all flows in excess of this to a second outfall (Outfall #2). This outfall will have a rock lined channel cut into the existing ground, since the natural flow path to the drainage channel will not encroach on the circles of protection of any surrounding tree(s). The rock lining is necessary to ensure that the higher flow rates and slightly steeper slopes do not cause erosion.

Section 2.4.30.04.b(4) of the Corvallis LDC requires that excavation and grading shall not change the hydrology in terms of the quantity or quality of the water that supports riparian corridors. Both wet weather and dry weather conditions must be considered when evaluating this criterion. First, wet weather conditions should seek to mimic the surface and subsurface flow patterns that exist prior to development. It is reasonable to assume that all wet weather flows on this site are due to surface runoff, since Ponderosa Avenue forms an effective barrier to surface and subsurface flows that might come from any uphill properties. Thus, only onsite drainage needs to be considered. As such, the proposed grading and drainage plan has been optimized to match the pre-developed conditions by (1) minimizing impervious area, (2) using LID techniques and (3) minimizing disturbance to soils and vegetation as previously discussed.

The second condition that must be evaluated is dry weather conditions. Of primary concern is the impact that irrigation and fertilizers may have on oaks and other trees in the riparian corridor. Again, these impacts have been mitigated by the grading plan. The primary landscaping areas for the proposed development are between the building units and Ponderosa Avenue. Any runoff from this area during dry seasons will be directed into the storm system.

Runoff from landscaping (which will be less than the water quality design storm) will pass through the water quality swale. It is likely that these flows would be so low that they would not even reach the end of the water quality swale. Any water that does leave, however, would be localized and treated thereby eliminating any significant impacts. As such, no change is anticipated in surface or subsurface drainage patterns for either dry or wet weather conditions.

The above-described design is the result of a year and a half of extensive coordination with City Development Engineering Staff, and represents a storm plan which best responds to existing topographic conditions while ensuring that the post development drainage pattern matches as closely as possible that which exists currently on the site.

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Similar to the project's civil engineer's statement above, the Applicants' Arborist Report, Attachment E, finds that the proposal is not likely to result in a deleterious condition for down-slope oaks, a concern expressed in prior written comments by City planning staff (seen at Attachment C).

On site storm lines will be private up to connection with the storm manhole labeled SDMH#2 on Exhibit C, in the Ponderosa Ave. right of way. All other lines in Ponderosa and the facilities that discharge to the drainage channel (including the water quality swale) will be public. This is consistent with *CLDC 4.0.70.f.*

Water: Currently, a twelve inch (12") public water main is located in the Ponderosa right of way, near the northeasterly corner of the subject property. The applicants propose to extend this service with a sixteen inch (16") public main for the length of the parent parcel's frontage, as illustrated on Exhibit E. From the water meters in the Ponderosa Avenue right of way, individual, one inch service lines would connect each new residence to the public system, as depicted on Exhibit E. A new fire hydrant would be placed at the northeasterly corner of the driveway entrance from Ponderosa Avenue, and each individual unit is proposed to be provided with an automatic fire sprinkler system.

"8) Identification of Significant Natural Features that were included on the Significant Natural Features map(s) required in Section 2.5.40.01.f.5, above, to indicate the relationship of the proposal to the site's Significant Natural Features;"

Exhibit G depicts the significant natural features identified on this site by the City's current inventory, including a "potential landslide hazard area" and a stretch of riparian corridor extending for seventy five feet (75') from (ideally) either bank of the southerly drainageway or creek.

As indicated in a statement appearing on Exhibit G, no physical evidence was located by the project geotechnical engineer to support a finding of any "potential landslide hazard area" on the subject site. Exhibit F of this narrative contains Foundation Engineering's complete site investigation concluding no landslide hazard, or similar slope instability issue, appears on this site which would conflict with the feasibility of the applicants' conceptual and detailed development plan. In fact, with adherence to the specific recommendations and specifications found in Exhibit F, Applicants' Geotechnical Investigation, the site was determined to be eligible and wholly appropriate for residential development with respect to soil stability and the underlying strata.

Please note that the June 21, 2007 geotechnical investigation was prepared at a time when the applicants were considering a conceptual and detailed development plan design which incorporated nine single family dwellings on individually platted parcels. While the scale of the proposal has not changed from the prior plan of nine individually-owned dwellings, their arrangement on the site has been modified to cluster three townhouse style, triplex units as presented on Exhibit B and associated drawings.

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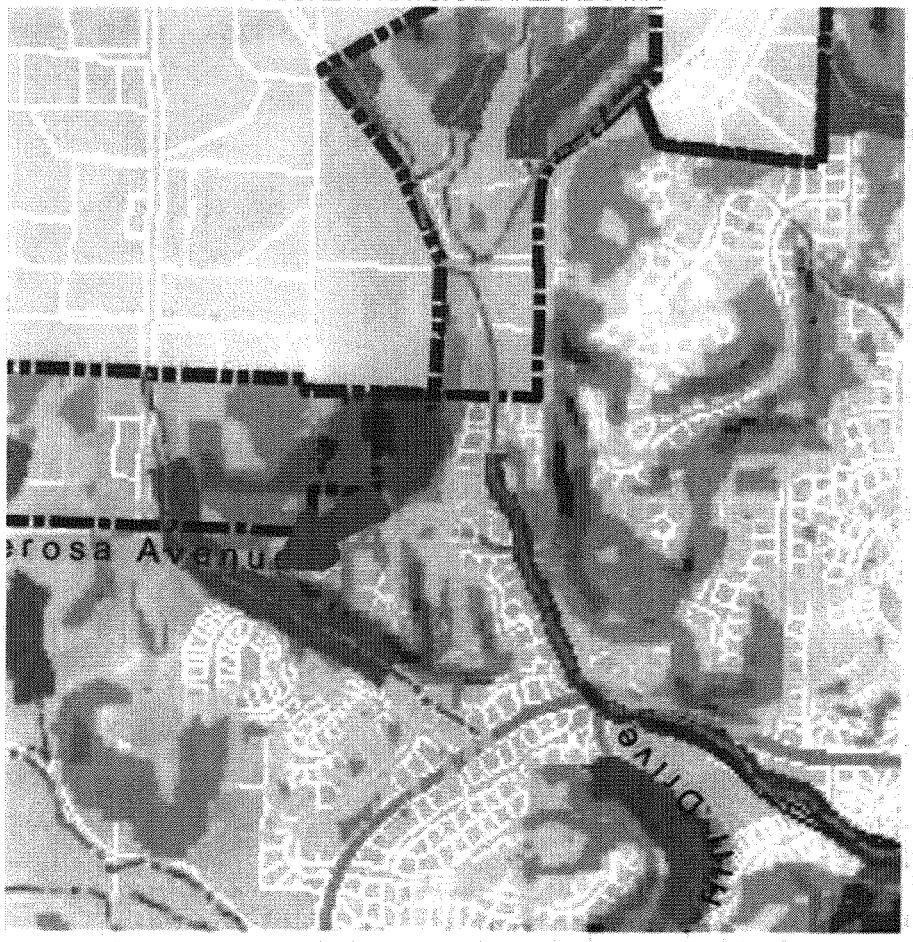
FIGURE 4. NATURAL HAZARDS MAP



The subject property is indicated as having a High Potential for Landslide Hazard by the City's Natural Hazards Inventory. This application seeks to remove this hazard overlay based upon findings of the project geotechnical engineer (Exhibit F)

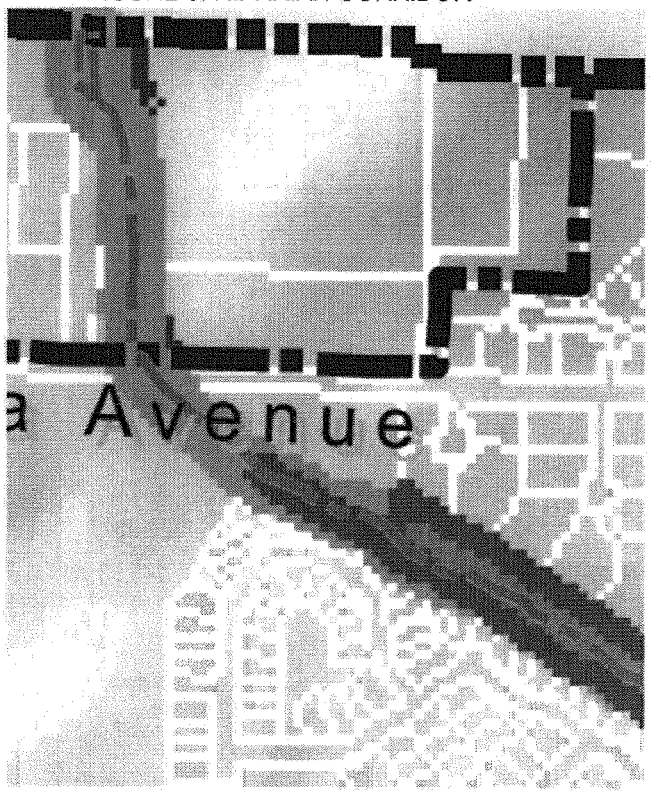
Source: City Natural Hazards Inventory

The majority of the June 21, 2007 geotechnical report describes existing conditions on and beneath the subject site in terms of geological composition, slope stability, and general suitability for residential development of the scale which is facilitated by the unique features of this site. Because the applicants' response to City of Corvallis Planning's comments concerning prior described plans has resulted in a new configuration of dwellings, and hence some new design considerations, Foundation Engineering authored an addendum to the original geotechnical investigation, dated December 26, 2007. This addendum, immediately following the original report at Exhibit F to this document, seeks to clarify any of the prior memo's few findings and statements which may not appear to pertain directly to the current plan.

The project geotechnical engineer has since corresponded with City planning staff, and both parties have concurred that the provided memo addendum, which is based upon the applicants' current grading, excavation and development plans contained in this application, adequately addresses those pertinent concerns expressed in the City's review letter of March 4th, 2008. The following figure illustrates the suspected "High Potential Landslide Hazard" which is mapped as occurring on the subject site in the City of Corvallis' Natural Resources Inventory.

This development plan preserves the full extent of riparian corridor on the site, to ensure that natural features associated with this property remain unimpacted by residential development and related activities. Please see the following, Figure 5, the City's Riparian Protection mapping.

FIGURE 5. RIPARIAN CORRIDOR



A highly-protected riparian corridor traverses the site northwesterly to southeasterly, as depicted above.

Source: City's Natural Resources Inventory

An extensive stand of trees is located within the riparian corridor (seen on, among other attached illustrations, Exhibit G, Applicants' Natural Resources Preservation Plan). These specimens, though excluded from the City's significant vegetation inventory, qualify as significant vegetation under the code definition, and would be protected from development or significant disturbance under the Applicant's Conceptual and Detailed Development Plan.

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The applicants intend to protect the site's identified significant natural features from encroachment or harm by maintaining the maximum feasible physical separation between the resources and all development activity. This is facilitated most efficiently by the relatively minor deviations to development standards requested in this Conceptual and Detailed Development Plan. Preceding and following discussions of this narrative describe the applicants' numerous endeavors to minimize impacts upon the riparian zone and to increase the separation between cut and fill activities and the sensitive resource boundary. Please see a graphic representation of this at Exhibits C.3. and C.4., and refer also to the statement on Exhibit B, Conceptual and Detailed Development Plan, effectively restricting uses in Tract A to passively observing nature.

The applicants' "safe harbor" approach, ensured through the combined tactics of containing the bulk of natural features within their own individual tract and maintaining the maximum feasible development setbacks from those resources, helps to guarantee there is no direct adverse impact of this proposal upon the riparian corridor or it's associated natural features. These safe harbor setbacks, along with silt fences, erosion control techniques, and strict adherence to all applicable regulations are among the specific measures intended to avoid impacts of the construction phase upon the natural resources on the subject site.

"9) Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the development site exceeds 10 percent and where the development site abuts existing developed lots, a conceptual grading plan shall be required. The grading plan shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.5 - Natural Hazard and Hillside Development Provisions."

Exhibit A depicts the existing topographic contours at two foot intervals, as provided by Cole Engineering. Prior existing grades have been approximated in those few locations where undocumented fill materials have made an exactly-surveyed determination more difficult. Exhibit C, Applicants' Grading Plan, illustrates the finished grades which are proposed to support the new development. Retaining walls are proposed in the vicinity of the north property boundary and on the southwesterly edge of the development tract. These have been evaluated by the project geotechnical engineer at Exhibit F, and are schematically detailed at Exhibit C.6.

Portions of the site do exceed ten, even reaching as high as twenty five and thirty five percent and higher slopes, in some limited instances. *Chapter 4.5 – Natural Hazard and Hillside Development Provisions*, is addressed in the following discussions of this application narrative:

Section 4.5.40 - PROCEDURES

"...a. Development Application - Development applications for all properties containing or abutting a mapped Natural Hazard area shall accurately indicate the locations of these features and the location of any proposed development.

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Development applications shall include Excavation and Grading Permits, Building Permits, Public Improvements by Private Contract Permits (PIPC), and any land use application identified in Chapter 2.1 - Comprehensive Plan Amendment through Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments. The Building Official, City Engineer, or Community Development Director may determine that the following information is not necessary in conjunction with permits for work that would not exacerbate hazard conditions in any way."

The details required under *Sections 4.5.40.a.* and *b.* are included in Exhibits B and C, Conceptual and Detailed Development Plan and Grading Plan, respectively.

"If a grading plan is required, it shall indicate how these objectives are met, how runoff or surface water from the development will be managed, and how the development's surface waters will be disposed;"

As depicted on the applicants' Grading Plan, Exhibit C, storm water from the new home sites and improved public right of way would be detained in oversized (24") underground facilities before being released via controlled or restricted flow outlet to a water quality treatment swale, with some final storm water being discharged to the creek to the south (please see Utility Plan, Exhibit E, and Grading Plan, Exhibit C). A rock lined storm water outfall has been designed to accommodate controlled flow directly to the creek of runoff volumes not required to be treated for water quality. City public works and engineering personnel have preliminarily reviewed and conceptually concurred with the applicants' storm water management and site grading plan.

Section 4.5.60 - STANDARDS FOR DEVELOPMENT IN STEEPLY SLOPED AREAS

Exhibits B and C contain all of the information required by *Section 4.5.60.03 - Topographic Mapping Requirements.*

4.5.60.04 - Site Assessment –
This is required when building on slopes equal to or greater than 15%. In this case, the City's indication of a "potential landslide hazard area" on the subject property further dictates that the applicants retain a geotechnical engineer to prepare a site assessment and investigate the feasibility of residential development on the site. A site assessment and geotechnical report, consistent with *Section 4.5.60.05*, below, are provided at Exhibit F to this document. Please note the addendum to that report which immediately follows.

Please also refer to the subsequent discussion in this narrative of *Section 4.5.70, Standards for Development in Landslide Hazard Areas*, for more details.

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"4.5.60.05 - Geotechnical (Soils Engineering) Report Requirements –
...a. Geotechnical Reports are required:

1. In conjunction with development proposals in areas with slopes of 25%"

As stated, Exhibit F contains the applicants' Geotechnical Site Assessment and Report, which is consistent with these code requirements.

"4.5.60.06 - Standards for Areas with Slopes Equal to or Greater than 35 Percent -
Generally, development in these areas is strongly discouraged due to concerns with safety, ground movement, slope stability, high levels of cut and fill, and hydrological and erosion impacts. However, very limited development, as described and regulated in "a," through "d," below, may occur in areas with slopes equal to or greater than 35 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of the topographic map, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

***a. Development Limitations** - Streets and utilities may be located on the specified slope areas only if it can be shown that passage through the steeply sloped area is the only viable route available to afford access to the developable portion of a property;*

In response to this standard, the project engineer provides the following:

> *CLDC 4.5.60.06.a* allows for development in areas with slopes at or exceeding 35% if passage through the steeply sloped area is the only viable route available. The existing conditions plan shows that there are limited areas within the proposed development where slopes meet or exceed 35%. These areas are primarily limited to the existing cut and fill slopes from Ponderosa Ave. and two small additional triangles, one on the western portion of Lot 1 and one contained mostly within the western edge of Lot 7. Obviously, it is not the intent of 4.5.60.06 to limit street or other development where previously constructed streets created grades with 2:1 slopes to support street construction. If this were the case, all future street development would be greatly hindered. Instead, 4.5.60.06 seeks to limit development in areas where there are large areas of steeply sloped land that could pose risks for site instability.

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> This site does not have these conditions, and as the geotechnical report has indicated, there is not a significant risk of slope instability if proper fills and cuts are properly constructed. Since the topographic survey does indicate that there are slopes at or exceeding 35%, and that some of our improvements will minimally encroach into these areas, we recognize the need to address the requirements of 4.5.60.06.

The applicants' Conceptual and Detailed Development Plan requires an extremely limited degree of development on existing slopes of 35% or more, as may b e viewed on Exhibit A.2. As may be viewed in detail on Exhibit A.2., Existing Slopes in Development Areas, the majority of area in Lot 1 which is in the "very steep" category (bearing $\geq$ 35% slopes) and proposed for development is abutting the significantly elevated public right of way, where a retaining wall and substantial pedestrian, common area and landscaping improvements are proposed.

As described above by the project engineer, the majority of steep slopes which would be impacted by this proposal are not considered as occurring naturally, but instead are associated with the previous construction of the elevated public road bed for Ponderosa Avenue. Other impacts are limited to minor areas of proposed Lots 1 and 7 where the existing conditions of the natural terrain exhibit similarly steep slopes.

As described above and as illustrated on Exhibit A.2., these extremely limited impacts on steep slopes which are not associated with the existing public right of way amount to less than 1,000 square feet in total area. Development of this small area is imperative to implementation of a residential development plan for the property which is of sufficient marketability to provide a feasible return on the applicants' considerable investments to date.

As discussed in the following section, the project geotechnical engineer has provided assurance that the applicants' Conceptual and Detailed Development plan does not increase the risk of landslide or slope instability in any fashion, given observation of the construction specifications contained in his report, found at Exhibit F to this applicants' narrative.

This criterion appears to be satisfied by the application materials.

b. Site Assessment and Geotechnical Report Required -
Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, and Building Permit submittals, shall be accompanied by a site assessment, geotechnical report, and any other report deemed 4.5 - 28 LDC December 31, 2006; revised June 18, 2007 necessary by the site assessment report. Reports shall meet the criteria identified in sections 4.5.60.04 and 4.5.60.05. Development shall conform with all recommendations and requirements established by these required reports.

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A site assessment which is consistent with the above code requirements has been included in this application as Exhibit F. The report at Exhibit F also constitutes a Geotechnical Report as required above, and demonstrates the feasibility of this development plan. The applicants are aware of and agree to their obligation to conform to all recommendations and requirements established in Exhibit F.

As described above, the June 21, 2007 geotechnical investigation was prepared at a time when the applicants were considering a conceptual and detailed development plan design which incorporated nine single family dwellings on individually platted parcels. While the scale of the proposal has not changed from the prior plan of nine individually-owned dwellings, their arrangement on the site has been modified to cluster three townhouse style, triplex units as presented on Exhibit B and the associated drawings of this master plan.

The majority of the June 21, 2007 geotechnical report describes existing conditions on and beneath the subject site in terms of geological composition, slope stability, and general suitability for residential development of the scale which is facilitated by the unique features of this site. Because the applicants' response to City of Corvallis Planning's comments concerning the prior described plan resulted in a new configuration of dwellings, and hence some new design considerations, Foundation Engineering authored an addendum to the original geotechnical investigation, dated December 26, 2007.

This addendum, immediately following the original report at Exhibit F to this document, seeks to clarify or modify any of the prior memo's few findings and statements which may not appear to pertain directly to the current plan.

The project geotechnical engineer has since corresponded with City planning staff, and both parties have concurred that the provided memorandum addendum, which is based upon the applicants' amended grading, excavation and development plans contained in this application, adequately addresses those pertinent concerns expressed in the City's review letter of March 4th, 2008.

c. Compliance with Hillside Development Standards *- Development shall comply with the Hillside Development Standards in Section 4.5.80.*

"4.5.80.02 – Hillside Development Standards, Applicability *- Areas with slopes of 10 percent or greater are identified on the Natural Hazards Map. The following standards regulate development on areas with slopes of 10 percent or greater. In addition to these regulations, the Standards for Development in Steeply Sloped Areas in Section 4.5.60 apply to development in areas with slopes of 15 percent or greater. The Natural Hazards Map provides information regarding the location of slopes of 10 percent or greater on property within the Corvallis Urban Growth Boundary."*

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This proposal requests application of the City's mass grading standards of *Section 4.5.80.04.c, Mass Grading,* and *Section 4.5.60, Standards for Development in Steeply Sloped Areas.* The code limits mass grading for new parcels between 6,500 square feet and 10,000 square feet in total area to a maximum of 6,500 square feet of mass grading. This plan would exceed that standard by permitting mass grading of Lot 9, which is 7,134 square feet in area, surpassing this standard by 634 square feet. Accordingly, Exhibit C, the applicants' Proposed Grading Plan, has been prepared in a manner which is, to the greatest extent feasible, consistent with the mass grading standards of *CLCD 4.5.80.04.c.*

The Civil Engineer for the project, MSS Engineering, states that the site cannot be developed without this modification, as existing topographic and hydrological conditions, which conditions the applicants desire to honor to the greatest extent feasible upon development, dictate a comprehensive site grading and drainage plan be implemented for the entire development tract. The Project Engineer will be available at public hearing to provide additional testimony in this regard, if so desired by the Commission. The project geotechnical engineer will oversee site work activities as needed, and recommendations and requirements contained in Exhibit F, Applicants Geo-Technical Investigation, will be closely observed, ensuring adequate safety protections commensurate with or in excess of those provided by the code standard.

Despite the project engineer's best professional efforts, no design alternative could be identified which would eliminate the need to place an excess of eight feet of fill materials in an area amounting to under two percent (2%) of the developable land area.

As illustrated on Exhibit C.1., up to approximately fourteen and a half feet of fill are necessary in an area comprising just forty five (45) square feet, in addition to some lesser deviation areas. The areas proposed for deviation to the eight foot maximum fill standard are intended to accommodate storm drainage and front and side yard finished elevations. Staff have stated in prior written communications that they do not consider extenuating circumstances under the pertinent section of code as applying to this site.

This proposed deviation permits front and side yards associated with Lots 1-5 to maintain use-ability and to drain efficiently, and simultaneously avoids steep finished grades and the runoff and other impacts which can be associated with those. Prior development scenarios entertained by the project team, most notably including those which would take access to Ponderosa Avenue at or near what is now Proposed Parcel 1, and the more recent draft which provided overflow parking west of Unit 1, but which was nixed based upon impacts to riparian trees, involved significantly greater amounts of fill and a larger overall area which would have been affected by this proposed deviation from standards.

The Applicants' Conceptual and Detailed Development Plan before you represents the closest we can come to conformance with the subject standard, and contains the least feasible total area (approximately one thousand eight hundred and ninety six square feet – less than two percent of the development area) proposed for greater than eight feet of fill materials.

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All ground work activity is subject to the requirements and guidance of the project geotechnical engineer, Foundation Engineering, whose detailed report is attached to this document as Exhibit F.

Since no development can occur without exceeding the above standard, this is considered the minimum deviation necessary to permit this property to be utilized in a manner that is consistent with the vision for it as expressed in the comprehensive plan and it's PD RS-6 Zoning. That vision, which combines low density residential development with preservation of significant natural features, is aptly and responsibly realized in the Applicants' Conceptual and Detailed Development Plan, Exhibit B to this document.

Exhibit C.1. illustrates the extremely limited geographic reach of the proposed deviation, located along the Ponderosa Avenue right of way and in side and front yards associated with Lots 1-5. No adverse impact is anticipated to result in the event of approval of this deviation request, and no effect is anticipated upon the level of protections normally provided or envisioned by the pertinent standard.

The applicant has retained Foundation Engineering, a local geotechnical engineering firm specializing in foundation design and building with grades; MSS Inc., also a local civil engineering firm; and a local planning consultant, Mr. Creed A. Eckert, AICP, to ensure that this Conceptual and Detailed Development Plan proposes a finished product which is well functioning, safe from hazards, and is consistent with the City's regulations applicable to such developments.

The careful and very detailed site evaluations required of these specialists has resulted in the application before the Planning Commission, and this Conceptual and Detailed Development Plan assures compliance with the bulk of the City's substantive requirements for low density residential development on sloped areas.

The applicants' plan appears to be in conformance with the balance of applicable standards from *Chapter 4.5*

***"4.5.60.06.d. Tree Cutting Limitations** - No tree cutting is allowed on slopes equal to or greater than 35 percent, with the exception of the following:*

1. Removal of a Hazardous Tree - Hazardous Trees are defined in Chapter 1.6 - Definitions. Hazardous Tree removal requests, except in emergency circumstances, are required to be reviewed and approved by the Urban Forester or the Community Development Director, following receipt of a recommendation from a Certified Arborist;
2. Accommodation of development allowed under 4.5.60.06.a above; or
3. Accommodation of a public or private utility for which permits have been obtained."

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No trees have their trunks located upon any slopes meeting or exceeding thirty five percent (>35%) proposed for development under this proposal. The proposal is consistent with this standard.

"4.5.60.07 - Standards for Areas with Slopes Equal to or Greater than 25 Percent, but less than 35 Percent -
Development in these areas should be avoided, if feasible, due to concerns with safety, ground movement, slope stability, and erosion impacts. However, the following standards shall apply for development in areas with slopes equal to or greater than 25 percent, but less than 35 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of the topographic map, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply."

Though proposed development on the steepest portions of the site has been limited to the greatest extent feasible, sections of the proposed development tracts, most notably portions of Lots 1, 6 and 9, bear slopes which are up to twenty five percent and greater. Following are findings of fact addressing the suitability of these areas for residential development under the Applicant's Conceptual and Detailed Development Plan, relative to the considerations cited in *Section 4.5.60.07*, above:.

Safety – No significant safety issue has been demonstrated to be associated with the potential residential development of the subject property. The Applicants' Geotechnical Site Assessment and Report (Exhibit F) removes the primary identified safety issue from consideration by finding no significant landslide hazard exists. In addition, full adherence to the specifications and recommendations of the geotechnical engineer, as those are contained in the report located at Exhibit F to this document, will ensure that the foundations, overall construction and occupancy of the homes and appurtenances are as safe as any other structures would be expected to be on more level grades.

Ground Movement and Slope Stability – Exhibit F concludes that site conditions "***do not represent a slope stability hazard.***" (Page 3, Exhibit F, Foundation Engineering's Geotechnical Investigation). The report further states "***Based on these conditions, we anticipate that the risk of slope instability will be low provided the fill is properly integrated into the native slope and compacted as recommended in this report.***" (Same page).

Erosion Impacts – Standard construction methods such as silt fences and drainage control techniques will minimize impacts of construction, while professional geotechnical and civil engineering design will ensure that post-development storm water will be properly collected, detained, treated and released in a responsible and environmentally sound manner.

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As discussed previously in this section, storm water will be detained underground, treated for water quality and properly routed prior to limited discharge to the southerly drainageway located in Tract A. Rock pads are incorporated to diffuse runoff from roof drains for dwellings on lots 2-9, and would remove any risk of erosion as a result of storm water leaving those impervious roof areas. The above measures will avoid adverse erosion impacts associated with this Conceptual and Detailed Development Plan.

"4.5.60.07.a. Site Assessment and Geotechnical Report Required *- Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, and Building Permit submittals, shall be accompanied by a site assessment, geotechnical report, and any other report deemed necessary by the site assessment report. Reports shall meet the criteria identified in sections 4.5.60.04 and 4.5.60.05. Development shall conform with all recommendations and requirements established by these required reports."*

Please see the preceding discussion under *Section 4.5.60.06.*

"b. Compliance with Hillside Development Standards *- Development shall comply with the Hillside Development Standards in Section 4.5.80."*

Please see the preceding discussion under *Section 4.5.60.06.c.*

"Section 4.5.70 - STANDARDS FOR DEVELOPMENT IN LANDSLIDE HAZARD AREAS *-*
...4.5.70.02 - Applicability - *Except as provided under Section 4.5.70.03, below, no person shall engage in any of the following regulated activities on properties containing or abutting the Landslide Hazard areas designated on the Corvallis Natural Hazards Map, unless it can be shown that the proposed activity is located at least 500 ft. distant from any portion of the Natural Hazard area as mapped on the Natural Hazards Map:*

a. *Excavation;*
b. *Fill;*
c. *Installation or construction of any accessory structure with a Building Code occupancy classification other than "U;"*
d. *Construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to this Code, or the adopted Building Code; and*
e. *Construction or expansion of utilities, streets, driveways, or other accessways."*

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Upon inquiry, City Planning personnel indicated that no more specific information was available from DOGAMI which would clarify whether or not a landslide potential exists on the subject property. At that point, the applicants followed the direction provided by this section of the code, and retained an Oregon state certified geotechnical engineer to conduct the site assessment and produce the geotechnical report necessary in order to make the necessary determination, and to determine the feasibility or not of this Conceptual and Detailed Development Plan for the subject tract.

Exhibit F, Applicants' Geotechnical Investigation, establishes that there is no potential landslide hazard area located on the subject property. Accordingly, the minimum five hundred foot (500') separation standard cited in the above section does not apply to this property. City Staff advised the applicants not to seek removal of the indicated natural hazard from City mapping under *Section 4.5.100,* the City's formal "map correction" process, and that the geotechnical engineer's findings are considered sufficient to facilitate development of the subject property, justifying waiver of the minimum five hundred foot setback standard above. Please refer to Exhibit F for more details.

As stated, the applicants have agreed to conform to all recommendations and findings of Exhibit F, applicants' Geotechnical Site Assessment and Report, including the original memorandum of June 2007 as well as it's addendum dated December 26th, 2007, both of which were prepared by Foundation Engineering.

"4.5.100.02 - Map Corrections Procedures -
...c) To approve a Map Correction request, the Director must find that:

1) The information required by "a," above, has been provided and is complete;"

Exhibit F, applicants' Geotechnical Investigation and Addendum, contains all the information and findings required by *Section 4.5.100.02.(a)* for a map correction to remove the "High Potential Landslide Hazard" designation from the subject property; however, Staff have advised that the applicants not seek a map correction or refinement at this time, and the applicants have opted to follow this guidance of the City Planning division.

"2) The required technical reports and recommendations sufficiently demonstrate that there is no Landslide Hazard on or near the area identified on the Natural Hazards Map; and"

As referenced above, Foundation Engineering conducted a site assessment in June 2007, amended in December of that year, producing Exhibit F, the applicants' Geotechnical Site Assessment and Report. Foundation Engineering finds no evidence that a potential landslide hazard exists anywhere on the site.

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Although no change to city maps is requested at this time, Page 3 of Exhibit F observes that site conditions "***do not represent a slope stability hazard***." (Page 3, Exhibit F, Foundation Engineering's Geotechnical Investigation). The report further states "***Based on these conditions, we anticipate that the risk of slope instability will be low provided the fill is properly integrated into the native slope and compacted as recommended in this report.***" (Same page).

"3) The required technical reports and recommendations sufficiently demonstrate that development on the subject area would not increase landslide risks on the development site, or upon neighboring properties."

Along with the memo's addendum immediately following the main text, Pages 4-9 of the Applicants' Geotechnical Investigation (Exhibit F) provide Foundation Engineering's specific recommendations for realizing the Conceptual and Detailed Development Plan on the site. Among these are retaining walls, terracing, and stepped and tier foundations, along with more standard engineering practices viewable on Exhibits to this document. These precautions are intended to ensure there is no increase in landslide risks on either the subject or any neighbors' properties as a result of the new residential activity on the site.

Based upon these observations made in the field and the subsequent, certified professional findings written by Foundation Engineering and provided at Exhibit F to this document, the applicants' conceptual and detailed development plan does not appear to represent any significant increase in landslide risks on the site or neighboring properties.

PLEASE NOTE: This concludes this narrative's discussion of the applicable provisions of CLDC Section 4.5. The document now resumes with it's prior discussion of *Section 2.5.40.01.f.6.(b), Decision Criteria for Conceptual Development Plan Approval, Site Plan and Other Graphics Requirements,* by addressing *Section 2.5.40.01.f.6.(b)(10).*

"...10) Conceptual Landscape and Irrigation Plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas (types of plant materials as basic as trees, shrubs, and groundcover/lawn areas), and other conceptual landscape features including walls and fences;"

Please refer to Exhibit H, Landscape and Irrigation Plan, along with additional discussions found elsewhere in this section. New plantings in Lots 4-6, and significant retained specimens in Lots 8 and 9, are specific landscaping treatments intended to complement the new street trees and sight obscuring fencing associated with the improved Ponderosa Avenue right of way (see Exhibits C.4 and 5). Fencing is also proposed along the easterly property boundary, to screen views of the planned development for the relatively nearby neighbors in that direction.

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Safe harbor setbacks described in this Conceptual and Detailed Development Plan proposal, along with silt fences, steel fencing for root protection of preserved trees in the development area, erosion control techniques, and strict adherence to all applicable regulations and the recommendations of project consultants, are among the specific measures intended to ensure survival of new and retained landscaping within the development site, as well as natural features located in the riparian zone.

"11) For residential development, existing structures and trees located on land adjacent to the development that, between 9 a.m. and 3 p.m. on November 21, will reduce Solar Access to the subject property; and"

Existing vegetation and development located immediately east of the subject property may impede access to solar energy and light during the period cited by the above section of code, particularly for the easternmost units located on Proposed Parcels 7-9. The subject property has a natural southwesterly exposure which has formed the basis for this proposed arrangement of buildings and uses on the site, and which promotes energy efficiency by orienting toward this ambient source of lighting and heat. Please see subsequent discussions of this narrative concerning energy conservation characteristics of the development.

"12) For residential development, indication of which buildings will have Solar Access protection, and appropriate documentation to verify how Solar Access will be protected."

No accommodations for protected solar access have been incorporated into this Applicants' Conceptual and Detailed Development Plan. Existing trees on the proposed Natural Resource Preservation Tract A provide shading to the future residences to the extent that the site may be exempt from solar access requirements of the code under *4.6.20.b.*, which reads as follows:

> *"**Section 4.6.20 – EXEMPTIONS***
>
> *Residential buildings constructed or lots developed in locations noted below are exempt from the requirements of this Chapter:*
>
> *...**b.** On portions of sites where Solar Access, as defined in Chapter 1.6 - Definitions, is unavailable due to shading from Natural Resources or Natural Hazards subject to the provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions."*
>
> The applicants request relief from any further solar access investigations or requirements based upon the project's apparent qualification for exemption under *4.5.20.b.*

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"2.5.40.01.g. Narrative Requirements
A written statement shall include the following information:

1. Statement of planning objectives to be achieved by the subject development. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria in 2.5.40.04 below, including the development standards required by this Code;"

PLANNING OBJECTIVES

Establishing permanent and substantial protections for the subject property's considerable natural functions and amenities, while still permitting a reasonable level of residential activity on the parcel, is the primary impetus for the applicants requesting the subject modifications to development standards detailed in this application. Any requested minor design tweaks are viewed as necessary, in order to make efficient, or any, use of the severely constricted buildable portion of the property remaining upon protection of the trees and other resources held in the 75' wide highly protected riparian corridor.

These requested modifications are viewed as entirely consistent with the intent of the planned development process to lend flexibility to the development approval procedures, while observing the remaining respective purposes of that section and of the standards applicable in the underlying zone.

The applicants are seeking a return on their sizeable investments of funds, time, and emotional heartburn which have been exacted since their purchasing the subject property four years ago. Despite that they have never desired nor intended to be developers themselves, the applicants have nonetheless observed that the unique and significant challenges which appear associated with developing this site have intimidated more than one potential purchaser to the point of terminating a contingency agreement. With this application for a Tentative Subdivision Plat and Conceptual and Detailed Development Plan approval, the Kent's seek to squarely address all substantive planning and development related matters pertinent to the subject property, to sufficient detail to permit the property to be advertised and sold as "shovel ready", only requiring performing or financially securing the public improvements and making application for building permits in order to proceed with the approved residential development plan.

Developing any plan for the subject property requires juxtaposing desires to protect the site's natural resource functions and related amenities with the also compelling objective of pursuing the most efficient and economical use of the property's remaining developable balance.

RATIONALE, ASSUMTIONS AND CHOICES

There has been one large assumption inherent in this Applicants' Conceptual and Detailed Development Plan, and that is that any localized disadvantages associated with the relatively minor tweaks to development standards proposed herein (e.g., increasing the front setback; reducing a five foot wide internal landscaping strip; reducing side yards slightly, etc.) are greatly outweighed by the substantial public benefits derived from the resulting increased protections for the riparian zone and it's resources.

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Any adjustment which has the result of significantly increasing the lineal separation between earth work and the riparian boundary is presumed to be potentially justified based upon that compensating benefit to the resources of the riparian area, assuming the intent of the modified standard can still somehow be addressed in the applicants' plan.

Another assumption on the part of the applicants is that the Commission will value efforts to preserve the five, and particularly the largest Oak and the Madrona, trees which are located in the northeasterly corner of the parent parcel. The applicants hope the Commission feels, as they do, that these are landmark trees which could continue to provide a familiar and natural framework for the only vehicular entrance point to the planned development. The visual amenity provided is in addition to the light and noise buffering effects which can also be expected to result from retaining these trees and the small hill upon which they are perched.

The applicants have opted to assume the weighty burden of tackling all planning and community development department procedures required for utilizing the site, with the sole and transparent motivation of increasing the marketability of this long-stagnant tract of otherwise viable and developable, low density residentially-zoned property. It is hoped that, once the planning and design work is completed and approved, the site will attract more interest from potential homeowners and builders than has historically been encountered. It is also anticipated that the preservation of over sixty six percent of the gross land area in highly protected riparian corridor status will constitute a significant amenity which is attractive to potential home owners.

In the interest of avoiding or minimizing any impacts upon the riparian corridor, the applicants chose to eliminate two off-street parking spaces in the extreme northwest corner of the development area. Construction of these spaces would have resulted in a post development condition in which the project arborist estimates that one large riparian tree would have been left with only about a seventy percent chance of survival. These are the primary rationale, assumptions and choices which have preceded the applicants presenting their Conceptual and Detailed Development Plan. The plan before you represents a conglomerate of many decisions intended to arrive at the Conceptual and Detailed Development Plan which most suitably and responsibly responds to existing conditions on the ground, and which we are advised will have the best chances for approval by the City of Corvallis Planning Commission.

REVIEW CRITERIA

Consistency of this plan with the review criteria in *Section 2.5.40.04* is established below:

"2.5.40.04 - Review Criteria

Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

THIS CHAPTER (addressed per requirement of 2.5.40.04, above):

The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

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a. Compatibility Factors -

1. Compensating benefits for the variations being requested;"

The table at pages 33 & 34, and corresponding paragraphs immediately preceding that table, contain the best discussion of the compensating benefit(s) intended to mitigate each proposed modification to standards. As stated, the applicants' safe harbor approach to avoiding direct and indirect impacts of residential development upon the resources of the riparian corridor, by maintaining the greatest possible physical setbacks from it's boundary for ground disturbing activities, provides the primary compensating benefit for a number of the deviations requested herein. The public benefits associated with increasing the level of protections provided for these natural resources under typical code standards are considered to be significant enough to justify any one or more of the nine modifications to development standards which the applicants are requesting.

2. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);

The organization of structures and pedestrian and vehicle access on the subject property is primarily driven by physical attributes of the site.

For example:

- The unique triangular shape of the parent parcel combines with the extensive reach of the protected riparian corridor to initially define the severely limited buildable area of the tract.

- From there, the topography of the site couples with the elevation of the adjacent public roadway to further dictate most would-be choices concerning the arrangement of structures, the private circulation drive, and parking and pedestrian facilities on the remaining 1.04 acre site.

Predicated upon the above considerations and significant limiting physical factors, this Conceptual and Detailed Development plan proposes a cluster of three triplexes, to be owner-occupied homes, in an efficient organization which is in many ways consistent and compatible with the existing pattern of single family residential development in the vicinity.

Additionally, the applicants are proposing an increased, though triangular, side yard, ranging from about seventeen to twenty five feet, as compared with the applicable ten foot minimum standard, for the east side yard of Proposed Parcel 9. This is the only boundary of the proposed development area which is currently or potentially shared with abutting residences. Immediately adjacent structures and / or uses are precluded south of the subject PD due to the extensive riparian corridor; to the west for the same reason; and immediately to the north due to the location of the Ponderosa Avenue right of way.

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The increased easterly side yard, though partly driven by a proposed sanitary sewer easement, is also intended to increase the sense of privacy for existing and future residents, another common benefit of the proposal which may be considered during contemplation of the applicants' requested deviations from development standards.

As demonstrated above, the subject property is effectively dissected from interfacing with neighboring properties to the south and west by the extensive riparian corridor, and to the north by public right of way. This Conceptual and Detailed Development Plan seeks to capitalize on those advantages inherent in this property's unique configuration and characteristics, while meeting and mitigating the challenges they can simultaneously pose.

3. Visual elements (scale, structural design and form, materials, etc.);

The scale of structures is limited by requirements for resource protection; the size of the respective building envelopes; and additionally by the applicants' voluntary performance standards, viewable on the Conceptual and Detailed Development Plan, obligating future builders to observe the maximum building height (30' per *Table 3.3-1*) and similar standards of the subject zone not modified by this proposal. These also include but are not limited to maximum lot coverage and green area requirements (60% and 40%, respectively, per *Table 3.3-1*). In fact, the planned development would be legally bound to the applicants' relatively much greener standards, as compared with some of the minimum code requirements, proposed herein.

For example, Lots 1-5 and 7-9 exceed the code's minimum green area standard by an average of thirteen (13) percent., with Lot 9 actually bearing seventy percent (70%) green area, and Lot 1 boasting a sizeable sixty percent (60%). Lot 6 is the subject of a modification request to permit 36% green area, based upon the location of the driveway.

Great pains have been taken to create a positive visual impact on the public streetscape and viewshed of the subject property from all vantages. Please see Exhibits C.4 and C.5. for illustrations of the existing and proposed amenities which will lend to an attractive and enjoyable visual experience for passersby and visitors to the planned development. Exhibit H also illustrates the green appearance of Deer Run Park.

The plan's specific arrangement of structures, parking and amenities within the development area takes great pains to minimize visual impacts of the proposal upon both travelers on the neighboring public street and occupants of adjacent and nearby properties. The applicants even went so far as considering impacts upon the potential future residential uses on Benton County / City of Corvallis UGB property located across Ponderosa Avenue from the subject property. This is evidenced in the substantial improvements proposed adjacent to the public right of way. Efforts to retain existing landmark vegetation at the entrance to the site, in Lots 7-9, and new tree plantings planned for Lots 4-6, reinforce the applicants' commitment to this important objective.

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The applicants' primary measures intended to minimize visual impacts of the planned development upon neighboring uses include:

- Retaining existing topographic and vegetative buffers where feasible (especially noteworthy in the northeasterly sector of the parent parcel, part of proposed Parcels 8 and 9, where four specimens will be preserved);
- Planting additional trees and vegetation in the common area of Proposed Parcels 4-6 (please see Exhibit H);
- Installing a screening fence along the development's public street frontage where not precluded by vision clearance standards;
- Installing a screening fence between the 3 easterly most parking spaces and the nearby property boundary, shared with the project's nearest existing neighbors, to the east;
- Placing structures in lower elevations of the property, where their visibility from the road and adjacent properties is minimized over higher elevations, which alternative locales are also closer to the street;
- Providing both garage and driveway parking for all but one of the units, thereby significantly reducing the need for shared parking spaces or parking lots;
- In conjunction with the above, providing additional, code compliant parking on the sides of structures, eliminating the need for a standard parking lot; and
- Designing the residential cluster to follow the course of the existing topography to the greatest extent feasible, avoiding any attempts to raise lower elevations to higher visibility contours; and
- Planting street trees adjacent to the Ponderosa Avenue right of way.

The homes will be site-built, wood construction structures consistent with the City's architectural and residential design requirements. Architectural elevations have not been prepared, but are preferred left to the discretion of a future purchaser / builder. While the applicant prefers to leave the bulk of these finer design details pertaining to the new dwellings to the discretion of the builders / future owners of the subject properties, Attachment D provides a general sense of the building types that would be facilitated by the Applicants' Conceptual and Detailed Development Plan. Performance Guarantees viewable at Exhibit B would ensure compliance with architectural and other applicable regulations and standards of *CLCD Article IV* not specifically modified by this PD.

Substantial compliance with applicable provisions of *Chapter 4.10 – Pedestrian Oriented Design Standards*, has been established in prior discussions of Section III.A. of this application narrative, with the exceptions of those standards to which minor PD modifications are being sought. Architectural features which may be viewed on exhibits to this narrative include the following minimum conditions in all cases:

- The structures are three story and of wood construction.
- Each unit is provided with a garage on the second floor, which accesses the sidewalks and driveways to the north.
- Since the homes are built into the hillside, the lower level is a daylight "basement".
-

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- All homes are oriented toward the street and have physical connection (<200 feet in length) to the public sidewalk.
- Primary entrances would also be on the north, or street facing side.

As stated, please refer to Attachment D for a depiction of the general appearance of the types of structures proposed. The applicants remain open to additional discussions with the Corvallis Planning Commission concerning visual elements of the proposal.

4. Noise attenuation;

Beyond temporary impacts of construction, noise impacts of the proposal are anticipated to be substantially lesser than those normally associated with typical neighborhoods. Noise and many other direct impacts upon community members would be extremely limited, since no neighbors presently abut nor will ever adjoin the development tract on three of it's four (southerly, westerly, and/or immediate northerly) exposures.

The expansive riparian corridor and associated tree and vegetative cover, as well as the Ponderosa Avenue right of way, provide much greater physical separation and noise attenuation between the subject and existing residences to the south than is normally afforded with the standard development pattern, where standard low density residential subdivisions often immediately abut standard subdivisions, immediately abutting other traditional subdivisions. The cumulative impacts resulting from traffic and other noises can be significantly amplified in such a scenario.

Alternatively in the case of the Applicants' Conceptual and Detailed Development Plan, however, the increased separation between the subject and neighboring developments, combined with the existing buffering vegetation in the riparian corridor, and the development's utilization of the site's natural topography, demonstrate why noise impacts are not a significant concern in the general southerly, westerly, or northerly directions from the development tracts.

Many of these characteristics of the Applicants' Conceptual and Detailed Development Plan also work to mitigate against foreseeable impacts of the proposed residential uses upon existing neighboring residences east of the subject property. In part to address potential noise impacts of the triplex proposed near the easterly property boundary, across which there is existing, single family residential development, this Conceptual and Detailed Development Plan proposes to nearly double the typical easterly side yard for Lot 9, from the required ten feet (10') to a range of between seventeen and twenty five feet (17-25'). This is also driven in part by a public sanitary sewer easement which is proposed in this location. Coupled with the benefit of an increased physical separation between new and existing residential units, a sight obscuring fence located within this increased compatibility area would provide further sound buffering in this area, and thereby work to mitigate against noise impacts.

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Finally, placing the structures in lower elevations of the site increases the likelihood that noise associated with the new residential uses will remain largely localized on site. Sound is expected to be absorbed or reflected internally by the effects of the site's natural topography, existing and planned landscaping to be located between the new dwellings and existing and future uses located to the east and north, and by the arrangement of structures on the site.

No significant noise impacts are foreseeable under the Applicants' Conceptual and Detailed Development Plan.

5. Odors and emissions;

No significant odor or emissions impacts are anticipated with the legal construction and occupancy of homes on less than an acre of vacant, urban land which is zoned and proposed for low-density residential development. No further analysis appears necessary under this potential impact category.

6. Lighting;

Street lighting is proposed for Ponderosa Avenue and the private vehicular access drive as illustrated on Exhibit B, Conceptual and Detailed Development Plan. Additional residential lighting will be at the discretion of the builders and owners of the homes. The Applicants' Conceptual and Detailed Development Plan proposes a performance standard which would ensure that the direction, intensity and location of future lighting does not create any glare upon or otherwise impact neighbors within or to the east of the PD, the riparian corridor to the south and west, nor the Ponderosa Avenue right of way to the north.

7. Signage;

A sign which announces the name of the planned development is proposed to be placed near the driveway entrance, on the northwesterly edge of Lot 6. This is located outside of the required 25' vision clearance sight triangle. The proposed sign is illustrated in detail at Attachment H to this document.

The applicants hereby request the Commission employ the flexibility afforded under the PD process in applying two sign code provisions of *CLDC 4.7.90..01.b.3.* The sign proposed at Attachment H qualifies as a "monument" sign and as such is not normally anticipated in a residential zone, except in association with planned developments, where they are quite common, if not standard. This section does permit monument signs when "primary frontage exceeds 100 ft.". Primary frontage is not defined. No single proposed parcel would have frontage of 100 feet or more; however, the development area as a whole exceeds this standard considerably.

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Section 4.7.90.09.b. allows that the Commission may approve a sign for a planned development, even if that sign does not conform with provisions of the sign code, given a finding that the sign is "...compatible with the types of development, existing and future, surrounding the Planned Development". As stated, monument signs can be observed throughout the community as a standard component of almost any planned development.

The above standard appears to be met, since the surrounding, Low Density Residential zoning in the vicinity of the site would facilitate other planned developments, and similar signs to the one proposed are viewable in the general neighborhood.

The applicants request that a monument sign be permitted, and that the area limitation of 4.7.90.01.b.3.(c), a maximum of sixteen square feet in area, be supplanted with the standard for monument signs found in Table 4.7-2, Sign Standards for the MUR and Monroe Avenue Minor NC Zone. More specifically, the applicants' proposed sign is approximately thirty square feet in area, as compared with the 16 sq. ft. standard of the cited section of code and the 32 sq. ft. standard of Table 4.7-2.

Attachment H appears to be otherwise consistent with the provisions of CLDC 4.7.

8. Landscaping for buffering and screening;

Proposed "street" trees (to be located on private property immediately behind the ROW line and public sidewalk); existing trees to be retained; and new buffer plantings are depicted on the Applicants' Landscape and Irrigation Plan, Exhibit H to this document. Specifically, the plan illustrates street trees to code standards along the public street frontage on the south side of Ponderosa Avenue. These would be discontinued where Natural Resource Preservation Tract A abuts the street. The Applicants' Natural Resources Preservation Plan (Exhibit G) proposes maintaining all of the natural canopy and ground cover presently contained within the 75' wide, highly protected riparian corridor, as well as five existing trees in the northeasterly corner of Proposed Parcels 8 and 9, located well outside of the highly protected riparian area.

Three new trees and ground cover are proposed to be planted in the northerly portions of Lots 4-6, aside from the street trees discussed above. Sight obscuring fencing is also proposed in strategic locations abutting the north and east property boundaries of the parent parcel.

Exhibits A.1. and G provide the surveyed locations of numerous trees in this area. The City's significant vegetation inventory mapping does not include any trees on this site; nonetheless, these specimens are protected by the City's significant vegetation ordinance; all are considered an amenity and an important part of the riparian corridor and green area contribution of this site; and they are to remain as a significant vegetative buffer.

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9. Transportation facilities;

Each residential unit would enjoy direct physical linkage to the public pedestrian network on Ponderosa Avenue via direct physical access to a private sidewalk. A mutual use easement across each parcel would permit residents of the planned development to share these pedestrian facilities equally. Please refer to Exhibit B for the best graphic depiction and details of the pedestrian access, and to Exhibit D, Tentative Subdivision Plat, for the associated easement information.

On site vehicle parking and circulation facilities may also be viewed at Exhibit B. The driveway is located atop the shared property boundary for Lots 6 and 7. Parking is compliant with all requirements of *Chapter 4.1, Parking,* with exception of the three spaces proposed to be located between the dwelling on Unit 9 and the public street. Please refer to Exhibit I, Letter from the Project Civil Engineer, regarding parking and circulation.

10. Traffic and off-site parking impacts;

Traffic in and out of the planned development will be via a private driveway connecting to Ponderosa Avenue as depicted on exhibits to this document. Average vehicle trips for various land use types are estimated by the Institute of Transportation Engineers (ITE), and sum about nine (9) per peak, weekday evening hour for the entire development. This information is according to the ITE. This is well below the City's 30 per hour threshold for requiring a traffic impact study. Please see the project civil engineer's certified traffic analysis at Attachment G.

With the exception of Unit 1, each remaining dwelling would be provided with a driveway and single car garage. Unit 1 will have a garage parking space and an additional space in the northwest corner of the development area. No off-site parking impacts are anticipated, since the applicants' parking plan actually exceeds code requirements.

11. Utility infrastructure;

Please refer to the prior discussions in this section of the applicants' proposed means for serving the subject development with public utilities, and refer also to Exhibit E, Applicants' Utility Plan.

12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

As stated above, emissions associated with this proposal are expected to be limited to those normally associated with residential development of one acre of urban, residentially-zoned land. Air quality would not be anticipated to be adversely affected by approval of this request.

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Water quality impacts are to be mitigated through the on-site treatment of storm water prior to indirect discharge to the public drainage system located in the riparian corridor. Exhibits C and E depict the water quality treatment and storm drainage facilities in detail.

13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards; and"

Section 4.10.50.01.a. requires that all new homes be oriented toward a public or private street, unless directly accessed by a sidewalk or multi-use path no more than 100 feet in length. The parallel maximum standard for three or more attached, single-family units is 200 feet. Each of the proposed dwelling units is provided with an adjacent sidewalk, of less than two hundred feet in length, which connects to the Ponderosa Avenue right of way, thereby providing direct physical linkage to the public pedestrian system. The Applicants' Conceptual and Detailed Development Plan is consistent with this and other standards of *Chapter 4.10.*, with the exceptions of the standards sought to be modified by this proposal under the PD process.

Those specifically include:

- The maximum front setback standard expressed in *CLDC 3.3.30.e.1.* and reinforced in the POD standards, *Section 4.10.60.01.b.*;
- *Section 4.10.60.01.a.3.*'s prohibition of parking between a building and public street; and
- The minimum width for the landscaping strip required adjacent to the private sidewalk per *4.10.60.06.f.*

Max. Front Setback

This site's unique general topography is an existing physical characteristic which has been deftly incorporated into this Conceptual and Detailed Development Plan, and is proposed to be retained to the greatest extent feasible. In so doing, the application team found we were simultaneously providing increased protection for soils and trees in the riparian zone than would foresee-ably have occurred under traditional zoning and development, while also ensuring a pedestrian friendly and people-oriented development plan.

Architectural and infrastructure adjustments which were intended to accommodate the existing lay of the land and general drainage patterns, and with the added benefit of restricting cuts and fills to well in front of the riparian zone boundary, include but are not limited to the use of "pier footing" and "step footing" foundations for the new dwellings (please see Exhibit C.4., Site Cross Sections.). This approach, coupled with the applicants' parking plan, permits cuts and fills associated with the development to be greatly minimized, and for those ground disturbing activities to maintain an average separation from the riparian boundary of between twenty five to forty feet. This substantial benefit, and the relevant architectural and site grading details pertaining to this aspect, are nicely illustrated on Exhibit C.4, Existing and Proposed Grading Plan, Site Cross Sections.

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Of course, the code requires only that development activities in the RS-6 Zone not encroach closer than within five feet of a rear property line (assuming each unit is provided a useable side OR rear yard of fifteen feet or greater in depth), regardless of any protected resource(s) which may be located across the subject boundary. As described above, though, this proposal seeks to significantly increase the level of protection provided for the vegetation and soils within the riparian zone over that required by the code, maintaining a minimum of twenty five feet in physical separation between significant earth work and the protected resource.

This could not be achieved if the structures were required to be placed within twenty five feet of the front property line, as fills and the huge retaining wall associated with placing required parking behind the forward placed buildings would encroach much closer to the resource boundary (see Exhibit C.4.). This would have the potential for significant adverse effects on the down slope soils and vegetation in this riparian zone. In addition to the above, approval of the applicants' front yard setback for the structures would avoid adverse visual impacts of the new triplexes upon travelers on Ponderosa Avenue and adjacent residences.

Though structures are set back in excess of 25' from the front property line, main entrances are still oriented toward the public street, consistent with the City's POD's. This approach permits a development plan which is responsive to and reflective of the existing natural topography of the subject property. Denial of this aspect would require that buildings be placed in the higher elevations of the site, closer to the road, greatly increasing visibility of the dwellings from nearby properties. Additionally, as described above, compliance would require placing parking behind the buildings, in this instance involving increased costs and potentially severe impacts of construction upon soils and trees in the riparian corridor (please see Exhibit C.).

Parking Between Unit 9 and Street

A minor modification is requested in order to reduce impacts on the riparian zone and visual impacts of the development as a whole, permitting three off street parking spaces to be located between Unit 9 and the Ponderosa Avenue right of way. In order to accommodate the applicants' proposed maximum separation between significant ground disturbing activities and the protection zones of roots for trees within Natural Resource Preservation Tract A and the associated riparian corridor, a limited number of parking spaces (3 spaces) must be located between Unit 9 and the hill in the northeasterly corner of Parcel 9.

While this technically constitutes parking between the building and Ponderosa Avenue, direct views of the parking spaces from the public street would be fully obscured by the hill and preserved trees (please see Exhibit C.4., Section 1-1). Approval of this deviation carries all of the benefits associated with the increase in the maximum front yard setback discussed above, as it permits stepped and pier footing foundations to have a significantly lesser impact on the nearby riparian zone than would traditional filling for parking areas

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As may be viewed at Exhibit C.4., approval of this modification permits fills associated with the development to terminate an average of between twenty five and forty feet north of the boundary of the riparian zone, greatly increasing the level of protection provided the resources therein from adverse impacts of construction. Creating parking behind the structures would require an exorbitant amount of fill material, and a lengthy retaining wall, be placed right up to the boundary with the protected riparian corridor, in order to arrive at a level parking arrangement.

On the other hand, footings for the structures can be on piers and stepped down, as depicted on Exhibit C.4., eliminating the need for grading work right up to the riparian boundary. This could not be economically achieved for vehicle parking near the riparian zone, and retaining walls and other construction impacts would be considered as too deleterious to the highly protected resources on this site. Also, the amount of fill materials needed may create questions of structural stability for any parking or other facilities placed there.

Please also note that triplexes are permitted to have up to two parking spaces per unit which are located between the building and the street (*CLCD 4.10.60.01.a.3.).* For this reason, those proposed spaces which occur in the driveways do not appear to require a modification under this section, and only the three spaced located north of Unit 9 on Lot 9, discussed above, require modification approval under this PD request.

Reduce Landscaping Strip

The applicants' request to reduce the landscaping strip adjacent to the private sidewalk, which is required under *CLDC 4.10.60.06.f,* permits the plan to maintain the required seventy five foot wide riparian corridor on the site while protecting the existing trees in the northeasterly corner of Lots 8 and 9. The two foot strip proposed would accommodate small shrubs and ground cover, as depicted on Exhibit H, Landscape and Irrigation Plan. Full compliance with the five foot guideline in this case would terminally constrict vehicular access to the westerly proposed parking spaces to the extent that these would not be considered a feasible element of the plan. Circulation elsewhere on the site would also become more severely constrained. Loss of the two westerly most proposed parking spaces would leave just one overflow parking space in excess of the code requirement, to address special periodic demands of residents' family, visitors, etc.

Additional considerations regarding the proposed reduction of this landscaping strip include but may not be limited to the following facts:

- As discussed at Attachment G, the applicants' Certified Traffic Analysis, traffic levels on the site are anticipated to be very low, with just nine trips for the whole development per peak weekday hour. This means that instances of pedestrian / vehicle interfaces on the property will be relatively few.

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- The vehicular circulation area is dissected with two pedestrian crosswalks within about seventy feet of one another, to help to further ensure slow speeds, safe interaction and general safety awareness on the parts of those in vehicles, pedestrians and bicyclists.
- The plan provides for vertical separation of pedestrian crossings and sidewalks from vehicular travel lanes, contrasting concrete colors and types for crosswalks, and limited driving area on site to limit potential conflicts and encourage the safety of pedestrians (Exhibit B).
- Furthermore, the proposed two foot wide planting strip is considered to be better than providing no green buffer and/or planted separation between the internal private sidewalk and the main access drive.

The applicants have ensured a very green appearance for this planned development through the substantial plantings proposed adjacent to and within view of the public right of way. This very green appearance is ensured by the existing vegetation to be retained and new trees to be planted adjacent to the Ponderosa right of way; by the substantial degree by which seven of the nine new parcels exceed the minimum green area standard; and by virtue of the organic backdrop of the riparian zone's tree canopy behind the dwellings.

Because of the above characteristics of the proposal, a five foot wide landscaping strip along the private interior sidewalk is not considered to be necessary in order for this Applicants' Conceptual and Detailed to address the intent of the standard to promote safety for pedestrians and encourage green, attractive development.

The applicants' modification request appears justified based upon the above evidence. All of the dwelling units proposed in this Conceptual and Detailed Development Plan are compliant with the remaining applicable standards of *Section 4.10*. Performance standards detailed on Exhibit B are proposed to ensure that these standards are observed upon realization of this Conceptual and Detailed Development Plan.

"14. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards."

As mentioned, there is a highly-protected riparian corridor located on the property, extending for 75' from the top of the bank of the subject drainageway. With the exception of placing the sanitary sewers line on the extreme easterly edge of the parent parcel, all excavation activity is proposed to occur far outside of (an average of 25-40' away from) the 75' wide riparian corridor, and standard construction techniques will further work to protect the resources therein from any hydrologic or other impacts resulting from residential development within the permitted building envelopes of each new parcel.

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The proposal herein honors the high protection status provided by the code for the riparian corridor in the parent parcel's southerly portion, and no significant permanent encroachment, or any compromising of that resource, is contemplated. Exhibit G contains the applicants' Natural Resources Preservation Plan for ensuring no permanent encroachment upon or other disturbance of the riparian corridor identified on this site, beyond the temporary utility construction projects advised by City Engineering personnel and contained in this Conceptual and Detailed Development Plan.

No significant vegetation is indicated in the City's Natural Features Inventory (NFI) as occurring on the subject property. Despite this fact, well over a hundred trees are located within the riparian corridor and proposed Natural Resource Preservation Tract A as depicted on Exhibits B and G to this document. Although none of these is identified as significant by the City's NFI, they do qualify as "significant" under *CLDC Section 1.6., Definitions*. No riparian trees would need to be removed or adversely impacted to facilitate the sanitary and storm sewer or other improvements envisioned under this plan, and *no significant impacts to the riparian corridor* or Natural Resource Preservation Tract A are contemplated or proposed.

A number of trees located within the proposed development tract are also defined as "significant" under *CLDC Section 1.6.*, by virtue of being at least eight inches in diameter at breast height. It is presumed that most of these would need to be removed to implement the Applicants' Conceptual and Detailed Development Plan.

Since mature trees either on or abutting a property are considered a significant amenity for nearly any Corvallis homesite, the applicants have strived to limit the removal of trees to that which is absolutely necessary to construct and serve the homes. The applicants nonetheless request the Planning Commission's permission to remove any or all of trees on the parent parcel which are located outside of the highly protected riparian zone, as needed to facilitate development under the Applicants' Conceptual and Detailed Development Plan.

The only exceptions to the above include the five specimens located in the extreme northeasterly corner of the development area, on Lots 7-9. These include the large oak, the madrona, and three smaller oaks as shown on Exhibits B, G and H. These are proposed to be preserved in order to retain more of the existing character of the subject property and to enhance the green appearance of the planned development.

The applicants propose to preserve all trees within Natural Resource Preservation Tract A by maintaining a significant physical separation between them and any potentially disturbing development activities. This separation is guaranteed by the placement of fencing, property lines and building envelopes within the Conceptual and Detailed Development Plan to create a buffer and "safe harbor" separation between the natural features and construction activity associated with the new homes which exceeds the protections provided by *CLDC Section 4.12.60.f.*

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This extra protection over that normally afforded by the code can only be accommodated through approval of the requested modification to the City's maximum front yard setback, and some minor relief (affecting three parking spaces) from the code's prohibition of parking between buildings and public streets.

Please refer to Exhibits C.4. (stepped and pier footing foundations for structures to reduce fill impacts near riparian boundary) and G for illustrations of the applicants' "safe harbor" approach to preserving the indicated trees within the riparian corridor and Natural Resource Preservation Tract A. Beyond the five trees discussed in Parcels 7-9, which the applicant intends to preserve, no other trees within the proposed development area are planned for preservation. The project arborist retained to evaluate this aspect of the proposal determined that these specimens have a very good chance for continued survival and vitality in a post development setting, as evidenced at Attachment E to this document.

Safe harbor setbacks described in this Conceptual and Detailed Development Plan proposal, along with silt fences, erosion control techniques, innovative building foundation designs, and strict adherence to all applicable regulations, are among the specific measures intended to avoid impacts of the construction phase upon the natural resources on the subject site. No other natural resources are inventoried or known to occur on the site.

The applicability to this proposal of the City's Minimum Assured Development Area (MADA) standard contained in *Section 4.11* is discussed in following pages of this section. This Conceptual and Detailed Development Plan is demonstrated to be consistent with the City's MADA requirements, although the MADA has not been utilized to arrive at this particular Conceptual and Detailed Development Plan and residential density.

The amended geotechnical report located at Exhibit F was written to specifically implement the Applicants' Conceptual and Detailed Development Plan, and provides meticulous direction regarding how to soundly realize this plan on the site. Unfortunately, it was not feasible to design streets and access entirely along the contours of the site in this case, since the natural grade of the land is toward the southwest, and the site topography slopes considerably in some cases. This Conceptual and Detailed Development Plan incorporates all specifications and recommendations of the project's geotechnical engineer, Foundation Engineering, for building structures and roads on the developable portions of the parent parcel.

Please refer to the applicants' Grading Plan located at Exhibit C to this document for further evidence of this proposal's consistency with the above standard, and specifically Exhibit C.4. for an illustration of how the structures have been designed to fit the topography of the existing site, consistent with this standard.

Natural Resource Preservation Tract A is an approximately 1.40 acre tract of land which is proposed for dedication to the City. NRP Tract A, and the adjacent twenty five feet of extended riparian corridor included in this applicants' Conceptual and Detailed Development Plan, are clearly intended to protect the substantial number of trees and other resources located therein.

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This Conceptual and Detailed Development Plan is consistent with the natural feature preservation provisions of the *CLDC* and with the above-cited sections of the code.

COMPREHENSIVE PLAN POLICIES (addressed per *Section 2.5.40.04.a.*, above):

The Applicants' Conceptual and Detailed Development Plan is consistent with the intent and policies of the Comprehensive Plan. More specifically:

The city's public notification and hearings process will ensure consistency of this proposal with *Article 2, Citizen Involvement.*

Additional plan policies which appear to be applicable include:

*"**4.2.2** Natural features and areas determined to be significant shall be preserved, or have their losses mitigated, and/or reclaimed. The City may use conditions placed upon development of such lands, private nonprofit efforts, and City, State, and Federal government programs to achieve this objective."*

The natural resource inventoried on this site, namely the riparian corridor, is to be wholly preserved under the Applicants' Conceptual and Detailed Development Plan. No mitigation of losses is required, and no imposition of additional condition(s) of approval appears necessary to ensure this protection.

Article 4.7, Natural Hazards, does not apply to this site, as no natural hazards occur on the subject property. Please refer to prior discussions of this section and Exhibit F, Applicant's Geotechnical Report.

*"**4.9.1** Significant watercourses, lakes, and wetlands shall be preserved, or have their losses mitigated, in order to: maintain clean water, support natural vegetation, protect the aquatic habitat, retain existing significant public vistas, and provide wildlife habitat and recreation sites. Site-specific buffering and setback requirements may be required, as necessary, to achieve protection."*

As stated above, the riparian resource identified on this site is planned for preservation to perpetuity, an aspect of the proposal which will reap all of the environmental and social benefits discussed in the above-excerpted policy from the Corvallis Comprehensive Plan.

*"**4.9.2** The City shall explore opportunities to acquire lands to preserve stormwater functions through outright purchase, conservation easements, and partnerships. (UP-6)"*

The applicants are proposing to dedicate to the City the required fifty foot swath of their stretch of riparian corridor associated with the subject drainageway (i.e., the entire land area of Natural Resource Preservation Tract A).

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This would preclude the need for the City to seek the purchase of fee title, or to place a large land area under a conservation easement and/or partnership, in order to ensure preservation of the stormwater drainage and other functions provided by this water feature and associated riparian area.

*"**4.10.1** Development within the Urban Growth Boundary shall conform to the Corvallis Drainage Master Plan which includes the site-specific provisions included in the 1996 South Corvallis Drainage Master Plan and subsequent updates of these Plans."*

The Applicants' Conceptual and Detailed Development Plan conforms to the Corvallis Drainage Master Plan. The subject site is not located in South Corvallis and is not the subject of any known, site-specific provisions of the drainage master plan.

*"**4.10.3** Significant drainageways shall be kept in a natural state to protect tree lines, maintain their natural functions, and enhance native plant species, to the maximum extent practicable."*

The subject drainageway is proposed to be maintained in a completely natural state.

*"**4.10.4** Within the Urban Growth Boundary, appropriate drainageway dedications and easements adequate for flood protection, conveyance of stormwater, channel access and maintenance protection of riparian environment, and channel migration shall be secured along all open drainageways needed for public conveyance of stormwater, prior to or at the time of development."*

This policy reinforces the appropriateness for the applicants to dedicate Natural Resource Preservation Tract A to the City at the time of this application, in order to secure the above public benefits.

*"**4.10.7** To minimize the negative impacts of development, stormwater runoff after development should be managed to produce no significant reduction of water quality than prior to development unless more appropriate provisions are identified in adopted comprehensive storm water management plans."*

The applicants worked directly with City staff in designing the stormwater collection and detention facilities and the water quality treatment and discharge system depicted on Exhibits C and E to this document. The applicants' water treatment swale will treat water flows associated with the storm event required to be accommodated by the King County Manual. This is consistent with this standard and the direction provided the application team by City Engineering personnel.

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*"**4.10.8** Grading and filling in drainageways shall be regulated to prevent negative impact on the channel, floodway and flood plain, riparian habitat, wetlands, and other properties. Where drainageways are disturbed through development, the developer shall return the drainageway to its natural state, to the extent practicable."*

No grading is proposed within the subject drainageway. Construction of the bermed water quality swale does not constitute filling to the extent that any disturbance to the drainageway is anticipated. This policy is thereby not applicable.

*"**4.10.9** Negative impacts on habitat and migration corridors for birds, wildlife, aquatic life, and on open space and the recreation qualities of significant drainageways shall be minimized.*

The applicants' safe harbor approach to avoiding direct impacts to the drainageway, by maintaining between eighty and one hundred and twenty feet of physical separation between it and residential development activities, will guard against any adverse impacts upon the subject drainage way's capacity to serve the above functions for wild and aquatic life habitat; bird migration; and open space and recreation amenities

Additional measures intended to protect against adverse impacts on the creek are discussed in prior sections of this document.

*"**4.12.10** The City shall encourage parking lots to be constructed of stable pervious surfaces that do not degrade groundwater quality. (QN-18)"*

No parking lots are proposed; however, the circulation drive will be constructed of stable materials (concrete) which will not degrade ground water quality. The applicants' storm water treatment plan, viewable at Exhibit C, ensures that the required volumes of runoff from the site and improved public right of way will be treated prior to limited discharge to the creek. Volumes in the two proposed overflows to the creek are expected to be relatively low due in part to the detention and controlled release of storm water to the storm water facility, and to infiltration which will occur within the confines of the proposed water quality treatment and the rock lined swales.

*"**5.3.1** To increase the aesthetic qualities of the community and enjoy the engineering and ecological benefits of trees, the City shall require developers to plant appropriate numbers and varieties of trees with all new development. Such standards shall be maintained in the Land Development Code."*

The Applicants' Conceptual and Detailed Development Plan incorporates street trees, though they are located on private property immediately abutting the public right of way. Additionally, existing trees adjacent to the street will be retained in Parcels 7-9, and new trees planted in the northerly portions of Parcels 4-6.

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*"**5.5.4** Appropriate trails, creeks, drainageways, and other natural constraints shall have an Open Space - Conservation designation to ensure their protection and utilization for multiple uses."*

Although it is not a part of this proposal, the City may wish to consider, in the event they accept the dedication of Natural Resource Preservation Tract A, legislatively amending the zoning to an "Open Space – Conservation" designation, consistent with this policy.

*"**5.6.8** When possible, trails should be constructed prior to or concurrent with development or with the improvement of public facilities."*

No trails are proposed beyond the required chip path for accessing the sanitary sewer easement and manhole at the southeasterly corner of the parent parcel. This would be completed concurrent with the public and private utility improvements indicated on Exhibit E.

*"**9.2.1** City land use decisions shall protect and maintain neighborhood characteristics (as defined in 9.2.5) in existing residential areas."*

*"**9.2.2** In new development, City land use actions shall promote neighborhood characteristics (as defined in 9.2.5) that are appropriate to the site and area."*

Please see the following discussion of Policy 9.2.5., below.

*"**9.2.4** Neighborhoods shall be pedestrian-oriented. Neighborhood development patterns shall give priority consideration to pedestrian-based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas."*

The codified implementation of this comprehensive plan policy is embodied *in CLCD Section 4.10, Pedestrian Oriented Design Standards*. This application narrative has established the substantial consistency of the Applicants' Conceptual and Detailed Development Plan with that section of the code, thereby ensuring consistency with this plan policy.

*"**9.2.5** Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:"*

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Note: The subject is not considered a "comprehensive neighborhood" as that is discussed in this policy, nor is the subject development of sufficient scale in itself to be considered a neighborhood at all. Therefore, only those neighborhood characteristics that appear to most directly apply to the Applicants' Conceptual and Detailed Development Plan are discussed below:

"D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation."

As discussed previously, the arrangement of structures on the site is a result of the topography and other physical constraints of the parent parcel, and reflects efforts to minimize visual impacts of the new residences by placing them in internal locations and lower elevations of the property. Structures are oriented toward the public street in a manner consistent with the existing development pattern in the vicinity. The scale and mass of structures does not represent a departure from the current observable trends and patterns in the surrounding neighborhood and community at large. The scale and mass of residential development proposed is at the very low end of the density range envisioned for this site by the Comprehensive Plan (3-6 units per gross acre, or 8-15 total units).

"E. Neighborhoods have a mix of densities, lot sizes, and housing types."

Zoning surrounding the subject property is almost entirely Low Density Residential. The proposed planned development is at a slightly lower density than recent urban development which has occurred in the same vicinity and zone, lending to a diversity in densities in the area in general. Lot sizes within the planned development represent a mix consistent with the above plan policy, and range from 2,833 square feet to 7,134 square feet.

The introduction of individually owned townhouses onto the subject property lends diversity to the mix of housing types in the general area, and the significantly larger lot sizes proposed in all but one instance also provide variation over the typical low density parcel sizes currently found in the vicinity.

The plan is consistent with this sub element of this comprehensive plan policy.

"H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas."

As has been discussed, the standard implementing this policy is the subject of a modification request in order to reduce or preclude environmental impacts on the riparian zone and visual impacts of the development as a whole. Though structures are set back in excess of 25' from the front property line, main entrances are oriented toward the public street, and compliant pedestrian linkage is provided. This approach also permits a development plan which is responsive and to and reflective of the existing natural topography of the subject property.

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"J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged."

Automobile parking is accommodated in garages and driveways; in parking spaces located to the side of structures, and in the case of three spaces, between Unit 9 and the public street. Despite being at the second level, garages may be capable of being set back from the façade of the balance of the building if required. Access to the new development is proposed via a private driveway, consistent with the above. The pedestrian plan provides vertical separation between the vehicular travel lanes and sidewalks to minimize conflicts between pedestrians and cars. No parking lot is proposed, and parking in the rear of the buildings is not feasible while ensuring a high level of protection for the natural resources located in Tract A. Curbs are rolling rather than at a right angle.

"K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic."

No new streets are proposed. The proposed vehicular circulation area is sufficiently constrained and dissected with pedestrian improvements to ensure slow speeds and safe traffic interaction with pedestrians and bicyclists. Additionally, pedestrian crosswalks are of a different color concrete, and vertically separated from the vehicle travel lanes to increase safety and slow the speed of cars in the project's interior.

"M. Neighborhoods have street trees in planting strips in the public right-of-way."

Exhibit H depicts proposed street trees in the private planting strip behind the new sidewalk along the south side of Ponderosa Avenue. Additional small trees or large shrubs are also proposed to be planted adjacent to the private sidewalk. Please see Applicants' Landscaping and Irrigation Plan, Exhibit H.

***"9.3.2** Where a variety of dwelling types are permitted by the development district, innovative site development techniques and a mix of dwelling types should be encouraged to meet the range of demand for housing."*

This proposal makes use of innovative site development techniques, such as disconnected roof drains, a natural water quality treatment swale, and other green infrastructure techniques, to deal with storm drainage. Another innovation includes accessing the planned development with a private driveway, thereby providing more land area for residential development as opposed to the creation of an unnecessary public street.

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Perhaps more notably, the proposed "tiered" foundations for the structures would preclude the need for fill materials being placed immediately abutting the riparian boundary, and incorporate pier footings and stepped foundations to increase the separation between ground disturbing activities and the riparian boundary.

Despite the team's best efforts, providing a mix of housing types within the severely constrained developable portions of this site did not ultimately prove feasible; however, the dwelling type proposed herein represents a new use, and is a diversification over the existing mix of housing types found in the general vicinity of the subject property.

*"**9.3.5** Residential developments shall conform to the density ranges specified by the Comprehensive Plan and be of housing types permitted by the applicable zoning district."*

As established, the applicants' proposed gross density (9 Units / 2.44 gross acres = 3.69 u/ac., or approximately 4 units per gross acre) is within the range specified by the Comprehensive Plan (between 3-6 u/gross ac.) for Low Density Residential Zoning. *CLDC Section 3.3.20.a.2.(d)* lists "*Attached – Townhouse, three to five units*" as a "*Primary Use (which is) Permitted Outright*" in the RS-6 and PD RS-6 Zones. The plan is consistent with this plan policy.

*"**9.3.7** To the maximum extent possible in residential areas, glare from outdoor lighting shall be shielded and noise shall be limited."*

A performance guarantee, viewable on Exhibit B, ensures consistency with this plan policy. This performance guarantee states as follows:

"**The direction, intensity and location of any lighting within the planned development may not create glare upon or otherwise adversely impact residents or neighbors, the riparian corridor, nor the Ponderosa Avenue right of way. Street lights will be shielded, if necessary, to ensure conformance with this performance standard.**"

Noise attenuation benefits are anticipated to be significant in the event of approval of the applicants' request for relief from the maximum front setback standard of twenty five feet. Those benefits may be considered to be two-fold in nature:

1. First, the increased separation between residents and the neighboring collector street decreases the amount of traffic- generated noise pollution which could reach the new residential uses and impact their livability, since sound and particularly noise pollution decreases in volume, and hence severity, over lineal distance. For example, the farther away one is from a shotgun blast or a loud cheer for the Oregon State Beavers, the less of a physical impact that has on a (voluntary or involuntary) listener's ear.

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2. Second, the requested modification to the maximum front yard setback standard of the subject, PD RS-6 Zone, would reduce noise emissions of the subject development beyond the site's boundaries, and thereby avoid, reduce or mitigate potential noise impacts of the new uses upon neighboring resients. As stated, the most compatibility-sensitive adjacent land uses, existing or foreseeable, are the single family residences located immediately east of the tract. Placing the new dwellings in the interior, lower elevations of this site would permit a considerable degree of the noise emissions associated with and inherent in the new residential uses to be absorbed by the site's natural topography and retained vegetation, before otherwise being permitted to permeate to the airspace of the potentially sensitive residential uses in the immediate easterly vicinity.

Significant noise typically will not reach the neighbors to the south due to the great distance between those and the subject residences, which distance in all cases exceeds one hundred feet. The thick tree canopy and underbrush layer depicted in Figure 3 of this narrative provide additional sound buffering in this area, to ensure little or no impact in this regard.

It is generally assumed that the physical separation provided between uses on opposite sides of a public right of way, coupled with the noise impacts generally associated with such an intervening city street, preclude, mitigate, or at a minimum work to "camouflage" what might otherwise be perceived as noise impacts of one residence upon another.

Existing and proposed trees in Lots 7-9 and 4-6, respectively, would provide additional sound buffering, and the hill to be retained in the site's northeasterly corner (also in Lots 7-9) complements these features in lending additional potential sound attenuation benefits.

The applicant has taken the above substantial measures, largely comprised of designing with the subject site's existing conditions rather than against them, to help reduce noise impacts of and upon the planned development.

*"**9.4.9** Residential development should consider and accommodate to the maximum extent possible, the future needs of senior citizens."*

The planned development would be particularly appropriate for occupancy / ownership by seniors, who sometimes don't desire to or cannot perform extensive yard maintenance; who often desire the privacy which is afforded by this development's setting in the lower and interior elevations of the property; and who no longer require larger homes in which to raise families. Providing parking in both the driveway and garage for eight of the nine units, and in a garage for the ninth unit, further supports the needs of seniors in maximizing accessibility of parking facilities and keeping vehicles securely close to homes.

*"**11.3.6** Adequate street widths and routes shall be provided for emergency and service vehicles while maintaining accessibility to abutting properties."*

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The Corvallis fire chief has preliminarily reviewed and accepted the applicants' vehicular access plan as depicted on Exhibit B, Conceptual and Detailed Development Plan.

***"11.4.3** All traffic generators shall provide adequate parking."*

As was discussed, staff's letter of 9/5/08 suggests the CLDC does not adequately implement this plan policy, since the applicants' proposal to exceed the code's requirements for off-street parking was met with disapproval. This proposal provides a minimum of two and one half off-street parking spaces per three bedroom dwelling unit, and additional parking consistent with the code requirements. Please refer to prior discussions of this applicants' narrative.

"11.5.8 *All new and redeveloped institutional, commercial, and multi-family development shall provide bicycle parking facilities that include covered parking."*

The multi-family units proposed will be provided with covered bicycle parking in the form of a one car garage per each dwelling unit, each of which is expected to accommodate a minimum of two bicycles per garage.

***"11.5.10** When economically feasible, bicycle facilities shall be physically separated from pedestrian facilities.* "

Due to site constraints resulting primarily from the reservation of two thirds of the parent parcel's land area for natural resource preservation, it is not physically feasible to separate bicycle facilities from the travel lanes within the planned development, although separated bike lanes are proposed along the parent parcel's entire frontage on Ponderosa Avenue.

Bicycle traffic on the site would be separated from pedestrian circulation by virtue of the bikes sharing the travel lanes with vehicles, and pedestrians enjoying vertically separated sidewalk and crosswalks, constructed of alternative-colored concrete. This is considered consistent with this policy.

***"11.5.12** Safe and convenient bicycle facilities that minimize travel distance shall be provided within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops, and neighborhood activity centers such as schools, parks, and shopping."*

The proposed bicycle lane in Ponderosa Avenue, extending for the length of the parent parcel's frontage, would provide connection with the existing bicycle lane to the east, thereby linking with other subdivisions and planned developments in the area, as well as with shopping, employment, recreational, transit, and community activity opportunities and locations. Please see Exhibit B.

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*"**11.6.4** New development and redevelopment projects shall encourage pedestrian access by providing convenient, useful, and direct pedestrian facilities."*

Each unit will have direct linkage to the improved sidewalk and bicycle lane along Ponderosa Avenue, via a private sidewalk and crosswalks network as depicted on the attached drawings. These pedestrian connections to the public system in Ponderosa Avenue have been designed to provide as direct a linkage as possible, and for maximum utility for future residents. The proposed pedestrian access is consistent with the City's POD standards, with the exception of reducing the width of a landscaping strip adjacent to the private sidewalks.

*"**12.2.3** The City shall require all future subdivisions, planned developments, and other major developments, plus commercial and industrial development, be designed to reduce demands for artificial heating, cooling, and lighting by considering topography, microclimates, vegetation, and site and structure orientation which maximizes southern exposure. The City shall develop incentive programs for those developments that demonstrate sound energy conservation design and/or construction, such as density incentives or similar programs."*

Conveniently, this Conceptual and Detailed Development Plan takes full advantage of the parent parcel's natural slope and orientation toward the southwesterly. This inherently exposes the upland portions of the site to a maximum degree of insolation, thereby reducing demands for artificial heating. The maximum feasible number of trees is intended to be retained within the development tract in order to provide shade and reduce the need for artificial cooling.

Ample access to sunlight will also help reduce the need for artificial lighting for the new dwellings. Southerly elevations of the new structures would incorporate ample glass windows to take full advantage of light and heat benefits of available ambient insolation.

*"**12.2.5** The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City."*

These objectives may be considered as desirable in all sectors of a City. The applicants propose to cluster three multi-storied triplex units in the lower elevations of the development tract which bear a southerly exposure, to promote energy efficiency and make the most efficient and responsible use of the land which is available for development. This pattern follows the natural lay of the land, and permits active utilization of the solar insolation that manages to reach the site past and over the top of the thick, though lower elevation, oak, ash, fir and maple stands that cover the riparian area to the south of the proposed structures.

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Corvallis Transit System Route 1 has a stop near the intersection of Glenridge Drive and Walnut Boulevard, approximately ¼ mile from the subject property.

This concludes this application narrative's discussion of applicable policies of the Comprehensive Plan. Please see preceding discussions in this applicants' narrative describing the proposal's full conformance with density policies of the Comprehensive Plan.

OTHER APPLICABLE POLICIES AND STANDARDS OF THE CITY OF CORVALLIS (addressed per *Section 2.5.40.04.a.*, above).

No additional applicable policies or standards are known to exist, and Staff has not advised that any such additional issues be addressed in this Conceptual and Detailed Development Plan.

This concludes the narrative's response to *CLDC Section 2.5.40.04.a.*

Section 2.5.40.04.b reads as follows:

"Natural Resources and Natural Hazards Factors -
1. Any proposed variation from a standard within Chapter 4.5 – Natural Hazard and Hillside Development Provisions, Chapter 4.11 – Minimum Assured Development Area (MADA), Chapter 4.12 – Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall provide protections equal to or better than the specific standard requested for variation; and

The applicants are seeking minor relief from the following provisions of Chapter 4.5:

- ***CLDC 4.5.80.04.c.3.(a)*** which limits mass grading to 6,500 square feet for parcels over 6,500 feet but under 10,000 square feet in total area;

The Civil Engineer for the project, MSS Engineering, states that the site cannot be developed without this modification, as existing topographic and hydrological conditions, which conditions the applicants desire to honor to the greatest extent feasible upon development, dictate a comprehensive site grading and drainage plan be implemented for the entire development tract. The Project Engineer will be available at public hearing to provide additional testimony in this regard, if so desired by the Commission.

Again, the geotechnical engineer will oversee site work activities as needed, and recommendations and requirements contained in Exhibit F will be closely observed, ensuring adequate safety protections commensurate with or in excess of those provided by the code standard.

- And ***CLDC 4.5.80.d.1.***, which limits fills to a maximum of eight feet unless extenuating circumstances are demonstrated to apply.

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Staff have stated they do not consider extenuating circumstances as applying to this site under the above cited section of code. This proposed deviation, which affects less than two percent of the total land area proposed for development under the Applicants' Conceptual and Detailed Development Plan, permits front and side yards associated with Lots 2-5 to drain efficiently, and avoids overly steep finished grades. Exhibit C.1. illustrates the extremely limited geographic reach of the proposed deviation.

No adverse impact is anticipated to result in the event of approval of this deviation request, and the level of impact is not considered as having any effect upon the level of protections normally provided or envisioned by the pertinent standard. Adherence to recommendations of Exhibit F will further protect against adverse impacts of this very minor deviation, and will ensure public protections equal to or greater than those which would be afforded by a strict observance of the code in this case.

The applicants also propose to modify:

- ***CLDC 4.12.60.f.1*** *and* ***4***, which prohibit ground disturbing activities within the circle of protection of any tree intended for preservation under the code.

As discussed, the only area of minor encroachment into circles of protection of riparian trees is associated with the temporary and superficial impacts of constructing the storm water quality treatment swale. Two other trees intended for preservation, on Lot 8, would also be impacted but are anticipated to thrive in the post development setting. The project arborist has provided written testimony at Attachment E that this project does not constitute a threat to the vitality of any of the riparian trees or those intended for preservation by this applicants' Conceptual and Detailed Development Plan.

As stated, one tree, a large Oak which is located on Lot 8 (in the development area and well outside the riparian corridor), would experience the most significant, though still limited, level of impact within it's dripline and resulting circle of protection. Please see Exhibit G, Applicant's Natural Resource Preservation Plan. An ISA certified professional arborist has provided his professional opinion, at Attachment E to this narrative, that the specimen is expected to survive, and even thrive, in post-development conditions, assuming observation of some basic precautions during construction. Those are contained in the fore-mentioned attachment to this application, the applicants' Arborist's Report.

For the above reasons, approval of this deviation would not result in any decrease in the level of protections normally provided under strict adherence to the code standard.

"CLDC 2.5.40.04.b.2. Any proposed variation from a standard within Chapter 4.5 – Natural Hazard and Hillside Development Provisions, Chapter 4.11 – Minimum Assured Development Area (MADA), Chapter 4.12 – Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall involve an alternative located on the same development site where the specific standard applies."

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CLDC 4.5.80.04.c.3.(a) – Aside from the fact that the parent parcel cannot be responsibly developed in any manner other than a mass grading approach, engineering a plan with an alternative to mass grading the site was not economically feasible nor time efficient. Particularly because individual lot grading in this case is not physically feasible, requiring an alternative plan under this section would not be viewed as an appropriate financial burden to place on applicants.

CLDC 4.5.80.d.1 – Despite the project engineer's best professional efforts, no design alternative could be identified which would eliminate the need to place an excess of eight feet of fill in a few areas which total to just 6 % of the subject site's developable land area.

CLDC 4.12.60.f.1 *and* ***4*** – Prior alternatives considered by the applicants included a storm water dispersion trench to be located outside of the circles of protection of any riparian trees; however, upon further consultation with City Development Engineering personnel, the project engineer determined that the current plan is the most efficient means of serving the storm water drainage needs of the development *(consistent with CLDC 4.13.50.b.2).* The applicants are very pleased to arrive at storm water and sanitary sewer plans which are not anticipated to have any adverse impact upon any riparian tree whatsoever.

The only plain alternative to impacting, in the manner proposed, the circle of protection for the large oak in the northerly extreme of Proposed Parcel 8, is of course to remove the specimen. This simply is not the applicants' desire. The applicants propose to follow, in good faith and to the letter, the recommendations of the retained professional arborist for ensuring the survival of this and the four other trees to be preserved in Parcels 8 and 9. This concludes the discussion of *CLDC 2.5.40.04.*

DEVELOPMENT STANDARDS (addressed per *Section 2.5.40.01.g.*, above)

Section 2.5.40.01.g.1., above, requires a demonstration of consistency with the City's development standards and policies applicable in the subject, PD RS-6 Zone. In answer to this, the applicants provide the following discussion:

Table 3.3-1 is located in *Section 3.3.30* of the *CLDC, RS-6 Development Standards*, and provides the development standards applicable to proposals in the subject, Low Density Residential (PD RS-6) Zone. This Conceptual and Detailed Development Plan is consistent with each of the applicable standards within that table, with the exceptions of:

- The minimum side yard depth for one yard each on Lots 3, 4, 6 and 7;
- The maximum front building setback for all three structures; and
- The minimum green area standard for Lot 6.

More specifically with respect to the applicants' proposed residential yards (note, the following figures are approximate):

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Proposed Parcel 1 has 600 square feet of westerly side yard and 1,702 square feet of rear yard;
Proposed Parcel 2 bears 800 square feet of rear yard and has no side yards;
Parcel 3 contains 280 square feet in easterly side yard and 1,165 square feet in rear yard;
Parcel 4 is proposed with 280 square feet in westerly side yard and 1,275 square feet rear yard;
Parcel 5 would have no side yard and 906 square feet of rear yard;
Parcel 6 is illustrated on Exhibit B as containing about 250 square feet on the east and 1,114 rear;
Parcel 7 would bear two hundred (200) s.f. of westerly side yard and 1,070 s.f. of rear yard;
Parcel 8 boasts no side yard and 833 s.f. in rear yard; and finally,
Proposed Parcel 9 would enjoy about 750 square feet of easterly side yard and 1,869 s.f. rear.

As may be viewed on Exhibit B, and inferred from the table above, all of the proposed new parcels bear rear yards in excess of the fifteen foot requirement from *Table 3.3-1* as compensation for the reduced side yards of the above lots and reduced green area of Lot 6. Please see preceding discussions of this application narrative for additional descriptions of and compensating benefits associated with the above three proposed deviations to standards from *Table 3.3.-1.*

"Section 3.3.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.3.30 "m" through "q", variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option."

Variations from development and design standards sought in this planned development request are consistent with the above section. More specifically:

Side yards proposed for modification under this PD are seven and one half feet (7.5') in depth rather than the ten required by code. Pages 33 and 34 contain a table of all proposed deviations and their corresponding compensating benefits.

Common areas provided in Lots 4-9 combine with the expansive rear yards proposed to far exceed the total yard area which would normally be provided under the code standards. Please refer to prior discussions in this and previous sections of this document, hereby incorporated into this discussion, for more details.

Some of the numerous benefits associated with the applicants' request for relief from the 25' maximum front setback standard have been discussed previously in this document, and include but are not limited to visual screening and noise attenuation; reduced fill impacts adjacent to the riparian zone; a lesser deviation relative to the City's maximum eight foot (8') fill standard; closer proximity of rear residential windows to the natural and visual amenity of the riparian zone; and an increased sense of privacy for occupants of the new homes.

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The deviation for Lot 6 from the minimum green area standard of the RS-6 Zone is necessary to accommodate construction of the driveway to provide vehicular access to Ponderosa Avenue. Please see prior discussions of the rationale and compensating benefits for all of these proposed deviations at, for one, the table on pages 33 & 34.

Discussions of this narrative under the decision criteria applicable to Conceptual and Detailed Development plan approval and associated Tentative Partition Plat demonstrate consistency with the parallel decision criteria found in *Section 2.14.30.05.b.1. and 2, Land Division Standards, Review Criteria, Residential Subdivisions.* For this reason, that section has not been excerpted or addressed here.

Article 4 provides the following pertinent standards and requirements:

"Section 4.4.20 - GENERAL PROVISIONS
4.4.20.01 - Applicability
All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development."

This application narrative establishes the consistency of the applicants' Conceptual and Detailed Development Plan with all requirements of the PD RS-6 Zone, with *Chapter 4* of the code, as well as with other provisions of the *CLDC*, which appear applicable to the proposal and are not sought for a specific waiver or modification under this PD process. This application seeks the minimum modifications to standards necessary to implement a reasonable, low density residential development on the site while responding to existing natural resources and physical conditions of the site.

"g. Large Lots *- In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands."*

None of the proposed parcels have the potential for further division, as all nine will be built to their full legal capacity, short of a higher density proposal which would carry it's own carrying capacity challenges. Approval of this Conceptual and Detailed Development Plan would not preclude the development of any adjacent or nearby lands to a full urban standard.

Public and private utilities are presently located within the Ponderosa Avenue right of way (with the exception of sanitary sewer, located near the site's southeasterly corner) and are available to serve the subject parcels. Public utilities are proposed to be extended "to and through" the parent parcel, with public sanitary sewer, water and the bike lane and sidewalk improvements extending for the length of the parent parcel's frontage. Approval of this Conceptual and Detailed Development Plan would neither hinder nor preclude providing City services to any adjacent or nearby property.

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*"**h. Minimum Assured Development Area** - For property with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, lots created through a Subdivision, Partition, or Lot Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA) are met."*

CLDC Chapter 4.11 contains the following table:

(CLDC) Table 4.11-1
Determining Minimum Assured Development Area (MADA) for Res'l Zones

Zone	*Base MADA/Acre*	*Area Credits (4.11.50.02.c)*	*Total MADA*
RS - 1	*10,000 sq. ft.*		
RS - 3.5	*17,500 sq. ft.*		
RS - 5	*15,250 sq. ft.*		
RS - 6	*13,000 sq. ft.*		
RS - 9	*21,800 sq. ft."*		

Deducting the total area of Natural Resource Preservation Tract A from the total site area after dedicating additional land for public right of way (2.44 acres – 1.40 acres) leaves a developable land area of 1.04 acres. This is in excess of the approximately .73 acres afforded through the MADA procedures based upon the following formula from the above table:

(2.44gross acres x 13,000 square feet = .73 acres). There is no apparent benefit to these applicants in utilizing the MADA provisions of the code.

***"4.4.30.05 - Site Improvements** - These requirements shall be in addition to others in Chapter 4.0 - Improvements Required with Development.*

***...b. Fire Protection** - The Fire Chief may require installation of a fire hydrant and turnaround(s) if the length of an Access Way would have a detrimental effect on fire fighting capabilities."*

The nearest existing hydrant is located approximately 160 feet from the northeast corner of the subject property, on the south side of Ponderosa at it's intersection with Cassia Place. The applicants propose to place a new hydrant at the northeasterly corner of the proposed private driveway, in Lot 7, as depicted on Exhibit A.1. Existing Conditions. The Corvallis Fire Chief has reviewed and provided comment on the applicants' Conceptual and Detailed Development Plan, and those comments have been incorporated into the scheme, including but not limited to the applicants' proposal for automatic fire sprinklers for each of the new residences, and providing pavement striping to specifications of that agency.

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"4.4.30.06 - Existing Vegetation
Significant beneficial vegetation including trees and shrubbery shall be preserved wherever possible, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, Figure 4.4-1 - Lot Area Exclusive of Access Ways and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions."

Exhibit G, Significant Natural Resources Preservation Plan, includes the surveyed locations of the riparian trees, as well as those located on the developable portion of the site which are targeted for preservation (five trees in Lots 8 and 9). Although the City's Significant Vegetation inventory does not indicate any protected trees or vegetation resources on the subject property, all of the trees in the riparian corridor are proposed for preservation under the applicants' development plan.

Those trees within the development tract which are expected to be removed, in order to accommodate residential development under the Conceptual and Detailed Development Plan, may be viewed at Exhibit A, Existing Conditions. Since mature trees either on or abutting a property are considered a significant amenity for nearly any Corvallis homesite, the applicants have strived to limit the removal of trees to that which is absolutely necessary to construct and serve the homes.

The applicants nonetheless request the Planning Commission's permission to remove any or all of trees on the developable portion of the site beyond the five specimens described elsewhere in this document, as may be necessary facilitate development under the Applicants' Conceptual and Detailed Development Plan. All trees and other vegetation within the riparian corridor are to be protected from disturbance of any kind. Use restrictions viewable on Exhibit B, Conceptual and Detailed Development Plan, effectively limit activities in the entire, highly protected riparian corridor to passive observations of nature and hiking.

This proposal is consistent with this standard in that it protects existing vegetation on the site to the greatest extent plausible, even beyond that which is required by code, and would not adversely impact any inventoried significant vegetation nor the riparian corridor as mapped by the City of Corvallis and surveyed by Cole Engineering for this Conceptual and Detailed Development Plan.

"2.5.40.01.g.2. Quantitative data for the following where appropriate:
a) Total number and type of dwelling units;"

Nine (9) total units are proposed in three triplex structures as appears on Exhibit B, Applicants' Conceptual and Detailed Development Plan, and appearing generally as depicted on Attachment D, Architectural Details. All three triplexes would consist of three single family, attached units under private ownership. The units would range from two to three bedrooms each.

"b) Square footages of all structures;"

Each structure is located within an approximate 875 square foot footprint and is three stories, not to exceed the maximum building height standard of the zone. This results in an approximate square footage of each structure of (875 * 3 =) 2,625 square feet.

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"c) Parcel size;
d) Proposed lot coverage of buildings and structures, where known;"

Each building has a footprint of approximately 2,625 square feet (three attached, 25' x 35' units, as shown on Exhibit B). Each individual unit's footprint is 875 square feet. These are the only structures planned, and, in the case of Proposed Parcel 1, for example, the structure's footprint constitutes about thirteen (13) percent of the lot's total proposed area. The lot with the greatest building coverage in this conceptual and detailed development plan is Lot 2 (30.1%).

With the exception of Proposed Parcel 6, where the driveway pushes the lot's green area just below the applicable minimum standard, each remaining proposed parcel meets or exceeds the maximum lot coverage and minimum green area standards of the PD RS-6 Zone.

"e) Gross densities per acre;"

This development plan proposes a gross residential density of four units per gross acre {9 units / 2.44 total acres = 3.69 u/gross acre}. This is consistent with the Comprehensive Plan range for Low Density Residential Zones of between 3-6 units per gross acre. In this respect, the applicants' plan is considered a moderate one which clearly does not seek to maximize profits or residential density at the expense of the natural environment or characteristics of the site's neighborhood and surroundings.

"f) Total square footage of Green Area;"

The Applicants' Conceptual and Detailed Development Plan would retain a minimum of seventy nine point five percent (79.5%) of the gross land area of the parent parcel in green area, considering the combined contributions of Proposed Parcels 1-9 along with the highly protected riparian corridor. Please see the table on Exhibits B and H.

"g) Total number of parking spaces (compact, standard, handicapped, bicycle) and breakdown of how parking is consistent with this Code's requirements;"

> ***"Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS***
> *Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.*
>
> ***4.1.30.a. <u>Residential Uses Per Building Type</u> -***
>
> *2. <u>Duplex, Attached and Multi-dwelling</u>.*

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a) Vehicles

4) Three Bedroom Unit- 2.5 spaces per unit.

The above standard requires (9 * 2.5 =) 22.5, or 23 off-street vehicle parking spaces for the planned development. *Subsection (b)* of this section requires two bicycle parking spaces per unit as well, which would be accommodated in the garages.

CLDC 4.1.20.q.2/(a) permits a credit for providing bicycle parking, so that for every eight required bicycle parking spaces provided, one vehicle space may be reduced from the total requirement of *Section 4.1.30.a.2.(a)(4)*, above. This reduces the development's vehicle parking requirement to twenty one (21) spaces. The applicants are proposing a total of twenty four (24) vehicle parking spaces, in efforts to accommodate the periodic demand for additional visitor or overflow parking.

As may be viewed on Exhibit B, the applicants' parking plan consists of the following arrangement of spaces: Sixteen spaces are proposed to be provided, at a ratio of two per dwelling unit, in the private single car garages and adjacent driveways planned for eight of the nine units, Units 2-9 on Exhibit B. Unit 1 contains the seventeenth parking space in it's own private garage, and is provided an additional, reserved space at the extreme southwest corner of the development tract. This accounts for eighteen parking spaces in the applicant's parking plan thus far.

Immediately north of the above space is the nineteenth space, in the extreme northwest corner of the development tract, and this is an unassigned parking space. Two more spaces are located between units 3 and 4 and units 6 and 7, respectively, bringing the subtotal to twenty one spaces. Finally, three unassigned spaces are located at the far eastern edge of the property, between Unit 9 and the common area of Lot 9.

Although the total number of parking spaces proposed (24) exceeds the minimum code requirements, the applicants' development plan does necessitate a modification to pedestrian oriented parking standards expressed in *CLDC 4.10.60.01.a.3*, to permit the three eastern most spaces to be located between Unit 9 and Ponderosa Avenue, at the base of the hill. Please see preceding discussions of this narrative and Exhibits B and C.4., Section 1-1.

Parking on the side of the structures has been established as compliant with *CLDC 4.10.60.02.a.1.(b)*, based upon the project's protection of natural resources in the riparian zone, and upon the adverse impacts on that area which could otherwise result from upland earth moving activities associated with any alternative involving placing parking behind the building(s).

Please also see the preceding discussion of staff's proposed condition of approval, specifying four 2 bedroom units and five 3 bedroom units, based upon their desire for an unspecified number of additional, overflow off-street parking spaces beyond that which is required by the *CLDC*.

"h) Total square footage of nonresidential construction;"

There is no non-residential construction proposed in this Conceptual and Detailed Development Plan.

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"3. General statement outlining timing, responsibilities, and financial assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;"

The applicants, their assigns or successors, are solely responsible for the cost of public improvements required in conjunction with this development.. These improvements will be completed and accepted by the City prior to the issuance of building permit(s).

Private landscaping and irrigation improvements and private vehicle parking and circulation and pedestrian facilities would be required to be accepted by the City as complete at the time of issuance of building or occupancy permits. Maintenance of landscaping and irrigation in the northerly common areas of Lots 4-9, which abut the Ponderosa Avenue right of way and are intended for retention of existing trees and new landscaping improvements, would be the shared responsibility of all residents / owners in the planned development. A shared maintenance agreement would be recorded affecting the entire "Common Area, Parking, Access and Utility Easement" depicted on Exhibit D, Tentative Subdivision Plat. This provision of a Homeowners' Agreement would ensure that financial responsibility for maintenance is shared among all occupants of the new development.

"4. Statement describing phases of project, if proposed. Phases shall be:

a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, Green Areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of construction and development;"

The project is proposed to be completed in a single phase, ensuring adequate and functional access and parking; self-contained provision of utilities, green areas and similar physical features; and that the planned development will be capable of achieving occupancy and ensuring maintenance upon completion of construction.

"b) Arranged to avoid conflicts between higher and lower density development;"

This standard is not applicable to this proposal, as no phasing is proposed.

"c) Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and"

This standard is not applicable to this proposal, as no phasing is proposed.

"d) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development;"

This standard is not applicable to this proposal, as no phasing is proposed.

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"5. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. See Section 4.0.60.a; and"

The project engineer has referenced the Institute of Traffic Engineers (ITE) tables for estimating vehicle trips generated by the proposed land use and found that the highest impacting category of residential use is the single family, detached dwelling, which produces an average peak evening hour trip generation of about one (1) trip, and about ten total daily trips on the average week day.

Since this is the highest traffic level for any residential housing type listed in the ITE's database, it is considered to be a conservative "safe harbor" estimate which likely exceeds the trip levels that will actually be generated from the subject land use. The City Engineer has not requested any additional analysis under this standard. *Section 4.060* provides:

> ***"Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS***
> *a. Traffic evaluations shall be required of all development proposals in accordance with the following:*
>
> *1. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analyses for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. The TIA shall be submitted for review to the City Engineer. The proposed TIA shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. The applicants shall complete the evaluation and present the results with an overall site development proposal.*
>
> *2. If the traffic evaluation identifies Level of Service (LOS) conditions less than the minimum standard established in the Corvallis Transportation Plan, improvements and funding strategies mitigating the problem shall be considered concurrently with a development proposal".*
>
> This applicant's narrative has previously discussed the project civil engineer's finding at Attachment G that the proposal is expected to generate approximately one vehicle trip per peak hour per unit during the work week, or a total for the planned development of nine trips per peak hour during the week. This traffic impact level is considerably below the above identified threshold for requiring a Traffic Impact Analysis. No further analysis appears necessary under this standard.

"6. For residential development, a statement or map describing existing and proposed buildings with protected Solar Access consistent with Chapter 4.6 - Solar Access."

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There are no existing buildings on the site. No solar access protection is proposed in this Conceptual and Detailed Development Plan. Although the trees can sometimes create their own obstacle to full insolation of the proposed development tract, the highly protected status of the trees and other resources in the riparian zone is anticipated to protect the subject structures from any future development encroaching on their solar access at any point in the future. No further analysis was performed under this standard.

It is noted that this site qualifies for exemption from the provisions *Section 4.6* based on shading which occurs from the trees in the riparian corridor, and based upon the density achieved in the developed portion of the site, consistent with *Sections 4.6.20.b.* and *d.*

Nonetheless, the proposal conforms with all of the performance standards of *Section 4.6.30.a.-c.*., Specifically, the new structures would not be anticipated to impede or reduce solar access at ground level to any existing structure, and all of the buildings in the planned development have greater than fifteen lineal feet (more or less) of east / west dimension to allow access and utilization of solar energy. The orientation of the structures is actually northwest to southeast, but approximates an east / west orientation.

This proposal does not appear to represent a conflict with this section of the code.

"7. Information required by Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor Wetland Provisions, as applicable."

Please see preceding pages of this section for a discussion of the proposal's requested deviations from two provisions of *Chapter 4.5, Natural Hazard and Hillside Development Provisions*. As discussed above, *Chapter 4.11, Minimum Assured Development Area* is not applicable to this case. *Chapter 4.12, Significant Vegetation* was also addressed previously. *Chapter 4.13, Riparian Corridor and Wetland Provisions*, is also discussed previously under this section (III.A.).

"2.5.40.09 - Effective Period of Conceptual Development Plan Approval
Conceptual Development Plan approval shall be effective for a three-year period from the date of approval. If the applicants have not submitted a Detailed Development Plan for the Planned Development or its phases within the three-year period, all approvals shall expire.

a. Conceptual Development Plans on Residentially Designated Property
1. If the Conceptual Development Plan pertains to residentially designated property, was established at the request of the property owner, and there is no active Detailed Development Plan on any portion of the site, the property owner may request and be granted nullification of the Conceptual Development Plan in accordance with Section 2.5.80; and

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2. Where the Planning Commission finds that conditions have not changed, at the property owner's request and at its discretion and without a public hearing, the Commission may extend the effective period once for a period not to exceed two additional years."

Upon inquiry by the applicants and their consultant, City Staff advised that the applicants could not remove the PD designation on this property by any means, specifically because there had been a violation in unauthorized fill materials being placed on the site subsequent to the PD Overlay being placed on the property. No Conceptual Development Plan had been initiated at the time of the applicants' inquiry. Based upon the advisement from their consultants, upon researching the matter with City staff, the applicants subsequently submitted this combined Conceptual and Detailed Development Plan for modest residential development of the subject property.

SECTION III.B: DETAILED DEVELOPMENT PLAN

"2.5.50.01 - Application Requirements

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

...An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan in Section 2.5.40 above and shall also include the following:

a. Graphic Requirements

In addition to the graphic requirements specified for a Conceptual Development Plan in Section 2.5.40.01, a Detailed Development Plan shall include:"

The bulk of these requirements were addressed under the prior section, Conceptual Development Plan Application Requirements. One exception, in *Subsection* 2 of this section, is discussed below:

"...2. Typical elevations and floor plans of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development, indicate the entrance and exit points, and permit computations of parking, design, and yard requirements. The elevations shall specify building materials to be used, specifications as to type, color, and texture of proposed exterior surfaces, and information demonstrating compliance with Chapter 4.10 - Pedestrian Oriented Design Standards;"

There are no existing structures on the site. While the applicant prefers to leave the bulk of these finer design details pertaining to the new dwellings to the discretion of the builders / future owners of the subject properties, Attachment D provides a general sense of the building types that would be facilitated by the Applicants' Conceptual and Detailed Development Plan. Performance Guarantees viewable at Exhibit B would ensure compliance with architectural and other applicable regulations and standards of *CLCD Article IV* not specifically modified by this PD.

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Substantial compliance with applicable provisions of *Chapter 4.10 – Pedestrian Oriented Design Standards*, has been established in prior discussions of Section III.A. of this application narrative, with the exceptions of those standards to which minor PD modifications are being sought. Architectural features which may be viewed on exhibits to this narrative include the following minimum conditions in all cases: The structures are three story and of wood construction. Each unit is provided with a garage on the second floor, which accesses the sidewalks and driveways to the north. Since the homes are built into the hillside, the lower level is a daylight "basement". All homes are oriented toward the street and have physical connection to the nearby public sidewalk. Primary entrances would also be on the north, or street facing side. Please refer to Attachment D.

Remaining requirements of this section are satisfied by the applicants' responses to the decision criteria and submittal requirements for Conceptual Development Plan approval, discussed under Section III.A., above.

"b. Narrative Requirements

In addition to the narrative requirements specified for a Conceptual Development Plan in Section 2.5.40.01 above, the Detailed Development Plan shall include:

1. Proposals for setbacks or building envelopes, lot areas where Land Division is anticipated, and number of parking spaces to be provided (per gross floor area or per number of units);"

These are depicted on Exhibits B and D, as applicable, and were discussed previously in Section III.A of this application narrative.

"2. Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;"

Discussed above under the Conceptual Plan criteria, Section III.A., above.

"3. Proposed methods of energy conservation; and"

Conveniently, this Conceptual and Detailed Development Plan takes full advantage of the parent parcel's natural slope and orientation toward the southwesterly. This inherently exposes the upland portions of the site to a maximum of insolation, except for some shading which occurs from the riparian zone trees, thereby reducing demands for artificial heating.

The maximum feasible number of trees is intended to be retained within the development tract, in part in order to provide shade and reduce the need for artificial cooling. Access to ambient sunlight by virtue of the site's southwesterly exposure will also help reduce somewhat the need for artificial lighting for the new dwellings. Finally, the project's emphasis on pedestrian friendly orientation and design encourages utilizing the improved sidewalk and alternative modes of transportation to vehicles.

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"4. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures."

Please refer to this parallel discussion under the Conceptual Development Plan criteria, Section III.A, above.

"c. Tentative Plat
If a Planned Development is to be subdivided, a Tentative Subdivision Plat may also be submitted in accordance with Chapter 2.4 - Subdivisions and Major Replats to permit simultaneous review."

This proposal includes a tentative subdivision plat to create nine new low density residential parcels and a large tract for natural resource protection. Following the current section of the applicants' narrative, in Section IV, is a discussion of how the applicants' tentative subdivision plat has been prepared and submitted in a manner consistent with *CLDC 2.4. Subdivisions and Major Replats.*, for concurrent review with this Conceptual and Detailed Development Plan.

"2.5.50.04 - Review Criteria for Determining Compliance with Conceptual Development Plan

"Request for approval of a Detailed Development Plan shall be reviewed to determine whether it is in compliance with the Conceptual Development Plan. The Detailed Development Plan shall be deemed to be in conformance with the Conceptual Development Plan and may be approved provided it is consistent with the review criteria in Section 2.5.40.04 above, provides a clear and objective set of development standards for residential Detailed Development Plans (considering the Detailed Development Plan proposal, required adherence to this Code, and Conditions of Approval), and does not involve any of the factors that constitute a major change in the Planned Development. See Section 2.5.60.02 – Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification."

The applicants' approach of submitting consolidated Conceptual and Detailed Development plans under one application (viewable at Exhibit B) ensures consistency of the Detailed Development Plan with the Conceptual Plan, and generally satisfies this section. This detailed development plan provides clear and comprehensive development and performance standards to ensure the resulting dwellings are implemented in a manner which is compatible and compliant with unmodified city codes, anticipated conditions of approval, and this proposal.

2.5.50.10 - Review Criteria for Determining Compliance with a Detailed Development Plan

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"A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with the approved Detailed Development Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.40.04, does not involve any new modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Detailed Development Plan approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Detailed Development Plan."

It is the intent of the applicants that, upon approval of this request and filing the final subdivision plat, future owners or developers would need only apply for building permits in order to realize this Conceptual and Detailed Development Plan for making low-density residential use of the subject property. It is further understood that any such future permit application will have the burden of demonstrating consistency with all adopted conditions of PD / Subdivision approval, as well as with all remaining applicable requirements of the *CLDC* and any building permits, and all assurances and representations included in this Conceptual and Detailed Development Plan. Public and non public improvements are proposed to be completed as previously described in Section III.A. of this applicants' narrative.

SECTION IV: TENTATIVE SUBDIVISION PLAT

This section of the applicants' narrative addresses the City's substantive requirements for Tentative Subdivision Plat approval as identified by the *CLDC*.

CLDC Section 2.4.30.01.a.-f. – Tentative Plat Review Procedures, Application Requirements contains the substantive graphic elements and supporting materials which must be included in a complete application for Tentative Subdivision Plat approval. Exhibit D and it's accompanying materials contain all of the details and information required under this section. *Subsection (g)* of this section lists the following "*Narrative Requirements*":

"g. Narrative Requirements
A written statement shall include the following information:

1. Statement of the planning objectives to be achieved by the Tentative Subdivision Plat. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria in Section 2.4.30.04 below, including the development standards required by this Code;"

Please see the prior discussions of the decision criteria for Conceptual Development Plan approval (Section III.A.) for detailed discussions concerning the planning objectives of this project and the rationale behind some of the assumptions and choices made in arriving at this Conceptual and Detailed Development Plan. A discussion of the decision criteria of *Section 2.4.30.04* immediately follows this section.

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"2. Quantitative data for the following, where appropriate :
a) Total number and type of dwelling units;
b) Parcel and lot sizes;
c) Proposed Lot Coverage of buildings and structures, where known;
d) Gross densities per acre;
e) Total square footage of Green Area; and
f) Total square footage of nonresidential construction;"

All construction associated with this Conceptual and Detailed Development Plan is residential in nature, and no "*non-residential construction*" is intended or requested. Remaining items above have previously been addressed under Section III.A. of this application narrative.

"3. Detailed statement outlining timing, responsibilities, maintenance, and financial assurances for all public and non-public improvements to be constructed or installed including:

a) Provisions for domestic water supply including source, quality, and approximate quantity;
b) Provisions for sewage disposal, storm drainage, and flood control;
c) Provisions for improvements and maintenance of common areas and private roads and drives, if proposed; and
d) Proposed landscaping and irrigation."

Public improvements may be required to be completed or financially secured to the satisfaction of the City Attorney prior to recording the final subdivision plat. Private improvements would presumably be required to be satisfactorily completed prior to issuance of either building or occupancy permits.

(a) City water service is available nearby, via an existing twelve inch (12") water main on the south side of Ponderosa Avenue, currently terminating at the northeasterly corner of the subject property. The applicant would be responsible for extending an oversized (16") main along the site's entire frontage, and understands that there may be some opportunity for reimbursement for this over-sizing. Water service would be provided to each unit via one inch (1") individual service lines connecting to public meters and then to the above referenced public main. The quality of water available through this domestic supply is not in the applicants' control. MSS Inc., the project engineers, indicate that sufficient quantities of water are provided via the City's system to accommodate the new dwellings. Please refer to Exhibit E, Utility Plan.

(b) 1. Domestic sanitary sewer is currently available for connection near the southeasterly corner of the proposed development area. Connection to the new 8" public line in Ponderosa Avenue would be via a public 8" PVC line as depicted on Exhibit E.2.

2. Storm water from the roof drains for dwellings on Lots 2-9 would be disconnected from the storm drain system and provided with individual outfalls and sheet flow to the riparian area, as depicted on Exhibits C.1. and E.1.

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These outfalls and the applicants' drainage plan in general have been designed to meet or exceed standards of the King County Hydraulics Manual, the model utilized by the City of Corvallis for some standards. The dwelling on Lot 1 would have it's roof drain connected directly to the storm drain system based upon inadequate area for a rock dispersion pad as designed for the remaining, disconnected roof drains.

Generally, site drainage would be collected and detained in oversized (24") pipes as depicted on Exhibit C.2., Ponderosa Street and Storm Profiles. Then, following detention below the parking area and controlled release to the remaining storm system, site runoff would be combined with that from the improved Ponderosa Avenue right of way (also detained and released via restricted outlet), before being directed to a water quality swale. Storm water quantities which exceed that required to be treated for water quality would flow directly to the existing creek / drainage channel via a rock lined overflow channel at the west end of the water quality treatment swale.

In order to minimize ground disturbance and impacts to trees associated with construction of the required water quality swale, the applicants have proposed a berm design which would not require excavation. Please see Exhibit E.3. for schematic drawings.

The project engineer has provided the following additional discussions In support of the applicants' Grading Plan, Exhibit C:

> "The proposed grading and drainage plan has been designed to create the least possible impact on the existing vegetation in the seventy five foot wide riparian corridor. The primary features of the proposed plan are as follows: (1) maximum retention of the natural flow of storm water runoff on the site; (2) maximum use of landscaping areas to create pervious surfaces that slow the rate that water is discharged from the development; (3) use of Low Impact Development (LID) techniques such as disconnected roof drains; and (4) a 'bermed' water quality swale that provides water quality treatment without creating a channel that will damage the surrounding vegetation.
>
> The applicants' grading and overall development plan has been designed to maximize the amount of landscaping that is provided. The total impervious area added to the development area is 22,892 SF, of which 7,875 SF is roof area. Thus, 49% of the 1.04 acres is devoted to landscaping, which is in excess of the 40% required. As such, the proposed plan minimizes the development impacts on the adjacent riparian corridor by minimizing the runoff rates through the riparian corridor.
>
> Eight of the nine units proposed will use the LID technique of disconnected roof drains. The King County Storm Water Design Manual (Appendix C) recommends the use of splash blocks or 2'x3'x6" rock pads to disperse water from impervious surfaces between 700 SF – 1400 SF in area, depending on the length of natural flow path that is available. The proposed plan has a slightly shorter flow path than the 100 ft recommended, a steeper slope than the recommended 15%, and the roof areas are 875 SF.

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Thus, in order to mitigate these factors, we propose doubling the recommended 2'x3' size to a 4'x6'x8" rock dispersion pad. This will provide the additional flow spreading required to ensure that no erosion occurs, and natural drainage patterns are preserved.

Also, this method is preferable to the use of a dispersion trench because there is no excavation damage to the root systems of protected trees, since the rock dispersion pads are placed on the surface with only very minimal disturbance. Each unit 2-9 will have an individual dispersion pad. Unit 1 will be connected directly to the storm drain system because the lot configuration does not provide a suitable area to place a rock dispersion pad.

By using the rock dispersion pads, the existing drainage patterns are preserved to the greatest extend possible. Roof runoff is spread on the surface and allowed to sheet flow or infiltrate in as similar a manner as possible to the pre-developed conditions. Additionally, the impacts of the required public storm system outfalls have been minimized with the use of a bermed water quality channel.

As shown on Exhibit B, the total on-site impervious area is 20,968 square feet (s.f.). There is an additional 7,405 SF of new impervious area in the Ponderosa Avenue right of way. Note that applicants are only required to count "new" surfaces, so we subtract all of the existing paving that is associated with Ponderosa Avenue. Thus, we have a total of 28,373 s.f. of impervious area associated with the planned development, and detention is required. Since the project exceeds 5,000 SF of "pollution generating impervious area", water quality features are required. As such, the preferred treatment option is a water quality swale. The proposed water quality swale must be placed adjacent to trees that are within the 75' base riparian corridor width, although impacts to roots appear to be avoided under the applicants' plan.

In observance of the importance of minimizing any impacts on the protected trees, the applicants have abandoned the typical swale design, which would cut into the existing ground in order to create a channel, instead proposing a berm that will form a channel on the uphill side (Please see Exhibit E.3). This berm is only required to be 1 to 1.5 feet high, and as such will not negatively impact the trees to which it is adjacent.

The water quality swale will only carry the limited treatment volumes that are required, and thus will not experience large erosive flows. To achieve this, Storm Manhole #2 will have a flow control structure that limits the flows to the water quality swale to the required treatment volumes, and discharges all flows in excess of this to a second outfall (Outfall #2). This outfall will have a rock lined channel cut into the existing ground, since the natural flow path to the drainage channel will not encroach on the circles of protection of any surrounding tree(s). The rock lining is necessary to ensure that the higher flow rates and slightly steeper slopes do not cause erosion.

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Section 2.4.30.04.b(4) of the Corvallis LDC requires that excavation and grading shall not change the hydrology in terms of the quantity or quality of the water that supports riparian corridors. Both wet weather and dry weather conditions must be considered when evaluating this criterion. First, wet weather conditions should seek to mimic the surface and subsurface flow patterns that exist prior to development. It is reasonable to assume that all wet weather flows on this site are due to surface runoff, since Ponderosa Avenue forms an effective barrier to surface and subsurface flows that might come from any uphill properties. Thus, only onsite drainage needs to be considered. As such, the proposed grading and drainage plan has been optimized to match the pre-developed conditions by (1) minimizing impervious area, (2) using LID techniques and (3) minimizing disturbance to soils and vegetation as previously discussed.

The second condition that must be evaluated is dry weather conditions. Of primary concern is the impact that irrigation and fertilizers may have on oaks and other trees in the riparian corridor. Again, these impacts have been mitigated by the grading plan. The primary landscaping areas for the proposed development are between the building units and Ponderosa Avenue. Any runoff from this area during dry seasons will be directed into the storm system. Runoff from landscaping (which will be less than the water quality design storm) will pass through the water quality swale. It is likely that these flows would be so low that they would not even reach the end of the water quality swale.

Any water that does leave, however, would be localized and treated thereby eliminating any significant impacts. As such, no change is anticipated in surface or subsurface drainage patterns for either dry or wet weather conditions."

The above-described design is the result of over a year of extensive coordination with City Development Engineering Staff, and represents the plan which all parties agree best responds to existing topographic conditions while ensuring that the post development drainage pattern matches as closely as possible to that which exists currently on the site.

Similar to the project's civil engineer's statement above, the Applicants' Arborist Report, Attachment E, finds that the proposal is not likely to result in a deleterious condition for down-slope oaks, a concern expressed in prior written comments by City planning staff (seen at Attachment C).

On site storm lines will be private up to connection with the storm manhole labeled SDMH#2 on Exhibit C, in the Ponderosa Ave. right of way. All other lines in Ponderosa and the facilities that discharge to the drainage channel (including the water quality swale) will be public.

3. Storm water is proposed to be detained below the parking and driveway area prior to controlled release to the balance of the storm sewer system. Please see Exhibit E.

(c) Tract A is proposed to be dedicated to the City to assure preservation of the riparian and significant tree resources therein, and to minimize the need for granting easements for drainage and riparian zone maintenance.

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The common areas of Lots 4-9, and the additional areas subject to the access, parking and utility easement, would be maintained under a joint use and maintenance agreement among all residents of the planned development and members of a Homeowners' Association.

(d) Please refer to Exhibit H for the Applicants' Landscape and Irrigation Plan, consisting of existing vegetation, new street and gateway trees, yard plantings, and sight obscuring fencing along the easterly and northerly property boundaries for screening and buffering. All landscaped areas would be irrigated.

"4. Statement describing phases of project, if proposed."

No phasing is proposed, so this subsection is not applicable to this proposal.

"5. Traffic impact study –
...b) Residential Subdivisions - a Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that at least LOS D will be maintained for 20 years."

The project engineer has estimated the trips generated by this development and determined that no further analysis appears to be required under the code. Please see Section III and Attachment G of this application narrative.

"6. Information required by Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable."

Chapter 4.5, Natural Hazard and Hillside Development Provisions, is discussed under Section III.A., above. *Chapter 4.11* is not applicable to this proposal, as established also in Section III.A. *Chapter 4.12* is also covered in Section III.A. of this document, as is *Chapter 4.13, Riparian Corridor and Wetland Provisions.*

"2.4.30.04 - Review Criteria
...b. Residential Subdivisions *- Requests for the approval of a Residential Tentative Subdivision Plat shall be reviewed to ensure consistency with the clear and objective approval standards contained in the following:*

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The City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards."

Article III
The plan's level of consistency with the Article III development standards applicable in the PD RS-6 Zone was discussed in detail in preceding portions of this document.

Article IV
Please see preceding discussions of this narrative for a detailed discussion of the three proposed modifications to standards of Article IV.

Facility Master Plans and Design Criteria Manual, etc.
Utility and infrastructure design associated with this Conceptual and Detailed Development Plan is compatible with the existing and planned networks indicated by the City's applicable master planning maps and documents, and has been the subject of extensive coordination between the project and staff engineers.

All construction would be to specifications of the design criteria manual, structural specialty and applicable fire codes, and the City's standard construction specifications, as applicable.

Exhibit C reflects requirements of the City's Erosion and Sediment Control Ordinance, and this application narrative proposes specific measures to guard against erosion and water quality impacts of the construction phase of the development.

Off Street Parking Standards.
Off street parking standards of Chapter 4.1. would be complied with and are discussed at length above.

"Additionally, the following criteria shall be met for Residential Subdivisions and the application shall demonstrate adherence to them:

1. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;"

This application narrative has demonstrated substantial conformance with the development standards applicable in the PD RS-6 Zone, including but not limited to the City's *POD*'s, with the exception of those specific deviations from standards which are being sought through the planned development's established procedures.

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"2. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards;"

Please see the prior discussion of this parallel criterion from the Conceptual Development Plan section of this narrative (Section III.A.), and refer also to the Applicants' Natural Resources Preservation Plan, Exhibit G.

In sum, the applicant is preserving all inventoried natural resources on the site, along with non-inventoried significant vegetation within the riparian corridor and five additional tree specimens which would not normally be required to be protected or preserved.

"3. Land uses shall be those that are outright permitted by the existing underlying zoning designation."

The dwelling types proposed by this Conceptual and Detailed Development Plan are outright permitted by *CLDC Section 3.3.20:*

"Section 3.3.20 - PERMITTED USES
3.3.20.01 - Ministerial Development
a. Primary Uses Permitted Outright
1. Residential Use Types -
a) Family
b) Group Residential - 12 or fewer persons
c) Group Residential/Group Care - 12 or fewer persons
d) Residential Care Facilities - 12 or fewer persons

2. Residential Building Types -
a) Single Detached
b) Single Detached - Zero Lot Line
c) Single Attached - Zero Lot Line, two units
d) Attached - Townhouse, three to five units
e) Duplex
f) Multi-dwelling - Triplex and Fourplex only"

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Section 2.4.30.04.b.4. states:

"4. Excavation and grading shall not change hydrology in terms of water quantity and quality that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to Chapter 4.13 – Riparian Corridor and Wetland Provisions."

The Applicants' safe harbor approach to protecting the riparian corridor south of the proposed development area, going so far as to maintain a minimum twenty five foot separation between significant grading activities and the riparian boundary, ensures that earth work associated with this Conceptual and Detailed Development Plan will not have an adverse impact upon hydrological conditions or water quality or quantity in that resource.

The project arborist has stated that impacts are not expected upon the riparian trees and resources from the proposed upland development activities. In no case will residential construction occur closer than eighty feet from the channel for which high level riparian protection has been designated by the City of Corvallis.

Compared with the applicants' prior plan, which proposed a considerably larger volume of fill materials be placed on the site, and that a retaining wall be constructed adjacent to or upon the riparian boundary, the current plan is much more responsive to the existing site topography and pre-development hydrology. Roofs for units 2-9 will drain individually to outfalls providing sheet flow across the riparian area similar to that which occurs now. Runoff from the vehicle parking and circulation drive and yards of the dwellings is to be gathered in a catch basin, detained and released in a controlled manner, then combined with runoff from Ponderosa Avenue and channeled to a public water quality treatment facility.

Flows in excess of the requirement for water quality treatment which will flow to the creek via one rock lined swale and outfall at the west, and one sheet flow, un-channelized outfall on the east, as depicted on Exhibits B-E. The volume and turbidity of this limited discharge to the creek will not exceed historical flows from the developable portion of the property. Standard construction techniques such as erosion control measures and silt fences will further guard against such impacts to the riparian zone and it's associated drainageway.

"A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Subdivision that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications."

This Tentative Subdivision Plat has been demonstrated to conform to the decision criteria for residential subdivisions as expressed in *CLDC 2.4.30.04.*, and thereby warrants approval under the Corvallis code. This proposal does not involve any uses subject to plan compatibility or conditional development review, and does not require a zone change.

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SECTION V: Conclusion

The applicants and application team have made every effort to create in this consolidated Conceptual and Detailed Development Plan and Tentative Subdivision Plat an attractive, energy efficient, compatible, and pedestrian oriented planned development which:

- Places very high value on preserving and protecting the site's unique natural features;
- Represents a responsible and modest residential density, in a creative arrangement on a severely constrained and challenging parcel of land;
- Demonstrates substantial compliance with applicable city codes and regulations; and
- Would be an attractive and desirable place to live ~ an asset to the community and the existing neighborhood in which it is situated.

The applicants respectfully request that the Planning Commission approve this Conceptual and Detailed Development Plan and Tentative Subdivision Plat, based upon findings of substantial compliance with the decision criteria and applicable standards and regulations of the *Corvallis Land Development Code*.

The applicants and their team will be available at the public hearing to answer any questions and to discuss any aspect of this proposal further. Thank you for your consideration of the above.

ATTACHMENTS:

A. LEGAL DESCRIPTION OF SUBJECT PROPERTY
B. EXISTING LAND USE AND VICINITY MAP
C. CITY COMMENT LETTERS RE: PRIOR SUBMITTAL
    C.1. PLANNING DIVISION LETTERS
    C.2. DEVELOPMENT ENGINEERING LETTER
    C.3. BENTON COUNTY PUBLIC WORKS LETTER
D. ARCHITECTURAL MENU ITEMS
E. ARBORIST'S REPORTS
F. LETTER FROM CONSUMER'S POWER
G. CIVIL ENGINEER'S STAMPED TRAFFIC ANALYSIS
H. PROPOSED SIGN DETAIL
I. CIVIL ENGINEER'S LETTER OF OCTOBER 2008

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EXHIBITS:

SHEEET 0. COVER SHEET

EXHIBITS:

A.1.	EXISTING CONDITIONS
A.2.	EXISTING SLOPES IN DEVELOPMENT AREA
B.	CONCEPTUAL & DETAILED DEVELOPMENT PLAN
C.1.	PROPOSED GRADING PLAN
C.2.	PONDEROSA AVE. STREET AND STORM PROFILES
C.3.	DRIVEWAY STREET AND STORM PROFILES
C.4.	SITE CROSS SECTIONS
C.5.	PONDEROSA AVE. CROSS SECTIONS
C.6.	RETAINING WALL PROFILES
C.7.	SITE CROSS SECTION & INTERMEDIATE WALL PROFILES
D.	TENTATIVE SUBDIVISION PLAT
E.1.	EXISTING & PROPOSED UTILITY PLAN
E.2.	PROPOSED SANITARY SEWER PROFILE
E.3.	WATER QUALITY AND STORM OUTFALL PROFILES
F.	GEOTECHNICAL INVESTIGATION & ADDENDUM
G.	NATURAL RESOURCES PRESERVATION PLAN
H.	LANDSCAPE AND IRRIGATION PLAN

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Kent attachment A. doc.

ATTACHMENT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

NOTE: THIS IS ON FILE IN THE CITY PLANNERS' OFFICE

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ATTACHMENT A

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
James Cauthorn and Cindy Cauthorn

GRANTEE'S NAME
Wayde Kent and Frankie Kent

SEND TAX STATEMENTS TO:
Mr. and Mrs. Wayde Kent
2485 NE Strawberry Ln
Corvallis, OR 97330

AFTER RECORDING RETURN TO:
Mr. and Mrs. Wayde Kent
2485 NE Strawberry Ln
Corvallis, OR 97330

BENTON COUNTY OREGON 2003-356765
DE WD
11/07/2003 02:07:17 PM
$10.00 $11.00 $10.00 $15.00 $46.00

James V. Morales - County Clerk

RECEIVED
JUL 31 2007
Community Development
Planning Division

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

James Cauthorn and Cindy Cauthorn, as tenants by the entirety, Grantor, conveys and warrants to

Wayde Kent and Frankie Kent, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Benton, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

901875 FNT

Subject to and excepting:
rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads and highways; easement granted to Consumers Power, Inc. for right of way for anchor, tree and brush clearing recorded December 8, 1960 in Book 175 Page 581.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS $150,000.00 (See ORS 93.030)

DATED: November 4, 2003

James Cauthorn

Cindy Cauthorn

STATE OF OREGON
COUNTY OF Benton

This instrument was acknowledged before me on
November 5, 2003
by James Cauthorn and Cindy Cauthorn

OFFICIAL SEAL
JAN CONNELL
NOTARY PUBLIC - OREGON
COMMISSION NO. 337495
MY COMMISSION EXPIRES AUG. 26, 2004

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 8/25/04

FORD-313 (Rev 2/96) STATUTORY WARRANTY DEED

20031107.0137

7

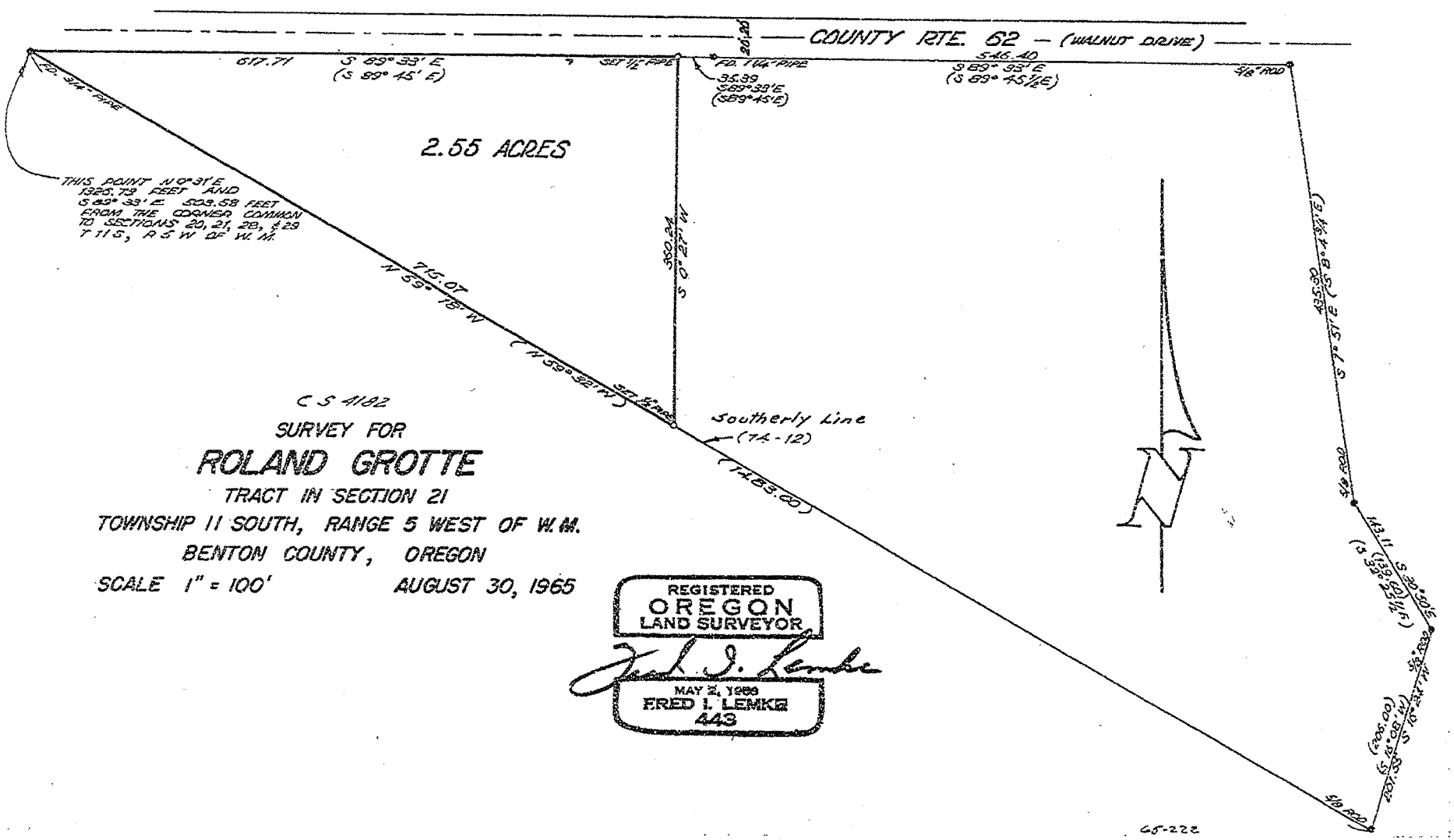
Escrow No. 09-9018/9-JAC-22
Title Order No. 009018/9

EXHIBIT ONE

Beginning at a 3/4 inch pipe on the South right of way line of County Route No. 62 (Walnut Drive) which is North 0°31' East, along the legal subdivision line, 1326.73 feet and South 89°33' East 503.58 feet from the Southwest corner of Section 21, Township 11 South, Range 5 West of Willamette Meridian in Benton County, Oregon; thence running South 89°33' East along the South right of way line of said County Road, 617.71 feet to a 1/2 inch pipe; thence South 0°27' West, perpendicular to the South line of said County Road, 360.24 feet to a 1/2 inch pipe on the Southerly line of a tract of land described in deed recorded in Book 74, Page 12, Benton County Record of Deeds; thence North 59°128' West, along the Southerly line of said tract, 715.07 feet to the point of beginning, in the County of Benton, and State of Oregon.

20031107.0138

NW1/4 SW1/4 SEC. 21 T.11S. R.5W. W.M.
BENTON COUNTY
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY
11 5 21CB
CORVALLIS
W 1/4 COR.
1" = 100'
SEE MAP 11 5 21BC
REV: 09-12-2006
CANC
200
801
804
1001
1000
2.99 AC.
1300
2.00 AC.
2005-028
100
4.54 AC.
900
5.00 AC.
1100
2.00 AC.
1200
2.54 AC.
1200
2003-014
P15520
STREET
800
5.79 AC.
802
1.75 AC.
300
9.09 AC.
0905
803
2.65 AC.
700
1.37 AC.
SEE MAP 11 5 20
SEE MAP 11 5 21
RUN
DEER
600
3.20 AC.
400
3.88 AC.
NW PONDEROSA AVE.
1/16 COR.
500
2.55 AC.
SEE MAP 11 5 28
0901
11 5 21CB
CORVALLIS


COUNTY RTE. 62 — (WALNUT DRIVE)
617.71
S 89° 33' E
(S 89° 45' E)
SET 1/2" PIPE
FD. 1 1/4" PIPE
35.39
S89°33'E
(S89°45'E)
546.40
S 89° 33' E
(S 89° 45 1/2 E)
5/8" ROD
2.55 ACRES
THIS POINT N 0°31' E 1326.73 FEET AND S 89° 33' E 503.58 FEET FROM THE CORNER COMMON TO SECTIONS 20, 21, 28, & 29 T 11 S, R 5 W OF W. M.
715.07
N 59° 18' W
(N 59° 32' W)
360.24
S 0° 27' W
435.30
S 7° 51' E (S 8° 4 3/4' E)
Southerly Line
(74-12)
(1483.00)
143.11
S 30° 50' E
(139.60)
(S 32° 25 1/2' E)
S 15° 24' W
(206.00)
(S 15° 08' W)
201.55
5/8" ROD
C S 4182
SURVEY FOR
ROLAND GROTTE
TRACT IN SECTION 21
TOWNSHIP 11 SOUTH, RANGE 5 WEST OF W.M.
BENTON COUNTY, OREGON
SCALE 1" = 100'
AUGUST 30, 1965
REGISTERED
OREGON
LAND SURVEYOR
MAY 2, 1966
FRED I. LEMKE
443
65-222

DRAWING NUMBER 8488

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER 8488

Benton County
Surveyor's Office

C.S. FILE NO. 8485
FILING DATE 2-5-1991
FILE SIZE 18X24

LEGEND

- ● FOUND MONUMENT, 5/8" IRON ROD, EXCEPT AS NOTED.
- ○ SET 5/8" X 30" IRON ROD W/YELLOW PLASTIC CAP MARKED "PARSONS PLS1918"
- IR IRON ROD
- PIPE DIMENSIONS ARE INSIDE DIAMETER.
- ( ) INFORMATION OF RECORD
  - REFERENCES:
    - R1 - CS 6555
    - R2 - CS 4321
    - R3 - CS 4182
    - R4 - CS 3712
    - R5 - BOOK 199, PAGE 419
    - R6 - CS 386
    - R7 - BOOK 152, PAGES 524, 526, 528
    - R8 - GALLOWAY 11-5-00009

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE CORNERS OF THAT PROPERTY DESCRIBED IN THE DEED TO RICHARD W. SOUTH RECORDED AS M-115618-89, BENTON COUNTY DEED RECORDS PRIOR TO SUBDIVIDING.

BASIS OF BEARINGS IS THE LINE BETWEEN THE FOUND 3/4" IRON PIPE (CS 368) ON THE SOUTH LINE OF N.W. PONDEROSA AVE. AND THE 5/8" IRON ROD AT THE SOUTHWEST CORNER OF WALNUT WEST SUBDIVISION (CS 6555), RECORDED AS N 59°20'03" W, 1482.84 FEET IN CS 6555.

THE 1/2" PIPE ESTABLISHED IN CS 4182 AS THE NORTHWEST PROPERTY CORNER AND CALLED BY DEED AND THE 1-1/4" PIPE ESTABLISHED BY GALLOWAY APPROXIMATELY 35 FEET EAST WERE FOUND DESTROYED. THIS CORNER WAS RE-ESTABLISHED AT RECORD DISTANCE (617.71 FEET) ALONG THE SOUTH LINE OF N.W. PONDEROSA FROM THE 3/4" PIPE AT THE NORTHWEST CORNER DESCRIBED IN BOOK 199, PAGE 419. THE SOUTHERLY PROPERTY LINE IS ACCEPTED AS THE LINE ESTABLISHED IN CS 6555 BETWEEN PROPERTIES DESCRIBED IN BOOK 74, PAGE 12, BOOK 152, PAGES 524, 526, AND 528, AND M-50148. THE 1/2" PIPE AT SOUTHWEST CORNER ESTABLISHED IN CS 4182 WAS FOUND TO BE NORTH OF THIS LINE. AS THE DEED CALLS BOTH THE 1/2" PIPE AND THE LINE, THE PIPE WAS USED FOR ALIGNMENT OF THE WEST LINE AND A NEW MONUMENT SET ON THE SOUTH LINE. MONUMENTS AT ANGLE POINTS ALONG THE EAST LINE ARE DESCRIBED IN THE CURRENT DEED AND WERE ESTABLISHED IN CS 3712, WITH THE EXCEPTION OF THE SOUTHEAST CORNER, WHICH WAS ESTABLISHED ON THE TRUE SOUTH LINE OF THE PROPERTY.

REFERENCES:

BENTON COUNTY DEEDS: BOOK 74, PAGE 12; BOOK 152, PAGES 524, 526 & 528; BOOK 175, PAGE 581; BOOK 199, PAGE 419; M-5677 (1967); M-50148; M-115618-89, BOOK 175, PAGE 581

COUNTY SURVEYS: 386, 3172, 3887, 4321, 4182, 6555, PLAT OF WALNUT PARK, PLAT OF WALNUT WEST ADDITION, GALLOWAY PLAT 11-5-00009.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 14, 1980
TYLER B. PARSONS
1918

SURVEY for Richard W. South

SW1/4, Sec 21, T.11 S., R.5 W., W.M.
Corvallis, Benton County, Oregon
January 29, 1991
Scale: 1" = 100'

PARSONS SURVEYING
1915 S.E. Stone Street
Corvallis, OR 97333
(503) 752-7515

Project No. 9108

CREED A. ECKERT, AICP

4360 NW Apple Tree Place #7 · Corvallis, OR 97330

541-908-3834 CREED333@Q.COM

September 10, 2008

Mr. Jason Yaich
Planning Division,
Community Development Department
City of Corvallis
PO Box 1083
Corvallis, Oregon 97339-1083

RE: Deer Run Park Planned Development and Subdivision (PLD 08-000013 / SUB 08-00007)

Hello Jason,

Following is a brief response to those planning related issues from your letter of September 5th of this year concerning the above proposed planning action. This correspondence is intended to be entered into the record in conjunction with the additional pertinent drawings and correspondence which are forthcoming from the project engineer, Mr. Peter Seaders of MSS Engineering. It is my understanding that Mr. Seaders' materials will be provided to your office prior to the close of business on Monday, September 15th, 2008, in order to facilitate an October 15th appearance before the Corvallis Planning Commission on this matter, as offered in your most recent correspondence.

Please consider this correspondence to be the applicants' final response concerning the planning related matters you raised in your letter of September 5th, unless you are informed otherwise prior to the close of business on Monday, September 15th. Specifically, with regard to your item number:

1) L. We understand Staff may have some concerns regarding the applicants' proposal to include portions of the riparian corridor for inclusion as useable rear yard area for Lots 2-8. We agree with Staff's statements in the September 5th correspondence that the circumstances and particular characteristics of this planned development may reasonably warrant Staff's support of this aspect. In compensation for this deviation from the norm, the applicants' Conceptual and Detailed Development Plan provides additional common yard areas in the northerly portions of lots 4-9; ensures protection of valuable natural resources through appropriate use restrictions and erection of a wooden fence on the boundary of the resource area; and maintains an adequate range of choice for making non-intrusive uses of the rear yard areas contained behind the natural resource protection fencing depicted on the applicants' exhibits to this application. Additionally,

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4) A. The application team is targeting meeting the September 15th deadline for ensuring a public hearing date of October 15th, 2008. FYI, We also intend to conduct a neighborhood meeting during the interim.

This concludes our responses to your letter of September 5th, 2008. Please feel free to call me, at 541-908-3834, if you desire clarification of any matter herein.

Thank you, Jason.

Creed A. Eckert, AICP
4360 NW Apple Tree Place #7
Corvallis, Oregon 97330
creed333@q.com

c: Applicants
MSS Engineering
Margie Holland, Consultant

the private rear yards south of the fences to warrant considering those areas as "useable yards" for purposes of this section.

(*language added for this correspondence)

This range of permissible activities nonetheless stops well short of permitting any ground disturbing activities, including but not limited to the erection of structures or play equipment and removing vegetation. The applicants remain open to working with Staff and/or the Commission if any amendment(s) to the strongly-worded use restrictions statement on the conceptual and detailed development plan is/are desired in order to reinforce the protection of the site's natural resources.

Rather than request a reduction in or waiver of the 15' yard standard in question, the applicants prefer to request that the privately owned rear yards south of the natural resource protection fencing be considered as contributing to, in fact exceeding in terms of required square footage and dimensions for private yards, the minimum 15' useable yard requirement.

The applicants ask that Staff consider this matter to be satisfactorily addressed, based upon the above evidence in support of this deviation from the typical application of "useable yard".

1) N. 1. Additional information is forthcoming from the project engineer, Mr. Seaders.
2. We concur with Staff's suggestion for a Condition of Approval stipulating four 2 bedroom units and five 3 bedroom units.

2) A. 1. The applicants are pleased that the City will not require the full 16' dedication. These changes described in your letter will be reflected in the forthcoming materials from MSS Engineering. At this late juncture, it is not considered feasible or efficient for the applicants to accept the City's sudden offer for a significantly reduced right of way dedication, since, similar to requiring the entire sixteen foot dedication as had been formerly suggested, doing so would require very substantial and costly re-design and significant amendments to the area calculations of the application narrative. Having submitted, at the City's behest, nineteen copies of the roughly 100 page document, and after doing so three times now, it would seem most efficient to maintain, to the greatest extent feasible, the specifics of the applicants' existing proposal as that was submitted in June of this year and as it is described in the applicants' current narrative.

We understand that MSS Engineering will also be providing the additional documentation requested under the Storm Water heading of this discussion item.

B. We noted that the letter from Benton County Public Works was not attached as indicated, though we do have a copy of that correspondence.

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"6. The applicants continue to propose that the twenty five foot wide "Proposed Riparian Corridor Maintenance Easement to City of Corvallis", or that portion of the 75 foot wide highly protected riparian corridor which lies outside of the fifty foot tract required under CLDC Table 4.13-2, be considered as "useable yard" for purposes of satisfying CLDC 3.3.30.e.2.'s requirement for "*...a minimum 15 ft. useable yard either on the side or rear of the dwelling.*" We note that the code does not provide a definition of "useable yard", although both of the terms "use" and "yard" are defined:

> "*Use – Purpose of or activity on a site.*" (CLDC Page 1.6-58).
>
> "*Yard – Open space unobstructed from the ground upward except as otherwise provided in this Code. In the case of a corner lot, the front, rear, and side yards that were determined at the time of original construction of structure(s) on the lot may be used for the purposes of remodeling, rebuilding, and/or constructing additions, accessory structures, etc.*" (CLDC Page 1.6-63).
>
> The code further describes rear yards thus:
>
> *"Yard, Rear - As shown in Figure 1.6-31 - Rear Yard below, yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel to the nearest point of the main building."* (CLDC Page 1.6 64).

Proposed rear yards as defined above average just over thirty feet in depth, far exceeding the 15' minimum standard. North of the proposed natural resource preservation fencing, rear yards are fairly narrow, particularly on the westerly end of the development area. Since these portions of the proposed rear yards average between 5-10 feet in width, full compliance with CLDC 3.3.30.e.2. north of the fence is not feasible. Staff's suggestion for providing additional outdoor area under a cantilever of the structures does not appear to be consistent with the code's definition of rear yard, above, and may not meet the test for "useable yard".

We note that the term "useable yard" does not inherently require that the available uses be wholly un-restricted; indeed, around the community, many yards or portions thereof are reserved for tree and other resource protection, often at property owners' discretions. These yards nonetheless remain useable for a wide variety of typical(, non-intrusive*) yard uses. (The applicants feel that*) the use restrictions imposed by the applicants' conceptual and detailed development plan leave a sufficient range of options for enjoying

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4.13-1 are limited to a passive enjoyment of the natural features therein, including primarily hiking, picnicking and sight seeing.

"No disturbance of any type is permitted of the soil, vegetation, or water feature associated with this reserved natural area. The wooden fence may be provided with one gate per dwelling, subject to the above restrictions of use. No structures may be placed or other disturbance(s) occur within the highly protected riparian corridor, the boundary of which is to be demarcated on the ground by the wooden fence."

As referenced above, the applicants also propose a wooden fence be erected along the boundary of the seventy five foot wide riparian corridor, to further reinforce where the protected riparian area begins and, conversely, where back yard development such as tool sheds or play structures may occur.

Lot 1 bears a side yard of about forty feet in width and ranging between 5 and thirty feet in depth. Lot 9 enjoys an increased, though triangular, side yard which ranges in width from about seventeen to twenty five feet. This is in part in deference to the development's closest existing neighbors, on the east, and provides an increased physical separation, and hence buffer, over that which is required by the code for a triplex neighboring single family residences. It has the increased benefit of providing additional yard area for residents of unit 9, although a "chip path" intended for City access to the public sanitary sewer manhole to the southeast is included in this increased setback area.

In addition to the above, occupants of all triplexes would enjoy a common use easement across those northerly portions of Lots 3-9 which are located opposite the access drive from the structures on these lots. Exhibit D, Tentative Subdivision Plat, illustrates this common use easement, and Exhibit H, Landscape and Irrigation Plan, depicts existing and new green specimens which are intended to enhance these common areas. This provides additional yard area (in lots 4-9) for the mutual use and enjoyment of residents of the planned development. The common use area of Lot 3 provides access to the stairs leading to the sidewalk on Ponderosa Avenue.

In no case would development be permitted to encroach upon the five foot minimum required rear yard area imposed by the code. As may be viewed on the Exhibits to this application and as discussed elsewhere in this narrative, the applicant has also taken further pains to maintain very significant additional setbacks from the riparian zone for any significant earth work.

The following language, provided as additional evidence in support of this aspect of the applicants' proposal, was excerpted from the consultant's letter to City Planning Staff of July 8th, 2008, and is hereby re-introduced to the record:

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the applicants' Conceptual and Detailed Development Plan provides compensating benefits in the form of side yards which exceed the 15' minimum standard for proposed Lots 1 and 9.

Page 21 of the applicants' existing narrative begins the following discussion:

> Reduce Side Yards
> Table 3.3-1 requires that rear yards be a minimum of five feet in depth; side yards a minimum ten foot depth; and that each lot have one useable yard of at least fifteen feet in depth. This proposal provides side yards of seven and one half feet (7.5') in depth for Lots 3 and 6's respective easterly sides and for westerly side yards of proposed Lots 4 and 7.
>
> In compensation, the plan incorporates rear yards which are well in excess of the five foot minimum required by code, with rear yards associated with this Conceptual and Detailed Development Plan ranging from twenty five to forty feet in depth. These substantial rear yards are considered a significant compensating benefit for the reduced side yards proposed herein.
>
> Corvallis code requires a seventy five foot wide riparian corridor associated with the creek on this site (Table 4.13-1); however, Table 4.13-2 only requires that fifty feet (50') of that riparian corridor be maintained in a separate "easement" or tract of land. In a March 4th, 2008 meeting with staff, which was conducted to review City planning and engineering's comments on a prior submittal, the project team inquired whether the additional twenty five feet of required riparian corridor was then eligible for use as rear yards in the detailed development plan. "*Otherwise, why the distinction between required tract width and the larger, total riparian corridor's width*?" all parties wondered aloud.
>
> The applicants hence requested a clarification from City staff: "*Does this, as it appears, permit the applicants to incorporate the balance 25' of protected riparian corridor as rear yards, subject to the same protections and restrictions of use as apply to the riparian easement / tract?*" The applicants' consultant was advised that this specific question was, at our request, brought before a weekly Thursday planning staff meeting at the City during early March, and the subsequent direction provided was that the additional riparian corridor could be incorporated as rear yard, provided the Conceptual and Detailed Development Plan satisfactorily demonstrated that the riparian zone protections would apply and could feasibly be enforced there as it is within the boundaries of Proposed Natural Resource Preservation Tract A.
>
> In order to ensure the above, the applicants have added a strongly worded and detailed statement to the Conceptual and Detailed Development Plan, Exhibit B. This statement reads:
>
> "***Natural Resource Preservation Tract A is proposed to be dedicated to the City of Corvallis. In addition, the highly protected riparian corridor extends for twenty five feet northerly beyond the northerly boundary of Tract A. Activities in the entire 75' wide riparian corridor required under CLDC Table***

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July 8th, 2008

Mr. Jason Yaich
Planning Division,
Community Development Department
City of Corvallis
PO Box 1083
Corvallis, Oregon 97339-1083

RE: Deer Run Park Planned Development and Subdivision

Hello Jason,

Thank you for your email of June 25th, and the follow up of today's date, concerning Wayde and Frankie Kent's concurrent applications for conceptual and detailed development plans and subdivision, most recently submitted on June 18th, 2008. Upon closely reviewing the comments contained in that correspondence and the pertinent sections of code, we have prepared the following consolidated response to your 13 items of note.

We seek to clarify herein any questions or concerns you have expressed. In some instances, it is possible that all parties may not be in total agreement with respect to what constitutes a "completeness" issue sufficient to delay scheduling the public hearing. Rather than split those hairs, though, we hope to establish, to everyone's satisfaction and through this correspondence, that the application is, with the provided information, complete to a sufficient extent to permit the scheduling of the hearing before the Corvallis Planning Commission. In general, the application team would like to thank you for your diligent eye for detail and close attention to this project, and we sincerely expect the proposal to be the better for it.

Specifically, regarding your item number:

1. It is our understanding from telephone conversations with Travis Munson at Foundation (geotechnical) Engineering that the "additional" information and details you requested from them in prior written comments (review letters of 3/4/08) and subsequent telephone correspondence are already detailed in the existing memorandum and, more specifically, the addendum of December 26th, 2007. I don't believe you had been provided a copy of the *addendum* prior to the City's prior written comments of 3/4/08 - I apologize for that.

Prior to my statement to you that we preferred not to amend FEI's report, Travis had told me that, once he pointed out to you the merits of the addendum, the only substantive change you requested of him was that the memorandum describe the chronological evolution of the geo-technical report relative to the few different layout scenarios we have contemplated, or that the report provide a bit of historical perspective. As you have witnessed, the applicants' proposal of three different arrangements of homes on this site has been in direct response to staff's extensive input, concerns and suggestions, and represents an ongoing effort to arrive at the best possible fit with the LDC given the significant site constraints present.

As a project team, we determined that it would be more efficient not to have FEI write a new memorandum if not absolutely necessary, particularly since no additional technical data appeared needed, and to instead provide that description you requested in two or three appropriate locations of the primary information source for the application, namely the applicants' narrative. This is, logically, where the FEI report is first introduced to the reader.

Importantly, the decision to describe the chronology of events pertaining to the geotechnical report in the applicants' narrative was of course also predicated upon an understanding that the substance of the original report remains applicable to the current plan. This is particularly true since it largely describes existing geological conditions on (and beneath) the site, which are not dynamic relative to the applicants' contemplation of alternative development patterns.

In sum relative to this point, you acknowledge Mr. Munson's professional opinion that the existing record adequately provides, "*...a written record of the Geotechnical Engineer's concurrence on the current site development plans and a(n) (full) acknowledgment that the previously drafted site analysis and recommendations for development are applicable to the current plans.*" I have reinforced that this is also the applicants' stance in my most recent submittal and follow up emails to you. The team is not aware of any further refinement, from a technical perspective, which is necessary at this point.

The applicants respectfully request that staff find this matter is addressed sufficiently in the existing record to schedule the hearing before the planning commission and to merit positive findings of fact relative to the code's criteria for development in inventoried hazard areas and on steep slopes.

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Alternatively, if you feel there are outstanding issues you have discussed with Travis which yet require clarification specifically from the geo-tech, please be aware that this was not my understanding, and please feel free to draft a condition to address this if you feel it necessary and appropriate, consistent with your comment below (excerpted from your email of 6/25/08):

"It is conceivable that a condition of approval can be drafted which requires a further refined geotechnical report, if and when the land use approval is obtained, since in my conversations with FEI, they acknowledged the new development plans and felt the original report and December 2007 Memo are sufficient."

2-3. Apparently, there was a software glitch in Peter's CADD file, affecting one or more of the sheets in our submittal. The drawings and narrative descriptions are otherwise consistent, to the best of our knowledge. We are targeting providing the new sheets or full sets of drawings to your office by the end of this week.

4. This is a good point; however, we did intend to take the former advice of staff and address the code's requirement for architectural details primarily with a list of architectural menu items which will be incorporated into and guaranteed for the development. As a supplement to that discussion, which is located at page 100 of the narrative and also addressed at pages 35 and 66, we provided in our recent submittal, at Attachment D, some floor plans depicting homes that fit very closely with the applicants' proposal, with the exception of incorporating garages on the second level as we have proposed. We are pursuing better illustrations which include the garages, but in the mean time ask that the application be deemed complete relative to this requirement based upon our having provided the list of menu items as previously advised by staff. Please add the attached "Attachment D – Introduction" to our application packet, which was excerpted from the existing narrative in order to make it's location clearer to the Commission. If you require us to provide additional copies of this, please advise and we'll gladly do so.

5. Agreed. I had this same concern about the CPI letter. I understand that Peter Seaders, the project civil engineer, has requested the needed clarifying letter from CPI. We'll provide it as soon as it arrives. At this point, we would like to inquire on the applicants' behalf whether this is a matter which could be satisfied through imposition of a condition of approval, or otherwise deferred to permit scheduling the hearing at this time.

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6. The applicants continue to propose that the twenty five foot wide "Proposed Riparian Corridor Maintenance Easement to City of Corvallis", or that portion of the 75 foot wide highly protected riparian corridor which lies outside of the fifty foot tract required under CLDC Table 4.13-2, be considered as "useable yard" for purposes of satisfying CLDC 3.3.30.e.2.'s requirement for "*...a minimum 15 ft. useable yard either on the side or rear of the dwelling.*" We note that the code does not provide a definition of "useable yard", although both of the terms "use" and "yard" are defined:

> "*Use – Purpose of or activity on a site.*" (CLDC Page 1.6-58).
>
> "*Yard – Open space unobstructed from the ground upward except as otherwise provided in this Code. In the case of a corner lot, the front, rear, and side yards that were determined at the time of original construction of structure(s) on the lot may be used for the purposes of remodeling, rebuilding, and/or constructing additions, accessory structures, etc.*" (CLDC Page 1.6-63).
>
> The code further describes rear yards thus:
>
> *"Yard, Rear - As shown in Figure 1.6-31 - Rear Yard below, yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel to the nearest point of the main building."* (CLDC Page 1.6 64).

Proposed rear yards as defined above average just over thirty feet in depth, far exceeding the 15' minimum standard. North of the proposed natural resource preservation fencing, rear yards are fairly narrow, particularly on the westerly end of the development area. Since these portions of the proposed rear yards average between 5-10 feet in width, full compliance with CLDC 3.3.30.e.2. north of the fence is not feasible. Staff's suggestion for providing additional outdoor area under a cantilever of the structures does not appear to be consistent with the code's definition of rear yard, above, and may not meet the test for "useable yard".

We note that the term "useable yard" does not inherently require that the available uses be wholly un-restricted; indeed, many yards or portions thereof are reserved for tree and other resource protection, often at property owners' discretions, around the community. These yards nonetheless remain useable for a wide variety of typical yard uses.

The use restrictions imposed by the applicants' conceptual and detailed development plan leave a sufficient range of options for enjoying the private rear yards south of the fences to warrant considering those areas as "useable yards" for purposes of this section.

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This range of permissible activities nonetheless stops well short of permitting any ground disturbing activities, including but not limited to the erection of structures or play equipment and removing vegetation. The applicants remain open to working with Staff and/or the Commission if any amendment(s) to the strongly-worded use restrictions statement on the conceptual and detailed development plan is/are desired in order to reinforce the protection of the site's natural resources.

Rather than request a reduction in or waiver of the 15' yard standard in question, the applicants prefer to request that the privately owned rear yards south of the natural resource protection fencing be considered as contributing to, in fact exceeding in terms of required square footage and dimensions for private yards, the minimum 15' useable yard requirement.

7. I will ask my contact at Allied Waste to confirm in writing the details of our conversation, in which we concluded that the development may be served by individual trash and recycling accounts, and no dumpster or similar collection area would be necessary. I will get you a copy of this written confirmation as soon as I am able to obtain it, and would humbly ask that this issue not hinder the project schedule.

8. We will be submitting a revised Landscape and Irrigation Plan which depicts the relocated trees. As stated, this submittal is targeted for the end of the current week.

9. It does not appear that the 48 square foot standard of CLDC 3.3.40.c. applies to this proposal for single family attached dwellings, but that the pertinent language from that section would require a minimum of ten percent of each lot's total area be "*designed to be viewable and accessed by the interior space via doors and windows.*" In either case, the applicants demonstrate consistency with this section by providing an excess of ten percent of each lot's total area in rear yards. For example, Lot 1 is 6,464 sq. ft. in area, compared with a 2,000 square foot rear yard (31% as compared with the 10% minimum); Lot 2 is 2,708 sq. ft. in area, with an 850 sq. ft. rear yard (also 31%); Lot 3, at 3,993 sq. ft., has over 1,100 square feet in rear yard, or about twenty eight percent of it's total area. All nine of the proposed parcels exceed the standard by providing rear yards, in excess of the minimum area requirement of this standard, which are viewable and accessible from the interior living spaces by windows and doors.

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Section 3.3.40.c. provides: "*These Private Outdoor Space requirements may be met by providing private side or rear yard area, patios, and/or balconies for dwelling units.*" This appears to be consistent with the applicants' proposal.

In addition to the very large rear yards which are common among all of the proposed new parcels, Lots 1 and 9 in particular also enjoy considerable contributions from their side yards. Specifically, Lot 1 boasts about 600 square feet of private (westerly) side yard; Lots 3 and 4 each have side yards of approximately 280 square feet in area; Lots 6 and 7 have side lots of about 250 and 200 square feet, respectively; and Lot 9's easterly side yard is about 750 square feet in area.

This includes a north / south oriented chip path for providing sanitary sewer manhole access to the City. This extensive side yard in Lot 9 is complemented by a rear yard of a whopping 1,820 square feet, or 26% of this 7,009 sq. ft. parcel's total area. These two yards combined comprise 37% of the site's total area, seventy percent of which is in green cover.

The application exceeds the standard.

10. I understand that Peter is modifying the plans to comply with this requirement for a minimum five foot separation between the private sidewalk and dwelling unit on Lot 1. Please see our prior commitment under this cover relative to the timing of submittal for revised drawing sets or sheets, as to be determined.

11. Digital copies of the application materials are forthcoming upon resolution of all remaining substantive matters.

12. The applicants hereby request the Commission employ the flexibility afforded under the PD process in applying two sign code provisions of CLDC 4.7.90..01.b.3. The sign proposed at Attachment H qualifies as a "monument" sign and as such is not normally anticipated in a residential zone, except in association with planned developments, where they are quite common, if not standard. This section does permit monument signs when "*primary frontage exceeds 100 ft.*". Primary frontage is not defined. No single proposed parcel would have frontage of 100 feet or more; however, the development area as a whole exceeds this standard considerably.

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Section 4.7.90.09.b. allows that the Commission may approve a sign for a planned development, even if that sign does not conform with provisions of the sign code, given a finding that the sign is "*...compatible with the types of development, existing and future, surrounding the Planned Development*". As stated, monument signs can be observed throughout the community as a standard component of almost any planned development. The above standard appears to be met, since the surrounding, Low Density Residential zoning in the vicinity of the site would facilitate other planned developments, and similar signs to the one proposed are viewable in the general neighborhood.

The applicants request that a monument sign be permitted, and that the area limitation of 4.7.90.01.b.3.(c), a maximum of sixteen square feet in area, be supplanted with the standard for monument signs found in Table 4.7-2, *Sign Standards for the MUR and Monroe Avenue Minor NC Zone.* More specifically, the applicants' proposed sign is approximately thirty square feet in area, as compared with the 16 sq. ft. standard of the cited section of code and the 32 sq. ft. standard of Table 4.7-2.

Attachment H appears to be otherwise consistent with the provisions of CLDC 4.7.

13. I understand that Peter has made the modifications to the drawings to reduce the fence height to three feet and relocate the bicycle parking to outside of the front setback. We remain open to discussions with staff and / or the Commission concerning the relative safety of a three foot fence versus a five foot fence in this instance, considering the close proximity of the retaining wall and significant change in grade.

I believe that concludes the substantive comments you provided in the email of 6/25/08. In an email of today's date, you copied me on Gordon Kurtz' letter from Benton County, and indicated that those County issues could appropriately be dealt with through imposition of (a) condition(s) of approval. The applicants agree, and appreciate this approach.

Consistent with City Development Service's comments which you forwarded to me today, Peter will provide additional discussion of the maneuver-ability of vehicles which would be utilizing the five parking spaces on the development area's easterly and westerly extremities. We concur with your statement that this should be made available prior to or at the public hearing, and that it need not delay the schedule at this point.

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We hope that you will find these discussions helpful, and please call me if you'd like to talk about any aspect further, as I'll be away from the computer the rest of the week. Thank you, Jason.

Sincerely,

Creed A. Eckert, AICP
creed333@q.com
(541) 908-3834

c: Peter Seaders, Project Civil Engineer
Wayde and Frankie Kent, Applicants
Margie Holland, Project Realtor
Foundation Engineering, Project Geo-Technical Engineer

Plan and Engineering combined letter.pdf

Community Development
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501 SW Madison Avenue
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Planning@ci.corvallis.or.us

aka: Attachments C.1 & C.2

March 4, 2008

Creed Eckert
1320 SE Park Avenue
Corvallis, OR 97333

RE: Madrona Oaks Subdivision proposal (PLD08-00002 / SUB08-00002)

Dear Creed:

Staff has finished reviewing the application that was submitted for the case noted above. The following discussion identifies deficiencies in the application that must be resolved before it is considered complete. The Planning Commission will be unable to approve an incomplete application if it cannot ensure that required criteria have been met. Therefore, please submit the following information :

1) **Application Requirements** –

A. Geotechnical Report (LDC Section 4.5.60.05.b.4) – The submitted geotechnical report, date June 21, 2007, and updated through a Memorandum dated December 26, 2007 is based on a previous project design, and does not factor in the design of the new proposal. The portions of the report (text and graphics) that reference the previous design will need to be updated to reflect the new proposal, and any changes to the "key technical issues" (page 3) or "construction recommendations" (page 5) will need to be highlighted.

Findings presented in the December 26, 2007 Memorandum from Foundation Engineering can be incorporated into the updated report where applicable, but some portions of the December 26, 2007 findings will need to be updated as mentioned above and below.

Please ensure that all items listed in LDC Section 4.5.60.04.b (1 through 9) are addressed in the Report, or separate assessment.

B. Map Correction Process for Identified Landslide Runout Hazard / 500' buffer– As discussed at the March 4, 2008, staff review comment meeting, it was determined that the proposal does not seek to alter the City's Natural Hazards map with regard to the mapped landslide runout area and 500' landslide buffer. The majority of the proposed development does not occur within the mapped landslide runout area (channelized debris flow). However, there are some limited improvements proposed within this area (rock lined swale and Ponderosa Avenue street improvements). The development does occur within the 500' buffer area. The

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geotechnical report (original June 21, 2007 submittal and December 26, 2007 addendum) will need to be revised to provide greater discussion about the landslide issues on the development site. While the December 26, 2007 addendum does provide a cursory analysis of off-site up-slope and downslope landslide risk and post-development impacts to these areas, the analysis should be refined to include specific discussion about the following :

- The report should thoroughly analyze all potential landslide types applicable to this site, including and not limited to the channelized debris flow / runout area as currently mapped. If no other types of landslides are attributable to the site, the report should specify this
- Post-development analysis should reference potential impacts of the currently proposed grading plan including, but not limited to : mass grading, Ponderosa Ave. sidewalk fill, impacts to existing drainage patterns, retaining walls, and the rock lined swale. The report should be specifically updated to reflect an analysis based on the current project design
- A discussion about how the subject site contains the mapped landslide runout area
- A discussion about how the subject site is impacted by the 500' buffer AND graphic that illustrate the mapped hazards that are related to the buffer area
- The geotechnical evaluation should indicate whether the proposed development will or will not exacerbate landslide risk within the confined channel, nor be adversely impacted by such an event based on the project design
- Prior to development, an indemnification agreement shall be prepared by the applicant, and reviewed and accepted by the City, in compliance with LDC Section 4.5.70.04
- References in the narrative to the Map Correction process should be removed
- References in the narrative to the geotechnical investigation should be updated, as necessary, based on the geotechnical revisions requested above

C. Baseline data for existing grade / cuts & fills analysis – It is not clear from the application materials whether the cuts and fills analysis (including cross sections) takes measurements from a baseline of natural grade, or from the non-natural fill that exists on site. To help clarify this issue, please revise the drawings to note that all measurements are based on natural grade without consideration of existing on-site fill, which is to be removed based on the geotechnical recommendations.

Additionally, please ensure consistency between the revised geotechnical report's recommendations (soil preparation / benching / compaction / fill / expansive soils treatment) and the proposed grading plan. It is likely that the geotechnical report will have revisions related to benching / preparation of the native soils that impact the proposed grading plan. The proposed grading plan should reflect the results of the Standard Benching Detail provided by the geotechnical consultant, as well as the crushed-rock recommendation for areas where building or wall foundations will come in contact with expansive soils.

D. Expansive Soils - Soils data presented in the December 26, 2007 geotechnical report addendum indicate the presence of expansive soils on the site. Foundation Engineering recommends a minimum of 24 inches of compacted, crushed rock be placed between the foundation improvements and the subgrade, but this additional cut and fill is not represented on the grading plans, cross-sections, nor in the analysis of requested variations to the cut and fill standards. Revise the drawings and cuts & fill analysis to reflect the geotechnical recommendations.

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E. Development on Steep Slopes – Provide a separate, composite drawing that contains the site's slope data polygons (slopes greater than 15%) and the proposed development, to understand what portions of the development are affected by LDC Sections 4.5.60.06, 4.5.60.07, and 4.5.60.08. This will help clarify where the development complies with the standards and exemptions, and where a variation request may be necessary.

F. Sheet C.1 – Proposed Grading Plan – On this sheet, it is not clear where on the site, the proposed variations to the 8' cut/fill standard are to occur. Please add labels to the "Areas Exceeding 8' Fill" chart to indicate what units are being used for the "Area" data. What does the "Color" field represent ? Ensure consistency between drawings by incorporating data from the cross sections, which illustrate areas of proposed variation to the 8' standard, on Sheet C.1. Update the narrative, if the calculations representing variations to the 8' cut / fill standard change significantly.

G. Development Effects on Hydrology – Page 97 of the narrative includes a response to LDC Section 2.4.30.04.b(4), which requires the application to address potential impacts on the hydrology of the subject Riparian Corridor. The information presented focuses on the excavation and grading activities that would take place outside of the boundaries of the riparian corridor, as well as some limited encroachments in the form of the proposed rock-lined swale, utilities, and possibly roof drains. While this aspect of the development certainly has the potential to alter existing hydrology of the associated Natural Resources, th discussion should also address the long-term effects related to developing an area upslope o the identified Riparian Corridor. For example, the following issues, at a minimum, should b discussed more extensively on Page 97 or elsewhere in the narrative:

- What surface and subsurface drainage impacts might result based on the roof drainag design and the rock lined swale ?'
- What mechanisms will be used to retain the existing surface water dispersion pattern after the site topography has been extensively modified?
- Is the proposed rock lined swale sufficient to achieve these conditions?
- Based on information presented, several of the trees located within Tract 'A' are oaks. Experience has shown that modifications to seasonal soil moisture patterns can result in deleterious impacts to oak trees. As noted above, the vegetation within this identified Riparian Corridor is one aspect for the level of protection assigned to it. How has the proposal accounted for potential indirect hydrologic impacts to this resource, based on the current design which interrupts and redirects current stormwater flows ?

H. Project / Subdivision Name ("Madrona Oaks") – As reported by the Benton County Surveyor's office, the name "Madrona Oaks" does not meet County naming standards. Please confer with the Benton County Surveyor's office for approval, and revise the submitted name accordingly.

I. 20-ft. Power line easement – B.C. survey records indicate the presence of a 20-ft. wide power line easement, which extends east-west along the north property line of the subject property line. The Detailed Development Plan submittal indicates that several private improvements (ex. Stairs, retaining wall, trash enclosure, etc.) are proposed to be located within this easement. Please confer with the applicable franchise utilities to ensure that the proposed

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private improvements can be constructed as shown. Provide documentation of their acceptance of the proposed improvements.

J. Individual Unit Driveway Configuration / Landscape Strip – Per LDC Section 4.10.60.01.a.3 and Figure 4.10-15, where vehicle parking is provided in individual driveways for each of the 9 individual units, each driveway requires a landscaped separation (see the Figure for an example). Typically this separation should be a minimum of 5' wide. The submitted Detailed Development Plan does not show this separation requirement between Units 2 & 3, Units 6 & 7, and Units 7 & 8. Please correct all applicable drawings to reflect this requirement.

K. Pedestrian Connections between Individual Units & Common Sidewalk – Per LDC Section 4.10.60.06 (c) & (d), a separate 5-ft. wide sidewalk is required to be provided between the front door / entrance of each unit and the common sidewalk. Please correct all applicable drawings to reflect this requirement.

L. 15' Usable Yard Calculations – The proposal seems to intend that the required 15' usable yard (375 sq. ft and 15' min. dimension per unit) is to be located to the rear (south) side of each unit. Please provide further analysis and calculations to show what percentage of the required 375 sq. ft. is met for each unit, and indicate which specific units do not meet the minimum 15' dimensional requirement.

M. Vehicle Parking Dimensions / Tandem Parking in Driveways – The City's Off-Street Parking & Access Standards limit tandem parking as follows:

C. Tandem Parking - Tandem parking is the parking of two vehicles, one in front of or behind the other, which requires one of the vehicles to be moved in order for the other vehicle to enter or exit. Two cars parked in such an arrangements shall be referred to as a tandem parking stall. Tandem parking is sometimes referred to as stacked parking. Tandem parking is not parallel parking. Tandem Parking is permitted only for the following Residential Building Types, as defined in Chapter 1.6 of the Land Development Code: Single Detached, Single Detached (Zero Lot Line), Duplex, Single Attached (Zero Lot Line), Attached (no more than three dwelling units), and Manufactured Homes. There shall only be two cars parked in tandem per dwelling unit. A tandem parking stall must serve only a single dwelling unit. The minimum size of a tandem parking stall is 9 feet wide by 39 feet deep.

Based on the above language, the proposal does not meet the City's standard, both because tandem parking is not permitted for triplexes, and because several locations do not meet the dimensional standards listed above. Please revise the plans to comply, or indicate that a variation to the standard is requested. If a variation is requested, indicate how compensating benefits have been provided in relationship to the standard.

N. Vehicle maneuvering – Unit One – As discussed at the staff meeting, there were some concerns about vehicle maneuverability, particularly in the scenario of backing out of the driveway for Unit One. There was a concern about whether there is enough room to safely back out without hitting the proposed retaining wall. City parking standards typically look for a minimum distance of 26 feet (per the Off Street Parking and Access Standards), for 90 degree backing in relation to fixed objects (such as another vehicle or a wall). Please ensure that all proposed parking spaces comply with the City's design standards.

O. Shared Bicycle Parking – Multi-dwelling units with more than 10 required bicycle parking spaces (this proposal requires a minimum of 18 bicycle parking spaces) are required to provide a common bicycle parking area containing at least 15% of the required 18 spaces. Please correct all applicable drawings to reflect this requirement, and revise the applicable portions of the narrative (ex. bottom of page 74) to more clearly indicate that the shared bicycle parking area will be provided as required by the LDC.

P. Mechanical Equipment Screening – Please indicate conceptually, any probable locations of exterior mechanical equipment (ac / heat pumps) to indicate how LDC Section 3.3.30 (k) will be satisfied.

Q. Trash Enclosure / Recycling – Please contact Allied Waste to verify their acceptance of the conceptual trash enclosure design, access, and location, as well as any recycling facilities that might be required by Allied Waste and/or State law.

R. Landscape Plans –

1. LDC Section 4.2.30.a(3) requires trees to be planted 30' o.c. along pedestrian connections (common private sidewalk on-site). Revise the landscape plans to comply.
2. LDC Section 3.3.40 (c) requires a min. 48 sq. ft. of private outdoor space per dwelling unit. Please describe how this standard will be satisfied. Refer to this Section for specifics.

S. Variations to Maximum Front Yard Setback and Building Orientation Standards – As mentioned at the staff meeting, the burden of justifying the requested variations to the standards for maximum front yard setback and building orientation lies with the applicant. The application will need to provide graphics / written description of how proposed grading is impacted when you compare placing the three triplex buildings against Ponderosa Ave. versus against the south property line (how is the driveway profile and fill affected by placing it on the south side of the buildings ? what about adverse impacts to the Natural Features ?). The applicant needs to show that there is a benefit to placing the parking / drive aisle on the north side of the buildings. The discussion in the middle of pages 44 and 63 of the narrative begins to address this, but does not look at the issue in detail, as is necessary to justify the variations. Please provide graphics that illustrate how grading is impacted by providing the driveway on the south side of the units instead of between the dwellings and Ponderosa Avenue, to compare designs from a grading and impacts to natural features perspective. You can reference the graphics in the portions of the narrative that address this topic, for greater clarity.

T. Tree Removal – Pages 65, 66, and 83 of the narrative indicate that the applicant would like the flexibility of being able to remove "any or all of trees on the parent parcel which are located outside of the highly protected riparian zone, as needed to facilitate development…", but other portions of the narrative and graphics suggest some of these trees are to be protected and it is noted that this justifies some of the variations that are being requested. This appears to be a contradiction. Please present one, consistent proposal related to disposition of certain trees located outside of the riparian corridor.

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2) **Public Infrastructure & Benton County jurisdictional comments** –

A. Refer to the attached memorandum from Development Review Engineering, dated March 4, 2007, for comments related to additional geotechnical issues, traffic & circulation, bicycle & pedestrian, public facilities and services, drainage, and franchise utilities.

B. Refer to the attached letter from Benton County Public Works, dated February 29, 2008, for additional infrastructure comments.

3) **Fire Department comments** –

A. Based on the project design, and Fire Code and policy requirements, all nine units will need to have automatic fire sprinklers.

B. The common access driveway will need to be designed to allow fire truck / apperatus access and will need to be signed and/or striped for fire lane purposes, as determined by the Fire Department.

4) **Project Schedule** –

A. Tentative Hearing Date - A public hearing before the Planning Commission has been tentatively scheduled for this case on April 23, 2008. **However, that date is contingent upon receipt of revised application materials by no later than March 14, 2008.**

B. Public Notice Requirements - A public notice of the hearing will be mailed on or around March 31, 2008, on which date the site shall also be posted with a copy of the notice. Please coordinate with City staff (766-6908) to receive the necessary materials.

C. Time Extension - If you feel that you will not be able to submit the missing application materials by March 14, 2008, please submit written authorization for an extension to the State-mandated "120-Day Rule.", and indicate the additional amount of time you will need.

If you have any questions or comments regarding the items discussed above, please do not hesitate to contact me at (541) 766-6908, or Jason.yaich@ci.corvallis.or.us.

Sincerely,

Jason Yaich
Associate Planner

Cc: Frankie Kent, 2485 NE Strawberry Ln, Corvallis, OR 97330
MSS Inc., Attn. Peter Seaders, 535 SW 4th St., Corvallis, OR, 97333
Foundation Engineering, Attn. Travis Munson, 820 NW Cornell Ave., Corvallis, OR 97330
Cole Surveying, Attn. Brian Sailor, 6765 SW Philomath Blvd., Corvallis, OR 97333
Matt Grassel, PW Development Review

RECEIVED

MAR - 4 2008

Community Development
Planning Division

MEMORANDUM

TO: Jason Yaich, Planning

FROM: Matt Grassel, Development Review Engineering MC

DATE: March 4, 2008

SUBJECT: Madrona Oaks (Formally Ponderosa Heights) - PLD08-00002 / SUB0800002

Development Engineering staff has completed a review of the above-referenced application. Our comments and concerns are noted below.

General

1. The geotechnical report submitted with the application is a draft dated June 21, 2007. A final version was previously submitted July 30, 2007. Both of these are for the previous development iteration and should be revised to be consistent with the current development proposal. Additionally, there is no discussion on the use of retaining walls on site or the use of pervious pavement.

2. The applicant should verify the contours for the site along the south side of NW Ponderosa Avenue. It appears that there is more of a slope south of the road on the west end of the site especially around the culvert.

Traffic/Circulation & Bicycle/Pedestrian

1. This section of NW Ponderosa Avenue is under County jurisdiction. Please refer to the email dated February 29, 2008, for comments from Benton County.

2. NW Ponderosa Avenue is designated as a collector street. The application narrative cites it as a neighborhood collector. LDC Table 4.0-1- Street Functional Classification System specifies a minimum collector ROW width of 68 feet consisting of 11-foot travel lanes, 6-foot on-street bike lanes, 12-foot planter strips, and 5-foot setback sidewalks. The existing condition for NW Ponderosa Avenue is a pavement width of about 20 feet, roadside ditches and no sidewalk within a 40-foot ROW.

3. The application proposes a ROW dedication of 8 feet, and a reduction in the planter strip from 12 feet to 6 feet along the easterly 350 feet of the site. On the westerly 250 feet of the site, the applicant proposes to install a curbside sidewalk due to the riparian corridor. A ROW dedication of 14 feet to achieve 34 feet from

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original ROW centerline would be typical. Due to development constraints, a reduced planter strip may be logical, although the City may want to consider a slope easement behind the ROW or the full-width ROW for grading purposes. At a minimum, NW Ponderosa Street improvements should consist of a sidewalk and adequate planter strip on the south side and pavement section consisting of curb and gutter on both sides, two 6-foot bike lanes and two 11-foot travel lanes. Standard collector street improvements may have ZOB and/or SDC cost reimbursement eligibility. Since the parcels on the other side are not fully developed and the ROW on the north side is not sufficient to install standard improvements, it may be logical to install a 3/4 street improvement and defer the sidewalks and planting strips on the north side to future development.

4. The applicant should expand on the justification of the reduction of the planter strip and use supporting code sections in LDC Chapters 4.0, 4.5, 4.12 and 4.13 which may add credibility to the argument. The application should clearly and concisely explain the basis for the request of reducing the planter strip in areas not subject to Section 4.0.30.a.2. This should be discussed in detail in one area of the application and then referenced in other areas in which the discussion may apply. Additionally, they may want to reference LDC Section 4.2.39.a.1.d).

5. On page 36 of the application, it is proposed that the bike lane is terminated at the riparian zone's frontage on the right-of-way. This is **not** consistent with LDC Section 4.0.60.k.9 or sheet B of the plans. The application shows eliminating planter strips along the portion of the site that is subject to riparian corridor protection, which is consistent with LDC Section 4.0.60.k.9.

6. On page 36, the applicant references prepayment for improvements. This is inconsistent with some of the improvements shown in the drawings (sheet B) and discussions in the narrative. Prepayment is an option per LDC Section 4.1.40 b, Access to Unimproved Streets when development constitutes infill on an existing substandard public street. Because standard street improvements abut the site to the east, this development does not meet that condition.

7. The City's Off-Street Parking and Access Standards require that driveway accesses to arterial or collector streets have a vision clearance triangle of 25 feet maintained between an elevation of 2 feet and 8 feet above the driveways. The applicant has requested a reduction in these minimum standards. As noted above, the applicant is proposing to reduce the planter strip which reduces the ability for a car to pull forward before entering the roadway, and the existing street sight distance is limited due to the hill in NW Ponderosa Avenue on the east end of the property. It may be possible to shift the driveway to the west to align with the driveway on the opposite side of Ponderosa and improve the site vision triangle.

8. There is concern by City staff about the retaining wall along NW Ponderosa Avenue which appears to be almost 10 feet high. The applicant is proposing a reduction in the planter strip along the street and also decreasing the proposed

setback to the retaining wall. This retaining wall and recommendations for it are not included in the geotechnical report. Since NW Ponderosa Avenue is under County jurisdiction, they would also need to comment on the wall issue and any perceived impact to NW Ponderosa Avenue. In talking with County staff, their main concern is that there is adequate design and analysis for the retaining wall which would typically occur with the design phase.

9. If the standard ROW width is reduced and/or we have slopes next to the road, the City may pursue the requirement for a slope easement behind the ROW. This would allow grading construction activities to facilitate road construction and maintenance.

10. City Standard Detail 106 requires a 1-foot level area behind the sidewalk. The maximum downhill slope behind the sidewalk is 2:1 or 22.5 degrees.

11. With NW Ponderosa Avenue being a collector street with no parking and the site development lacking internal local streets, there will not be an excess of parking for occasional use. In residential areas along collector or arterial streets, such as SW Technology Loop, there have been instances of vehicles parking in the bike lane which is not allowed.

12. The applicant has provided ITE trip rates for the development which are discussed in several locations. One discussion which is referenced as needed in various sections may be more consistent. A memo or sheet tabulation of the trip generation needs to be stamped by an Engineer and submitted with the application.

PUBLIC FACILITIES AND SERVICES

1. The site is located in the third level service area (410'-560'). The Corvallis Water Distribution System Facility Plan shows extension of a 3rd level 16-in waterline which is consistent with the applicant's plans. Additionally, a hydrant would be required at the end of the line. Location of hydrants are typically determined during the construction plan phase. On pages 38 & 93, there is reference to an existing 12-in main. Some cost of this line may be eligible for SDC reimbursement.

2. Per LDC Section 4.2.30.b.2.d, trees may not be planted within 10 feet of a public sanitary sewer, storm drainage, or waterline. These standards should be followed to avoid issues at the time of review of the Public Improvements by Private Contract (PIPC) plans. Final utility and landscape plans will need to meet this standard.

3. It is recognized that the existing sanitary sewer manhole at the SE corner of the site is difficult to access. From the plans, it appears that developed grades down to this manhole will be approximately 22%. Please address access to this

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manhole and sewer line. All-weather access to this manhole should be considered and discussed.

4. The sewer line has a 10-foot drop at SSMH#3. This limits the service area of the sewer line. A drop will not be allowed unless it is demonstrated that the sewer, as proposed, will be able to serve the intended basin.

5. The first paragraph on page 38 discusses connecting the sewer to a 16-inch main. I think this is a typo.

DRAINAGE

1. It appears that the area drains into the west branch of Dixon Creek. This drainageway flows down to an inlet on Amanda Place. According to the Storm Water Master Plan (page 6-12), this inlet was upgraded in 1999. Prior to these improvements, there was occasional localized flooding in the area of the inlet.

2. There is no storm drainage shown for NW Ponderosa. Please address street drainage as well as detention and water quality requirements for the street area.

3. On page 69, the applicant references the use of pervious concrete, but there is no discussion of this in the storm drainage section. This should be discussed in the storm drainage section as well as mentioned in the geotechnical report since it may impact site recommendations.

4. There is a water quality manhole mentioned on page 62 of the application. This is not shown on the plans or discussed in the other sections on the storm drainage system in the application. Please update applicable sections of the plans/application to be consistent.

5. LDC Section 4.0.130.b.1 specifies that developments creating impervious area greater than 25,000 sq. ft. are required to implement storm water detention. Per LDC Section 4.0.130.c, the Corvallis Design Criteria Manual (SWMP Appendix F), and King County Surface Water Design Manual, developments generating 5,000 or more sq. ft. of pollution-generating impervious surface area shall implement water quality treatment. The application should cite the criteria listed herein, estimate impervious areas, and describe how the criteria are being addressed. Special attention should be given to use of pervious pavements on this site given slope and fill considerations.

6. The rock-lined swale may serve as a conveyance facility, but it is not clear what water quality standard the rock swale would meet. Typically, swales for water quality are vegetated and are limited to slopes of 6%. Please refer to King County, Washington Surface Water Design Manual for additional water quality swale design criteria. Also address the outfall from the conveyance facilities to the drainageway area. On page 38 of the application, there is mention of discharge through a percolator in the riparian area. Please clarify this peculator

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 337 of 395

feature.

7. Please note the intent of ownership for the on-site storm drainage. LDC Section 4.0.70.a specifies that all development sites be provided with public water, sanitary sewer, storm drainage, and street lights. Public drainage for the site is provided by the drainageway. LDC Section 4.0.70.f describes the conditions under which a private storm drain may be allowed. Private water quality and detention systems would be permitted by Development Services. Please be aware that drainage from a public street cannot flow through a private system.

8. Per LDC Section 4.13.70.20.d and Table 4.13-2 the drainage easement required for this area is 50 feet. For drainageway purposes, additional width beyond 50 feet would not typically be required due to the relatively small creek size. If there are private storm drainage facilities located within a dedicated tract, the applicant will need to reserve easements for the private drainage facilities. Any dedicated drainageway will increase maintenance responsibilities for City crews.

Franchise Utilities

1. The applicant shows a 10-foot PUE behind the ROW. This should be referenced as a UE (utility easement).

If you have any questions or need to discuss this information in greater detail, please call me at 766-6729 ext. 5082.

cjt
X:\Divisions\Engineering\Development Review\Projects - Development\Ponderosa Hts_Madrona Oaks\Planning Commission_Council\MadronaSRC Memo.wpd

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 338 of 395

February 29, 2008

Jason Yaich
City of Corvallis Community Development
501 SW Madison
Corvallis, Oregon 97333

RE: **Madrona Oaks Subdivision**
File #: PLD08-00002 / SUB08-00002
T11S – R5W – Section 21CB – TL 500
Ponderosa Avenue – County Road #: 15620

Jason,

This letter is to provide comments for the above noted planned development and subdivision. Staff has reviewed the submittal and discussed the pertinent issues and identified a few issues of concern to the County.

The County has previously designed the centerline of Ponderosa Avenue. The applicant must ensure that the proposed centerline matches the existing design. This information is available from Benton County Public Works at the Avery Complex. There is a vertical curve proposed. This vertical curve must match that of the design provided for the Ponderosa Pointe Subdivision.

The County will require street improvement along the ***full*** frontage of the property. The County will not accept pre-payment for a portion of the frontage improvements. This portion of Ponderosa has been very slow to develop and any pre-payment based on existing material and labor prices would be unlikely to cover the cost of the improvements in the near future.

Special care must be taken during removal of the fill material noted in the geotechnical report provided by Foundation Engineering, Inc. It is critical that during the removal of the material that the base rock and asphalt on Ponderosa Avenue be protected. Should the removal damage the road in any way a full depth and full width reconstruction will be required in the damaged section and 20 feet on either side of the damage.

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The County will defer to the City in all other matters as the development falls within the City Limits.

Please feel free to contact me if there are questions or concerns.

Sincerely,

Gordon P. Kurtz
Associate Engineer
Benton County Public Works

Cc:	Ray Wilson	BCPW
	Roger Irvin	BCPW
	Keith Turner	City of Corvallis

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Attachment C

ATTACHMENT C-3

RESERVED, BENTON COUNTY PUBLIC WORKS COMMENT LETTER

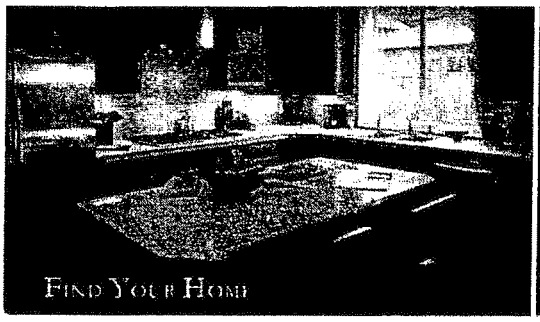
PLEASE NOTE: THIS IS FORTHCOMING AT THE TIME OF PRINTING.

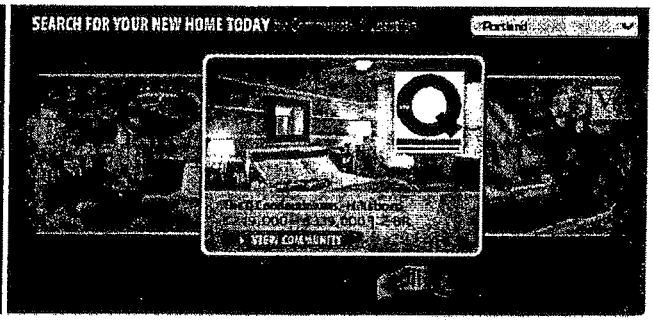
ATTACHMENT D-1

LEGEND HOMES

EXPLORE OUR
Upcoming Communities
FIND OUT MORE

SITEMAP



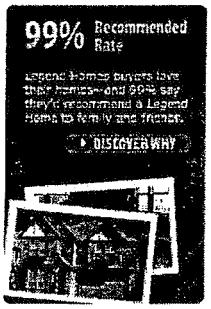


HOME | FIND YOUR HOME | THE Q CONDOMINIUMS | PHOTO GALLERY

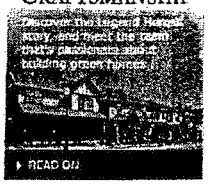
Photo Gallery

- THE Q CONDOMINIUMS
- HOME AMENITIES
- COMMUNITY FEATURES
- COMMUNITY MAP
- PHOTO GALLERY

EXCLUSIVE
DESIGN CENTER
Customize your home to reflect your style by visiting our Design Center. Our design pros can help you!
VIEW DESIGN OPTIONS



COMMITTED TO
CRAFTSMANSHIP



CCB# 60563 See sales representative for details. Prices, amenities and availability are subject to change without notice. Room sizes, square footage and ceiling details vary from one elevation to another. Marketed by Legend Real Estate Services
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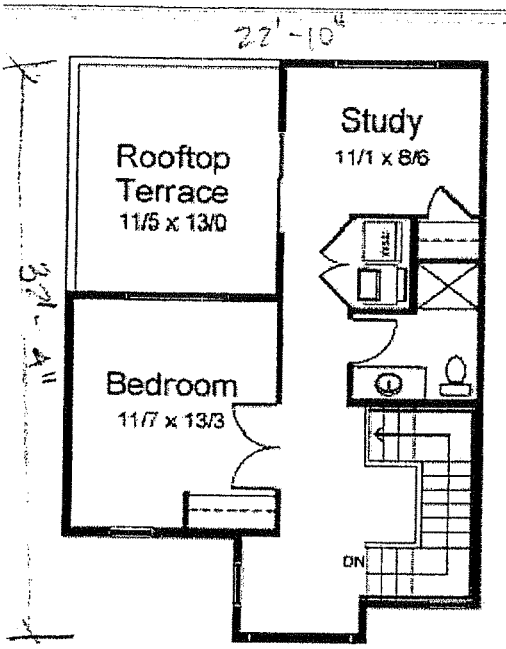
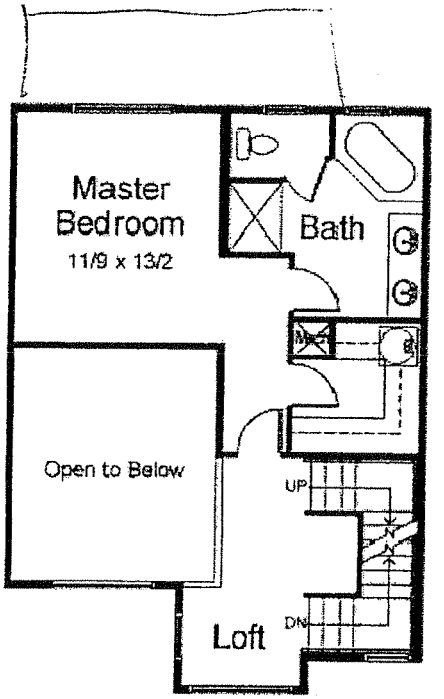
CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 342 of 395

D-2

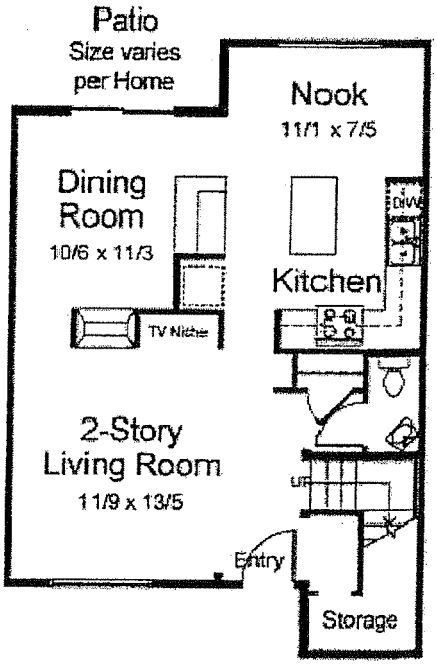
The Pearland | 1842 Sq. Ft.



Terrace Level 519 Sq. Ft.



Upper Level 575 Sq. Ft.



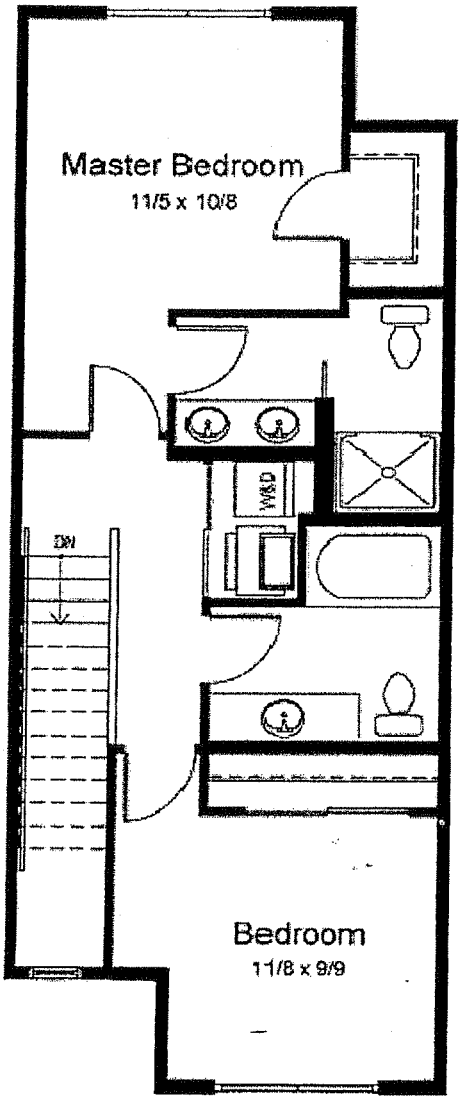
Main Level 748 Sq. Ft.

Marketed by Legend Real Estate Services. Renderings are artists conceptions & are not intended to depict an actual building, fencing, walkway, driveway or landscaping & are not to scale. Square footages are approximate and based upon "architectural" measurements taken from architectural plans. Final square footages may differ, and the square footages as shown on the condominium declaration and plat will be based upon condominium measurement standards which are not the same as "architectural" measurements. Room sizes, square footage & ceiling details vary from one elevation to another. In the interest of continuous improvement Legend Homes reserves the right to modify or change the floorplans, elevations & materials without prior notice or obligation. Such changes may not always be reflected in our models, displays or written materials. See Sales Representative for details. Prices & availability are subject to change without notice. CCB#60563 FHZ 062606

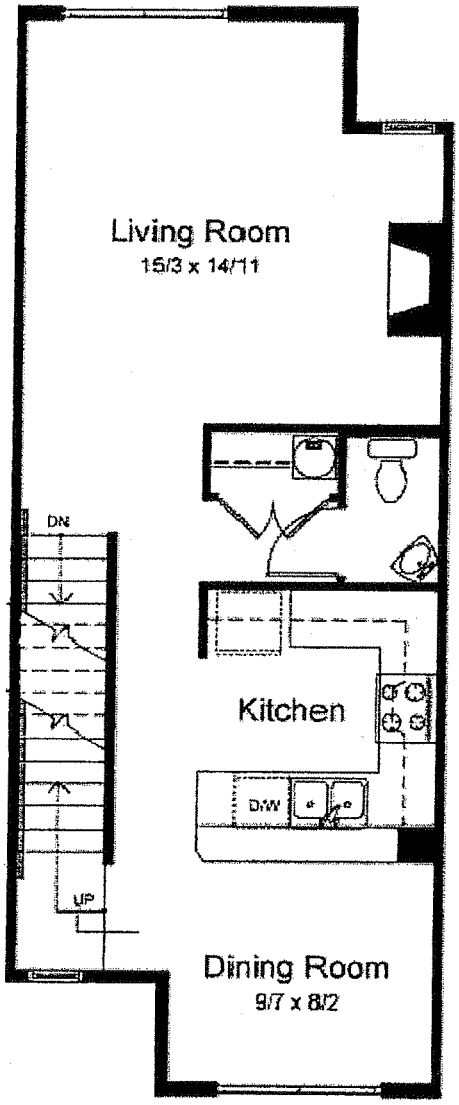
CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 343 of 395

D-3

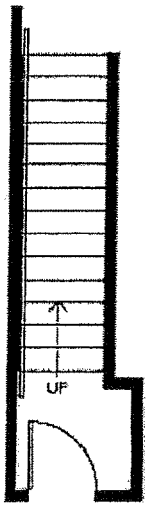
The Gramercy | 1214 Sq. Ft.



Upper Level 607 Sq. Ft.



Main Level 607 Sq. Ft.



Entry Level

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CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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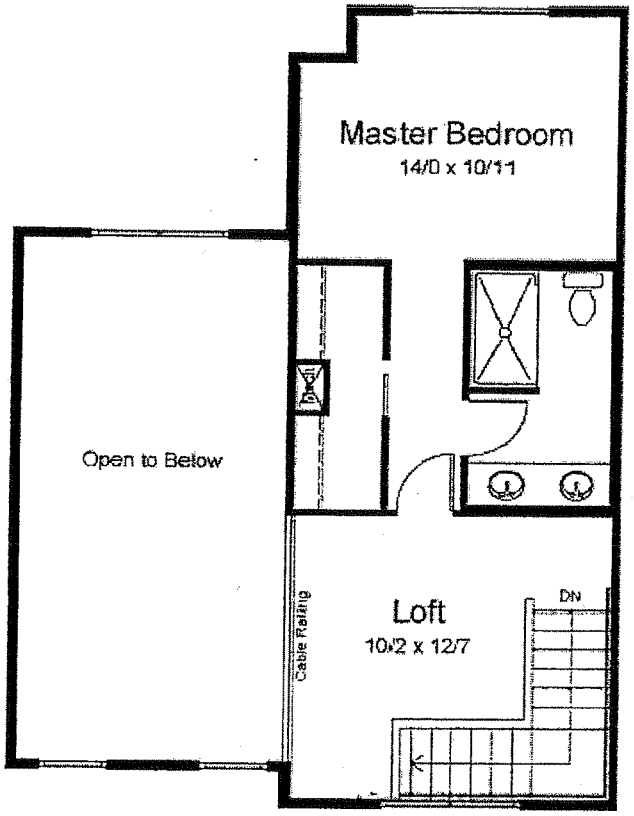
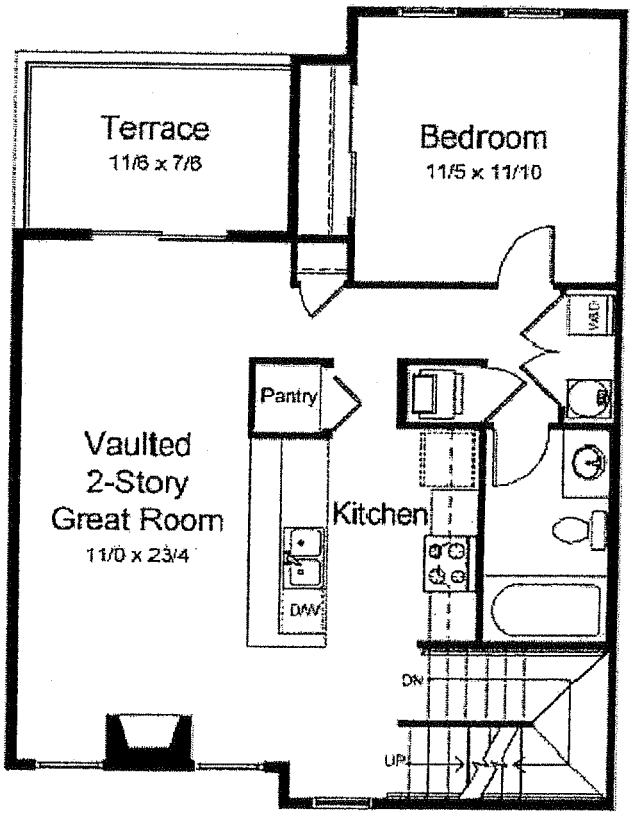
D-4

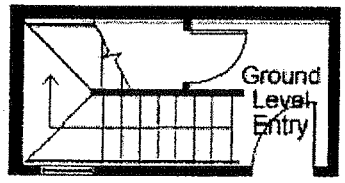
The Portico | 1412 Sq. Ft.



Upper Level 747 Sq. Ft.



Main Level 828 Sq. Ft.



Entry Level 110 Sq. Ft.

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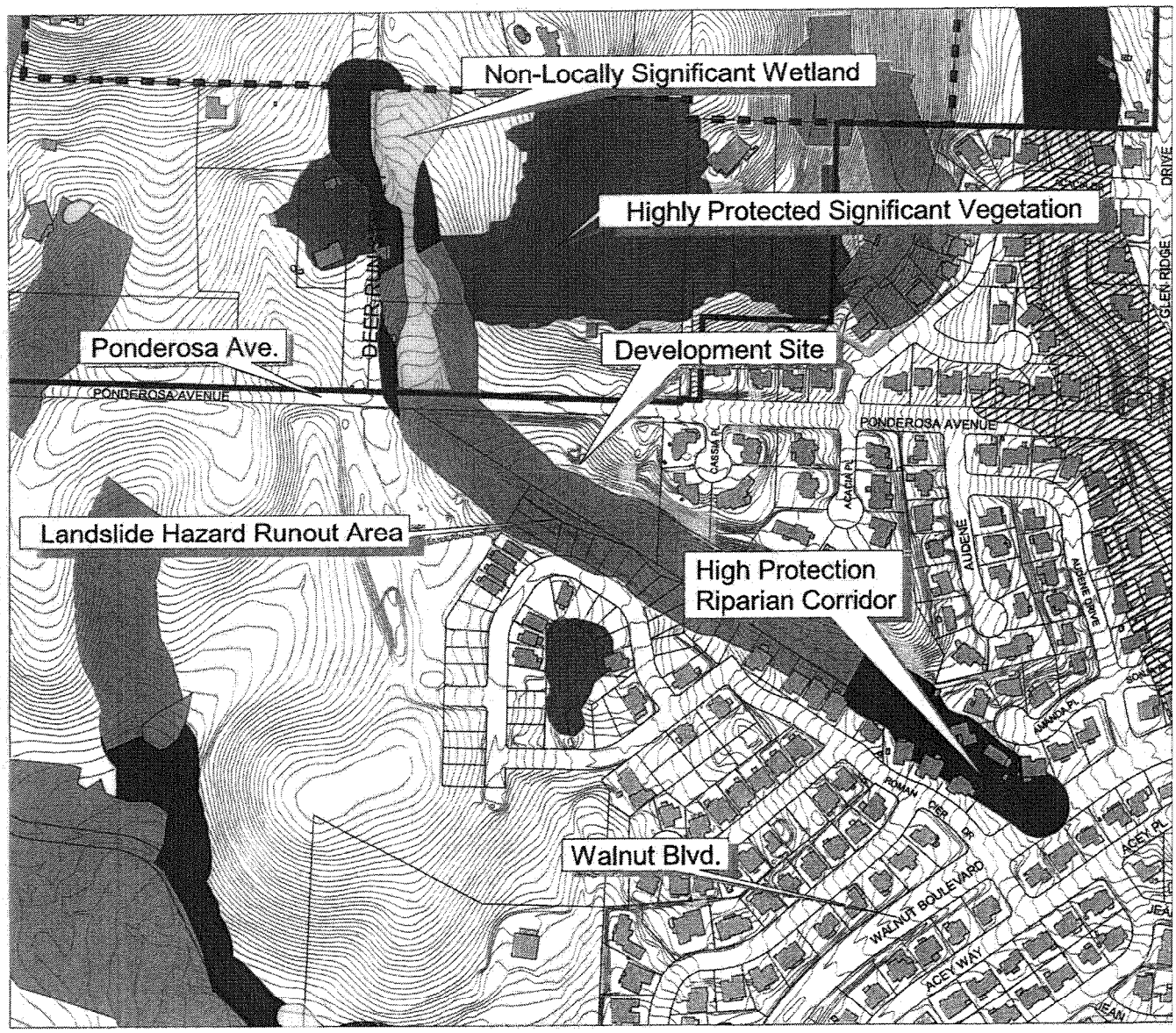
CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 345 of 395

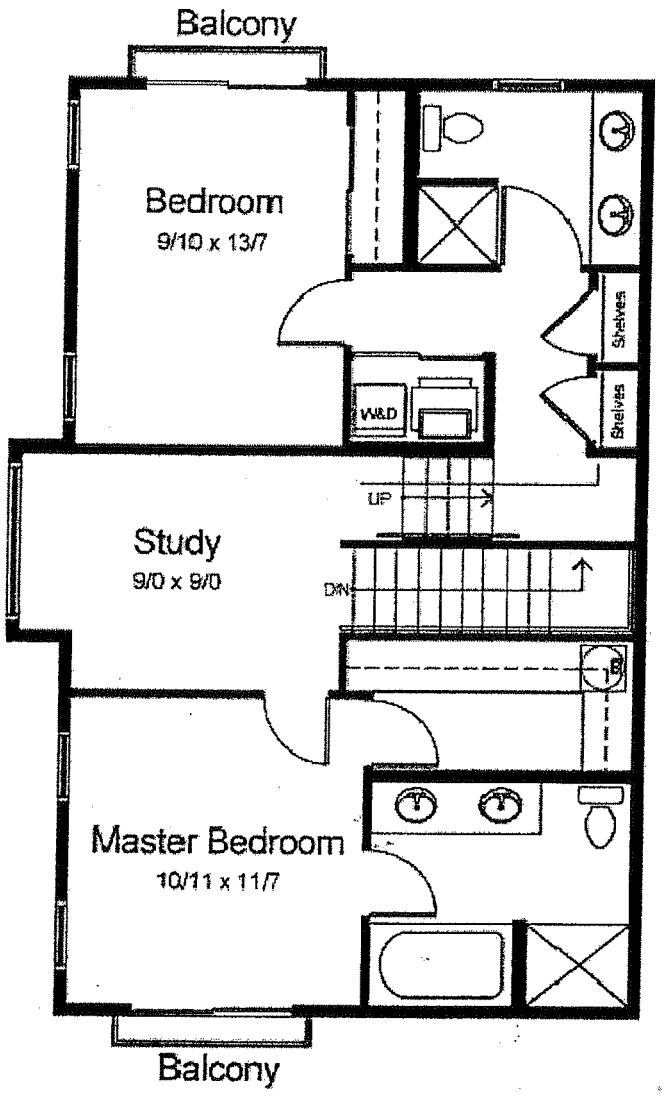
ATTACHMENT E

5280 Ponderosa Avenue Existing Land Uses Map

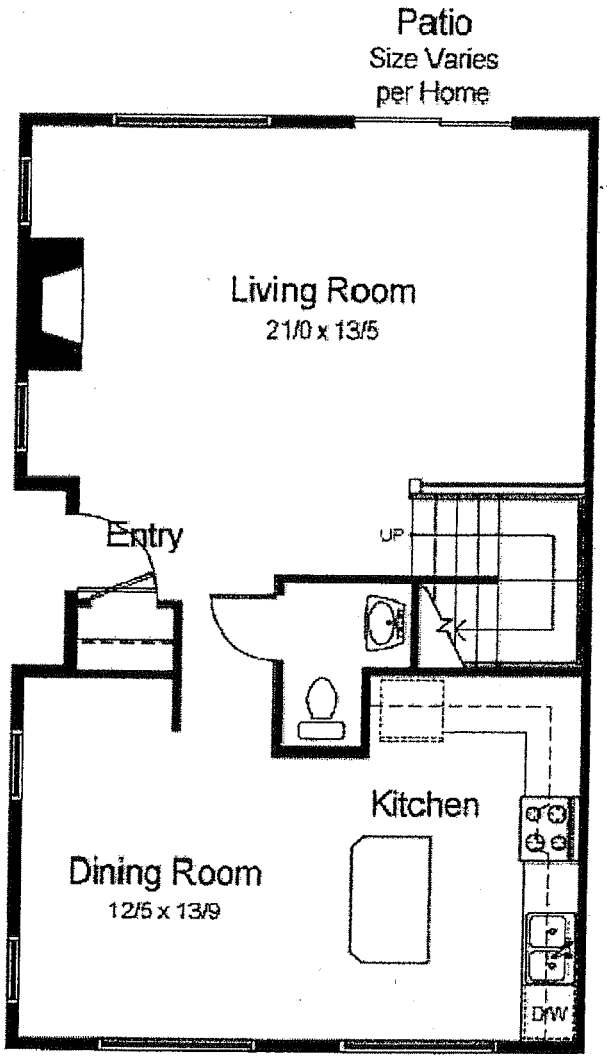


D-5

The Breckston | 1549 Sq. Ft.



Upper Level 771 Sq. Ft.



Main Level 778 Sq. Ft.

Marketed by Legend Real Estate Services. Renderings are artists conceptions & are not intended to depict an actual building, fencing, walkway, driveway or landscaping & are not to scale. Square footages are approximate and based upon "architectural" measurements taken from architectural plans. Final square footages may differ, and the square footages as shown on the condominium declaration and plat will be based upon condominium measurement standards, which are not the same as "architectural" measurements. Room sizes, square footage & ceiling details vary from one elevation to another. In the interest of continuous improvement Legend Homes reserves the right to modify or change the floorplans, elevations & materials without prior notice or obligation. Such changes may not always be reflected in our models, displays or written materials. See Sales Representative for details. Prices & availability are subject to change without notice. CCB#80563 THB 062806

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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Deer Run Park tree Report.doc.

ATTACHMENT E-1

aka: attachment E

Jason Morrow
ISA certified arborist #151498
PO Box 50094
Eugene, Oregon 97405
(503) 358-3564

February 03, 2008
City of Corvallis Planning Division
501 SW Madison Ave.
Corvallis, OR 97339-108399

DEER RUN PARK P.U.D.
TREE PRESERVATION NOTES

To Whom It May Concern:

After reviewing the site plans, and conducting an on-site assessment for the Deer Run Park proposed urban development, I have formed the following observations and recommendations:

General site conditions. The Deer Run Park P.U.D. is situated on a slope running primarily from northeast to southwest terminating into a riparian zone. It is bordered to the north by a connector street and to the east by existing homes. Although heavily impacted by invasive species, the trees within riparian zone appear relatively healthy, and the zone itself shows no signs of recent significant changes (i.e. excavating, filling, washouts etc.) However, one portion of the site has been heavily impacted by fill and vehicle activities. That portion is located at the north end of the site, abutting the street and extending in a semi-circle to the south and southwest. Note: the existing area of impact does not appear to extend into the circle of protection of the Large Oregon White Oak (Quercus garryana) and several smaller oaks and madrone marked to be preserved at the northeast corner of the site. Furthermore, the developing parties have labeled this oak their "Keystone Landmark Oak", and plan on ongoing care and preservation to continue to showcase this specimen as a cornerstone of the site.

Tree conditions. At present, an exhaustive analysis of individual tree health and vigor has not been undertaken. However, preliminary assessments have yielded that a large number of trees on site, in particular those trees located within the riparian corridor, have been relatively un-impacted by disease or human activity. The soils around the circles of protection have not been severely compacted, and trees have not suffered severe injuries to the trunk or root collar.

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These conditions greatly affect the long-term vigor and structural stability of these trees. As such, protected trees will be likely candidates for successful preservation.

Protection measures. The Deer Run Park P.U.D. will likely call for the removal of a few of trees that overlap the COP of trees to be preserved. As such, **it is of utmost importance that standards for the removal of these trees are set forth before removal activities begin**.

- The Project arborist shall be on site during removal activities to ensure that proper measures are being taken to avoid damage to the trunk, crown, and roots of trees marked to be preserved. Tree felling and removal shall be performed in a manner that does not cause injury to the trunk or canopy of surrounding trees marked to remain. Stump removal shall be performed in a manner that does not disturb the COP of trees marked to remain.
- Rules regarding heavy equipment within the COP will apply as though fencing were in place.
- Special care will be taken in identifying and marking trees to be removed vs. trees to be saved to avoid the accidental removal of preserved trees.
- Trees marked to be preserved that are destroyed or removed due to careless, or negligent practices by the removal contractor shall be replaced using the Council of Tree and Landscape Appraisers Guide for Plant Appraisal 9th ed. Standards, or by criteria set forth by the Urban Forester.

Prior to the undertaking of any construction-related activities, a physical barrier in the form of a fence shall be installed so as to protect the trunk of protected trees from physical damage, and to protect the root systems from soil compaction and grade changes. Furthermore, the large important limbs facing towards proposed structures shall be marked with orange tape at five-foot intervals (for visibility). The type, location, and character of the fences shall be:

- Location of protective fencing, details of protective fencing shall be shown on site plans
- Project arborist will be on site for installation and maintenance of fencing.
- Fence shall be no shorter than 4' in height.
- Fence shall be high visibility construction barrier fencing.
- The fence shall extend to the edge of the pre-calculated Circle of Protection unless specified otherwise by the project arborist or urban Forester.
- The fence shall be staked with 6' metal 'T' stakes at 6' intervals.
- At no point in time is any section of the fence to be moved or removed without consent or supervision of the project arborist or Urban Forester. Furthermore, fencing shall be marked stating this.
- Upon completion of construction and landscape activities, the project arborist or the Urban Forester shall remove (or supervise the removal of) the protective fencing. These are the only parties allowed to remove protective fencing.

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Prohibited activities within COP

- No soil or grade changes are to take place within the COP.
- No storage of tools, equipment or materials is to take place within the COP.
- No dumping of debris or chemicals, and no cleaning of tools (wheelbarrows, paintbrushes etc.) shall take place within the COP.
- No trenching is allowed within the COP without approval of the project arborist or Urban Forester.
- No parking of vehicles shall take place within the COP.

Additional protection measures.

- To ensure that no damage comes to the crown of the tree, an arborist shall be on site to lift or prune with proper techniques, any limbs that may be in the path of equipment or construction activities.
- In case equipment must be brought through the COP of trees to be preserved, a 'bridge' shall be constructed in the path of the equipment to ensure that damage is minimized to the root zone.
    - The bridge shall span the entire distance of the COP to be affected. Areas unaffected shall remain fenced.
    - The construction of the bridge will consist of a bed of geotextile cloth, covered with at least 3 inches of engineered mulch.
    - The bridge must be removed the same day that heavy equipment usage ceases.
    - Before operation of heavy equipment, the operator shall be notified of the importance of the tree to the site, and shall be provided a 'spotter' to avoid risk of damage to the crown of any tree that extends beyond the protective fencing.

If at any time pruning is necessary for construction related purposes, or for the well being of preserved trees, administrative rules for tree pruning standards shall apply.

3.1 All trees shall be pruned according to the guidelines published by the International Society of Arboriculture current edition or the pruning standards and specifications of the National Arborist Association current edition unless modified herein.

3.2 All tree work shall be performed following Oregon Safety and Health Administration regulations and following the American National Standards Institute, ANSI Z133.1, 300, or current version.

3.3 Pruning shall be deemed necessary when such action is to:

3.3.1 Correct structural problems; remove deadwood and decayed parts,
3.3.2 Enhance the tree's natural beauty and develop its natural shape,
3.3.4 Correct a safety or health problem,
3.3.5 Clear the vision of regulatory signs, or
3.3.6 Maintain clearance around electrical lines.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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3.4 All tree work performed near electrical lines shall conform to American National Standards Institute C2, National Electrical Safety Code, and the Oregon Public Utilities Commission Tree Clearance Policy, current edition.

3.5 Trees pruned for electrical line clearance shall follow the pruning guidelines contained within the publication of Dr. Shigo entitled "Pruning Trees Near Electrical Lines' current edition.

3.6 Unless otherwise required herein, young trees shall be pruned leaving at least two-thirds (2/3) of the height of the tree in foliage and canopy.

3.7 Mature trees shall be pruned in a manner that retains well-spaced, inner lateral branches so as to allow the trunk taper to be developed as needed for the strength of the branch attachment.

3.8 No tree shall have more than 20% of its canopy removed in any one pruning or any one-year unless approved in writing by the Urban Forester.

3.9 Street trees shall be pruned to allow clearance 9' above the sidewalk and 16' above the street. Limbs may be pruned back from the sidewalk and street or removed at the trunk to meet these clearances if two-thirds (2/3) of the height of the tree remains in canopy.

3.10 No hooks, spikes, or climbing gear, which pierces the trunk of a tree, shall be used unless approved in writing by the Urban Forester.

In summary, the revised site plans are well positioned to preserve some of the healthiest and most notable trees on site (those to the south and southwest, as well as a heritage stature white Oak, several smaller oaks and madrone in the northeast corner). Revised site plans are also focused on preserving the integrity of the riparian corridor. (Note: while site plans do call for a drainage swale that will flow into the riparian area between trees marked #1 and #16. this swale will be of no significant impact to these or surrounding trees.) Furthermore, revised site plans have called for the removal of two (2) overflow parking spaces, thus protecting the COP of the tree marked #25 within the riparian corridor in the northwesterly corner of the site, while the most concentrated activity remains primarily within an area that has been impacted by existing fill.

If you have any questions feel free to call or email. Thank you,

(503)-358-3564
J.torres.morrow@gmail.com
Jason Morrow

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 350 of 395

Consumer1tr.pdf.

CONSUMERS POWER INC.

aka: attachment F

May 14, 2008

Attn: Peter Seaders
MSS, Inc
215 NW 47th St
Corvallis OR 97330

Subject: WO 80240 Deer Run Park

Dear Mr. Seaders:

Your request for electrical service availability to a nine (9) residential unit development known as "Deer Run Park" has been investigated. Consumers Power, Inc. (CPI) has the capacity to serve this proposed development.

A cost estimate will be calculated once transformer and meter locations have been agreed upon. No less than a seven (7) foot public utility strip will be required for all high voltage hardware. The developer will be responsible for all excavation, backfill, and conduit installed to CPI specifications. Any costs to revise and/or relocate existing CPI facilities will be born by the developer.

Questions regarding the engineering and costs involved with the electrical distribution facilities to serve this proposed development should be directed to me.

Sincerely,

Micheal W. Smith
Line Staker
541 929-8642
E-Mail: mwsmith@cpi.coop

6990 West Hills Rd.
PO Box 1180
Philomath, OR 97370
(541) 929-3124
800-872-9036
FAX (541) 929-8673
www.cpi.coop

PNGC Power
Smart. Local. Connected.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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Traffic letter.pdf.

aka: Attachment G.

MSS INC
ENGINEERING CONSULTANTS
SURVEYORS
PLANNERS

June 11, 2008

Matt Grassel
City of Corvallis
501 SW Madison Ave.
PO Box 1083
Corvallis, OR 97339-1083

Re: Deer Run Park Subdivision

Dear Matt:

Attached you will find a tabulation of average daily trips and peak hour trips for the proposed Deer Run Park Subdivision application. As shown in the attached tabulation, the maximum peak hour trips for the proposed development is estimated at 9.18 trips per hour (weekday evening). This is based on Land Use Classification 210 (Single Family Detached Housing) in the ITE Manual. Note that this classification has the highest trip generation rate per unit for all residential uses. Thus, it is likely that the actual trip generation rates for the proposed development will be below the rates tabulated in the following analysis since the proposed units will not be as large as many typical single family detached homes.

Sincerely,

REGISTERED PROFESSIONAL ENGINEER
60183PE
OREGON
JUL. 13, 2004
PETER J. SEADERS

RENEWAL: 6-30-2010

Peter Seaders
MSS, Inc

215 N.W. 4th Street, Corvallis, OR 97330 . (541) 753-1320 . (541) 753-5956 (fax) . www.mssengineering.com

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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PLD08-00013
PC Staff Report
Attachment L
Page 164 of 167

07020 | Ponderosa Hts. | 1/14/08

9 Single Family Units

Use Code (210) Single Family Detached

→ Conservative since these have highest trip generation rates of all residential uses.

	# Units	WeekDay	Sat.	Sun.
Avg. Daily Trips	9	9.57 86.13	10.09 90.81	8.78 79.02
Peak Hr. (a.m.)	9	0.77 6:93	0.94 8.46	0.86 7.74
Peak Hr. (p.m.)	9	1.02 9.18	—	—

→ Maximum Average Peak Hour Trips = 9.18

REGISTERED PROFESSIONAL ENGINEER
OREGON
JUL. 13, 2004
PETER J. SEADERS

RENEWAL: 6-30-2010

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 353 of 395

Land Use: 210
Single-Family Detached Housing

Description

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

Additional Data

The peak hour of the generator typically coincides with the peak hour of the adjacent street traffic.

The sites were surveyed from the late 1960s to the mid-1990s throughout the United States and Canada.

The number of vehicles and the number of residents have a high correlation with average weekday vehicle trip ends. The use of these variables is limited, however, because the number of vehicles and residents is often difficult to obtain or predict. The number of dwelling units is generally used as the independent variable of choice because it is usually readily available, easy to project, and has a high correlation with average weekday vehicle trip ends.

This land use includes data from a wide variety of units with different sizes, price ranges, locations, and ages. Consequently, there is a wide variation in trips generated within this category. As expected, dwelling units that were larger in size, more expensive, or farther away from the central business district (CBD) had a higher rate of trip generation per unit than those smaller in size, less expensive, or closer to the CBD. Other factors, such as geographic location and type of adjacent and nearby development, may also have had an effect on the site trip generation.

Single-family detached units have the highest trip generation rate per dwelling unit of all residential uses, because they are the largest units in size and have more residents and more vehicles per unit than other residential land uses; they are generally located farther away from shopping centers, employment areas, and other trip attractors than are other residential land uses; and they generally have fewer alternate modes of transportation available, because they are typically not as concentrated as other residential land uses.

Source Numbers

1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 19, 20, 21, 26, 34, 35, 36, 38, 40, 71, 72, 84, 91, 98, 100, 105, 108, 110, 114, 117, 119, 157, 167, 177, 187, 192, 207, 211, 246, 275, 283, 293, 300, 319, 320, 357, 384, 435

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 354 of 395

Attachment H

SIGNAGE DETAIL

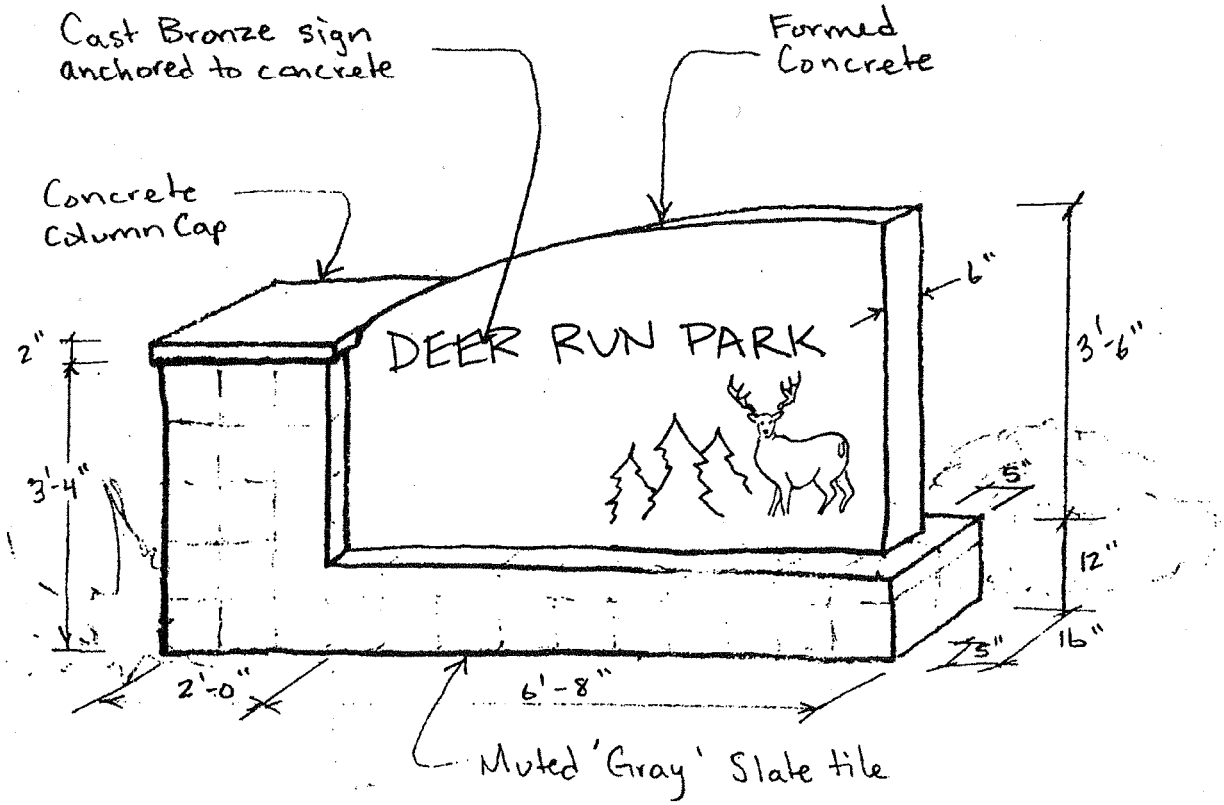


Exhibit I

MSS INC
ENGINEERING CONSULTANTS
SURVEYORS
PLANNERS

RECEIVED
OCT - 6 2008
Community Development
Planning Division

October 3, 2008

Jason Yaich
City of Corvallis, Community Development
501 SW Madison Avenue
PO Box 1083
Corvallis, OR 97339-1083

RE: Deer Run Park Subdivision Proposal (PLD08-000013/SUB08-00007) responses to engineering comments of September 5, 2008 SRC letter

Dear Jason:

I'm writing these comments as a supplement to the narrative provided for our October 6, 2008 resubmittal for the Deer Run Park Subdivision application. These comments are in response to issues raised in the SRC letter regarding specific technical design requirements raised by the engineering review.

Parking and Maneuvering

The parking facilities at the east and west end of the project have been designed to accommodate maneuvering for a standard passenger car. During discussions with staff, it was recommended that the applicant demonstrate vehicle maneuvering using a computer simulation or other method that shows actual travel paths for a standard passenger car. This was done, and the maneuvering paths for vehicles leaving Unit #1 and Unit #2 have been shown on Exhibit B. Additional studies were done for the additional parking spaces provided at the east and west ends of the project.

The actual turning radius for a standard passenger vehicle is approximately 12 feet. The Corvallis standard detail No. 113 indicates that an inside turning radius of 18 feet should be used. Obviously, the maneuvering patterns will vary significantly depending on the turning radius that is used in design. An 18 foot radius allows for easy maneuvering of vehicles that exceed the standard passenger car, but is certainly much more conservative than what can actually be achieved.

In order to show that the parking facilities have been designed in a manner which will permit vehicles other than the standard passenger car, we have done a study of the parking facilities

215 N.W. 4th Street, Corvallis, OR 97330 . (541) 753-1320 . (541) 753-5956 (fax) . www.mssengineering.com

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 356 of 395

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

541.766.6908
Planning@ci.corvallis.or.us

DEER RUN PARK SUBDIVISION

PLD08-00013 / SUB08-00007

ATTACHMENT M - Page 1 of 14

using an inside turning radius of 18 feet per Corvallis Standard Detail No. 113. Note that while the maneuvers for vehicles based on actual minimum turning radii permit a single backing movement from all spaces designed, a three point turn is required when performing maneuvers based on the 18 foot inside turning radius. Although this is less desirable than a single motion maneuver, it is similar to the maneuver shown for the "Double Y Turn" illustrated in Standard Detail No. 113 which is for areas that have limited space as is the case with this project.

In the September 5, 2008 SRC letter a concern was raised about the backing distance required for vehicles parked in the three spaces at the east end of the project. As shown in the attached Figures 3A to 3C, these spaces do not require a long backing movement to exit, but can easily make a turnaround backing maneuver from any of the three spaces.

The applicants have made every effort to maximize the available parking on site to alleviate overflow parking concerns. Due to the extremely limited space available on this site, and the desire to minimize impact on natural features, some dimensions do not completely match the standards suggested in Standard Detail No. 113. For example, the placement of the retaining wall to support the parking facilities at the west end of the project was set outside the circle of protection of the cluster of oak and ash trees to the south of the wall (See Exhibit B). This in turn limited the maneuvering space available for these parking spaces. Similarly, at the east end, the driveway and parking facilities were placed as far as possible from the 32" oak tree in the common area that is to be preserved. Although these considerations limit the available space, the applicants have demonstrated that the parking facilities do provide adequate space for safe maneuvering.

Storm Water

As has been noted in the application narrative, the applicants have revised the design to include storm water detention per the comments of the September 5, 2008 SRC letter. The intent of the design as shown in the exhibits is that there would be both public and private detention facilities. The public detention facilities would be located in an oversized pipe in Ponderosa with a flow control structure in SDMH#2 (Storm Drain Manhole #2). Similarly, the private detention would be located in an oversized pipe under the parking facilities at the west end of the project with a flow control structure in SDMH#1. The combined storage facilities will be sized to ensure that the total post development runoff does not exceed predevelopment runoff.

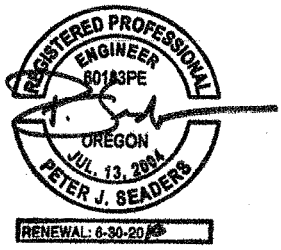
The SRC comments also note that the dispersion pads for the disconnected roof drains do not fully comply with the length and slope standards in Appendix C of the KCSWDM (King County Storm Water Design Manual). The applicants acknowledge that dispersion pads do not fully comply with the standards, however, they were used as a method of minimizing changes in hydrology that might negatively impact vegetation in the riparian area. Due to the limited flows that would be expected from the roofs at each of these dispersion pads, it is unlikely that there will be any erosion due to the use of these disconnected roof drains. If staff determines that these are unnecessary or cannot be supported, the roof drains could be discharged to the gutter in the driveway and the additional flow accounted for in the final detention sizing calculations.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 357 of 395

A preliminary design calculation of the required water quality treatment flows and swale geometry that are required for this project has been performed and the calculations are attached with this Exhibit and shows that the swale can easily be designed to fully comply with the requirements of the KCSWDM for geometry, energy dissipation and flow spreading. Although the water quality swale is located adjacent to several of the trees that are being preserved, this portion of the site has a lower density of trees which should allow sunlight to penetrate the canopy. The issue of shading could also be mitigated by selection of shade resistant grasses that are compatible with the native species in the riparian area. Selection of site specific seed mix is allowed in Section 6.3.1 of the KCSWDM and should be done at the time of final design.

Please feel free to contact me if you have any further questions regarding these issues or the design approach used in addressing the comments of the SRC letter.

Sincerely,



Peter Seaders
MSS, Inc

Enc: Vehicle Maneuvering Details (FIG 1, FIG 2A, FIG 2B, FIG 2C, FIG, 2D, FIG 3A, FIG 3B, FIG 3C)
Preliminary Water Quality Runoff Calculations (KingCo Hyd Program)
Preliminary swale design calculations

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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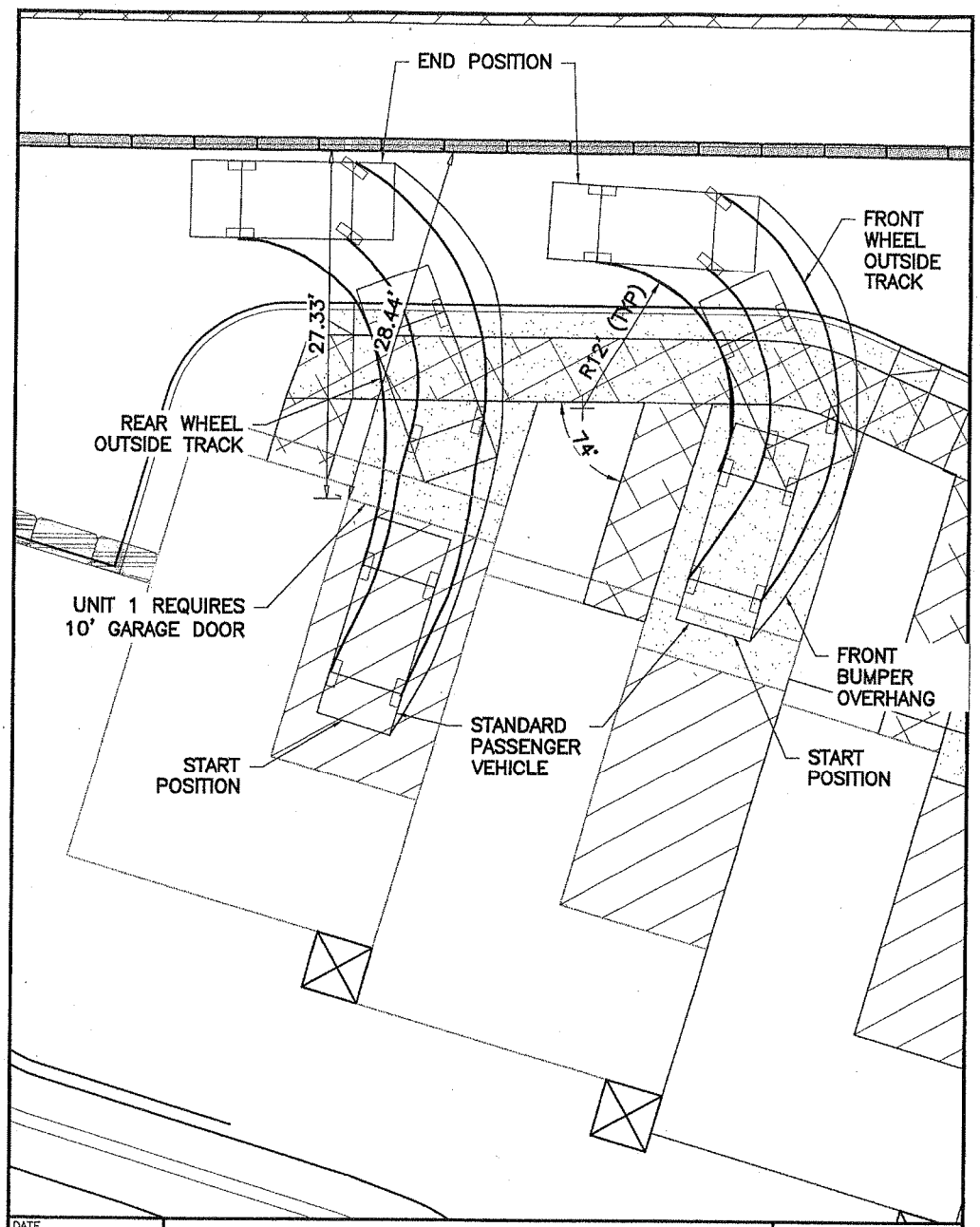
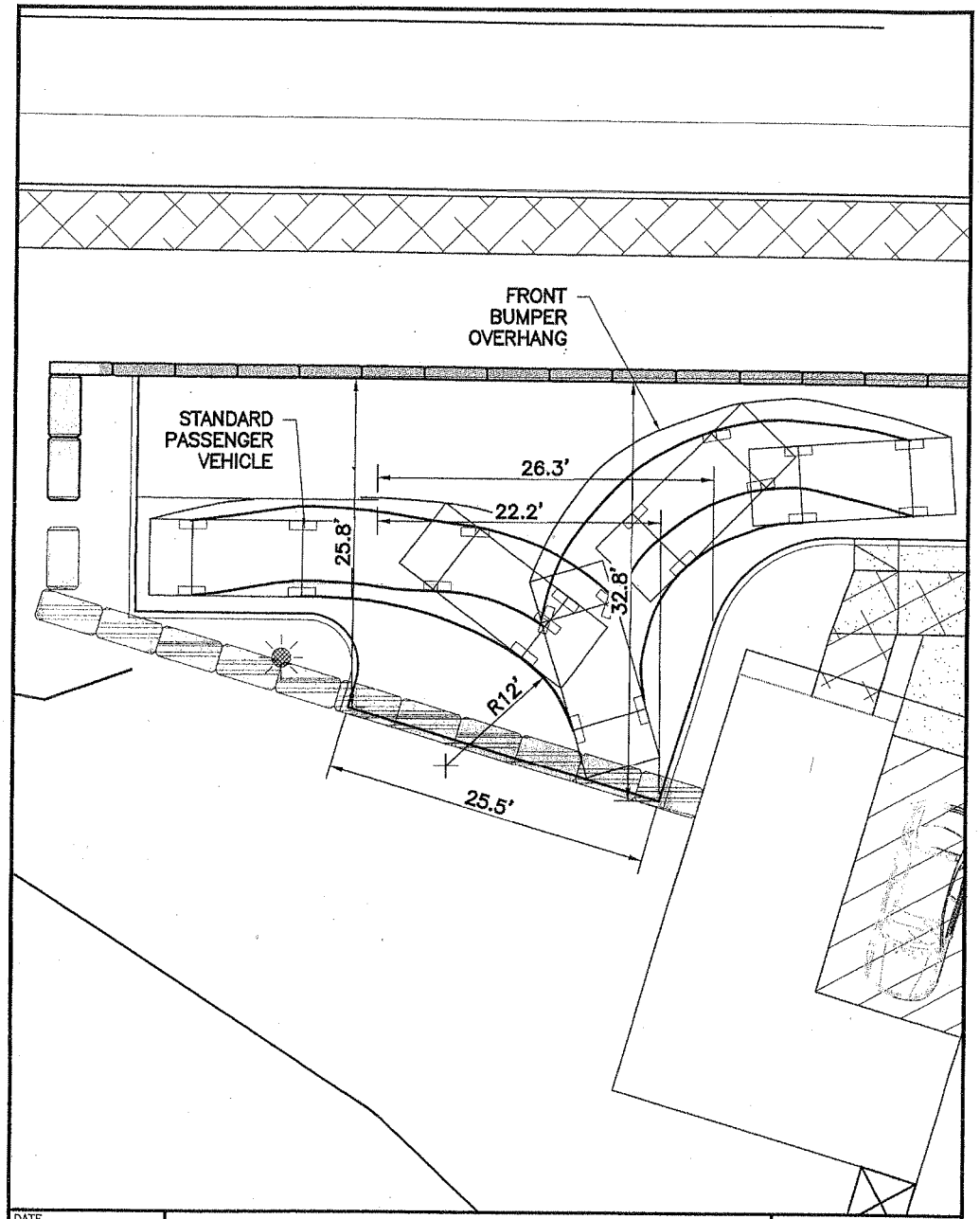
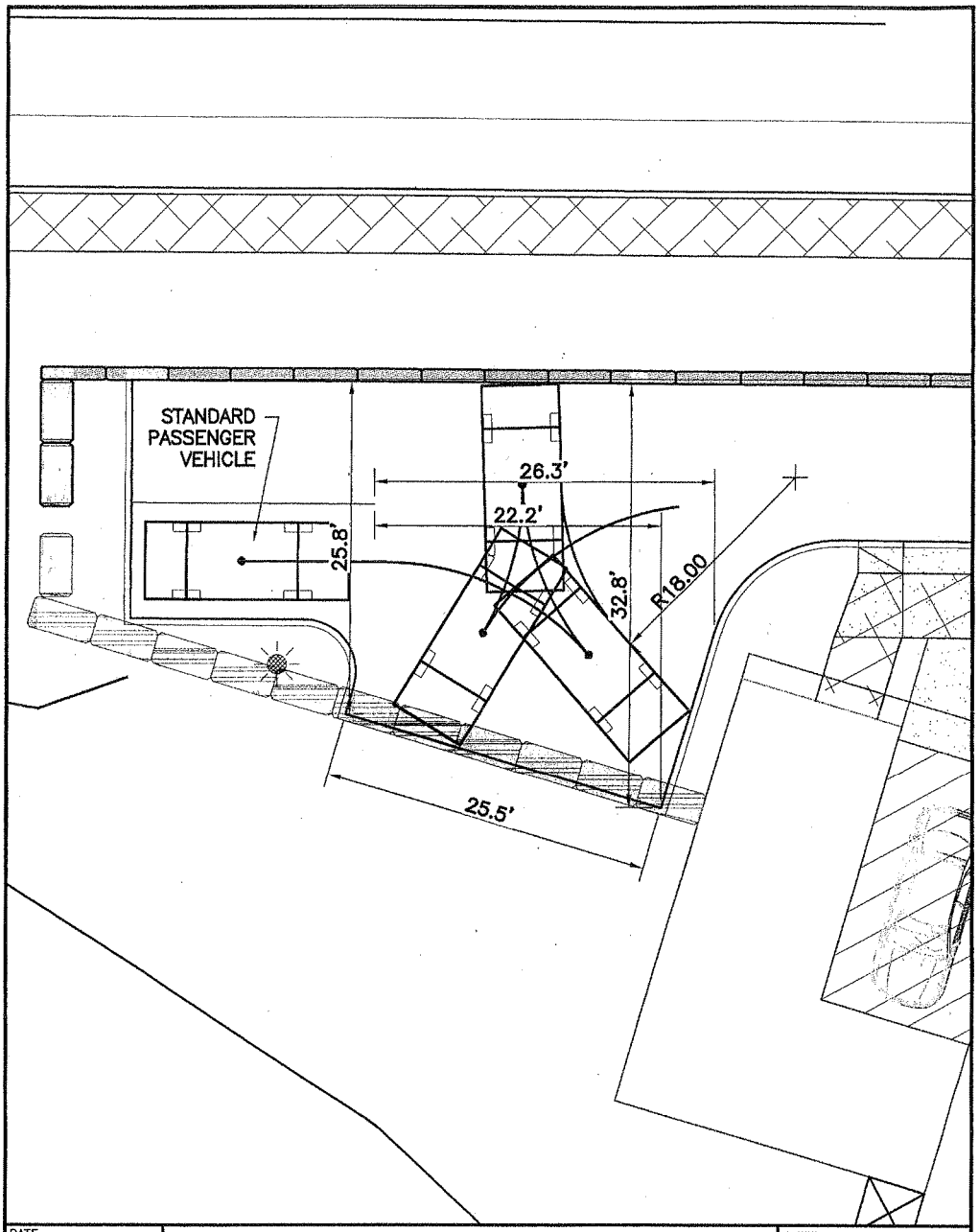

END POSITION
FRONT WHEEL OUTSIDE TRACK
27.33'
28.44'
R12' (TYP)
74°
REAR WHEEL OUTSIDE TRACK
UNIT 1 REQUIRES 10' GARAGE DOOR
FRONT BUMPER OVERHANG
STANDARD PASSENGER VEHICLE
START POSITION
START POSITION
DATE
SCALE 1"=10'
DRAWN PJS
FILE 07020
VEHICLE MANEUVERING DETAIL
ACTUAL MIN TURN RADIUS
SHEET
FIG 1
OF SHEETS

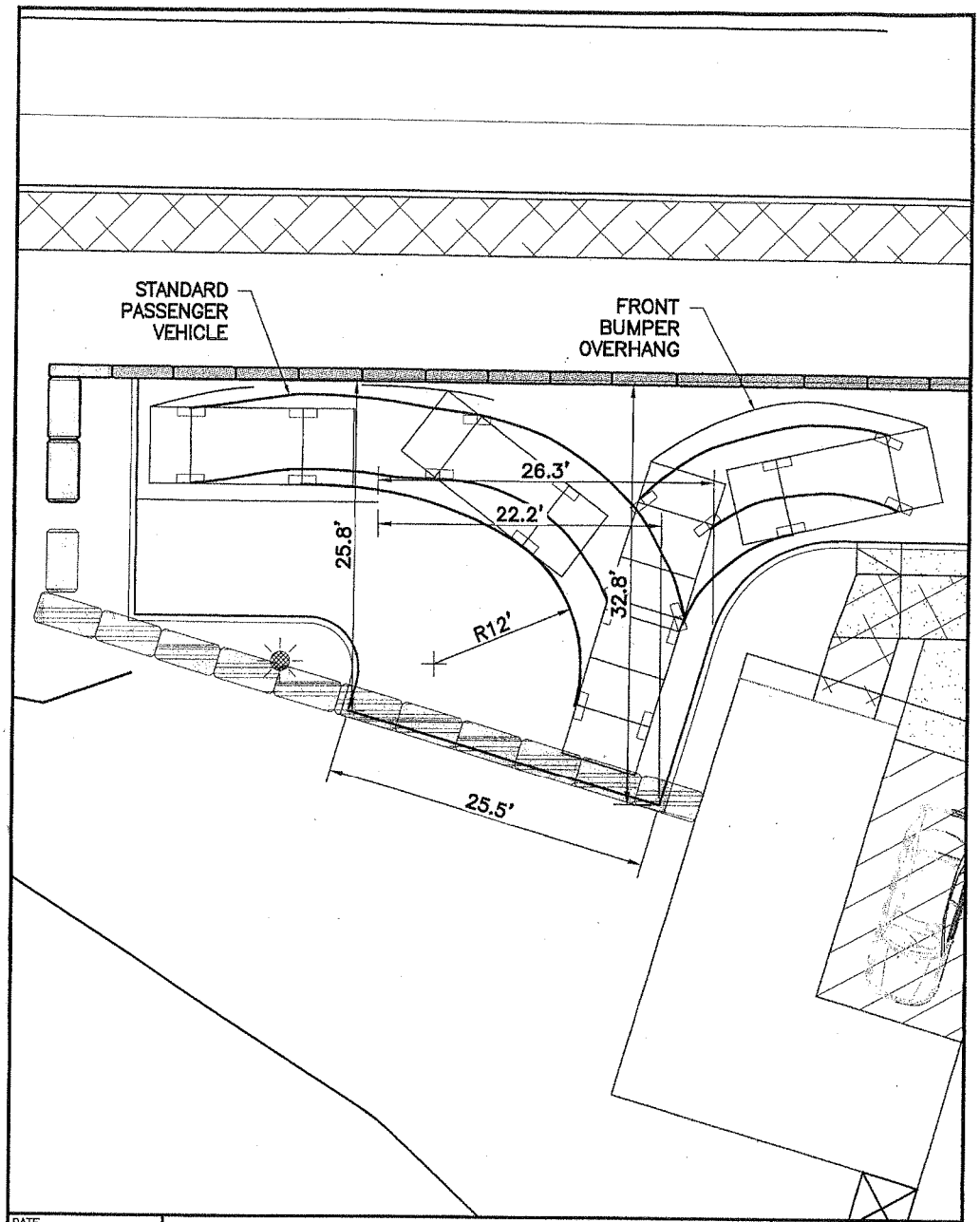


DATE	VEHICLE MANEUVERING DETAIL ACTUAL MIN TURN RADIUS	SHEET FIG 2A
SCALE 1"=10'		
DRAWN PJS		
FILE 07020		OF SHEETS

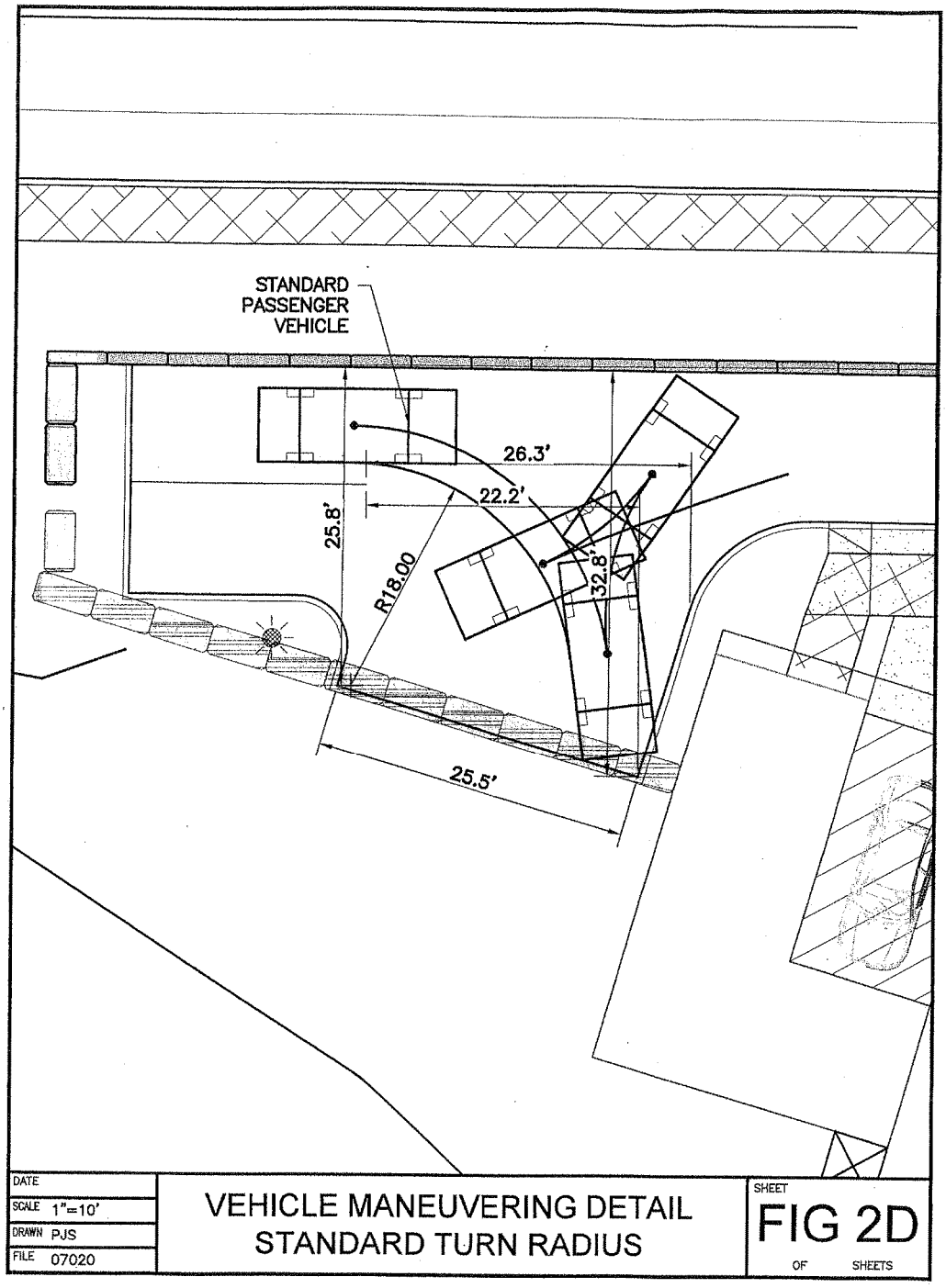


DATE	VEHICLE MANEUVERING DETAIL STANDARD TURN RADIUS	SHEET FIG 2B OF SHEETS
SCALE 1"=10'		
DRAWN PJS		
FILE 07020		

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 361 of 395

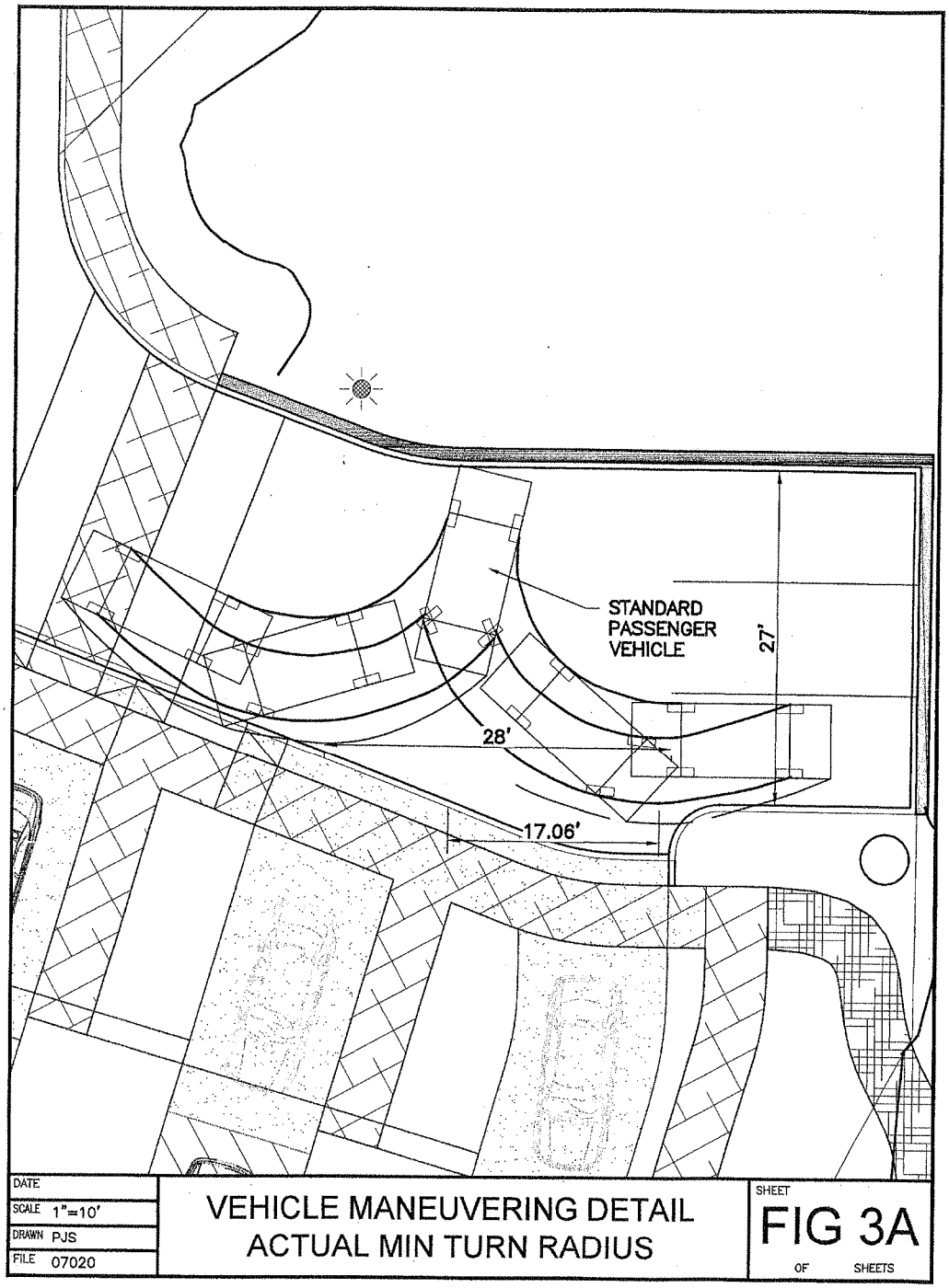


DATE	VEHICLE MANEUVERING DETAIL ACTUAL MIN TURN RADIUS	SHEET FIG 2C OF SHEETS
SCALE 1"=10'		
DRAWN PJS		
FILE 07020		

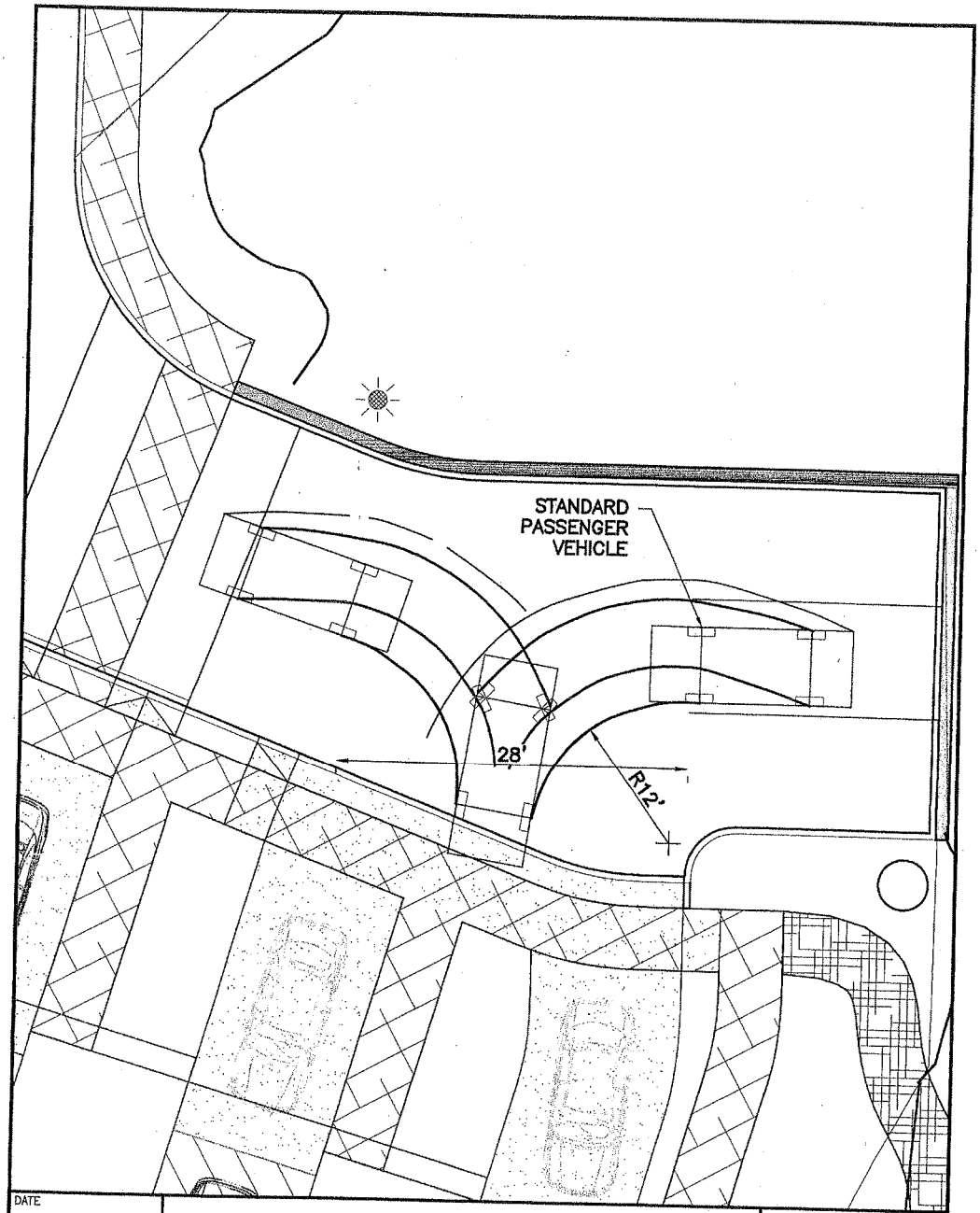


DATE	VEHICLE MANEUVERING DETAIL STANDARD TURN RADIUS	SHEET FIG 2D
SCALE 1"=10'		
DRAWN PJS		
FILE 07020		OF SHEETS

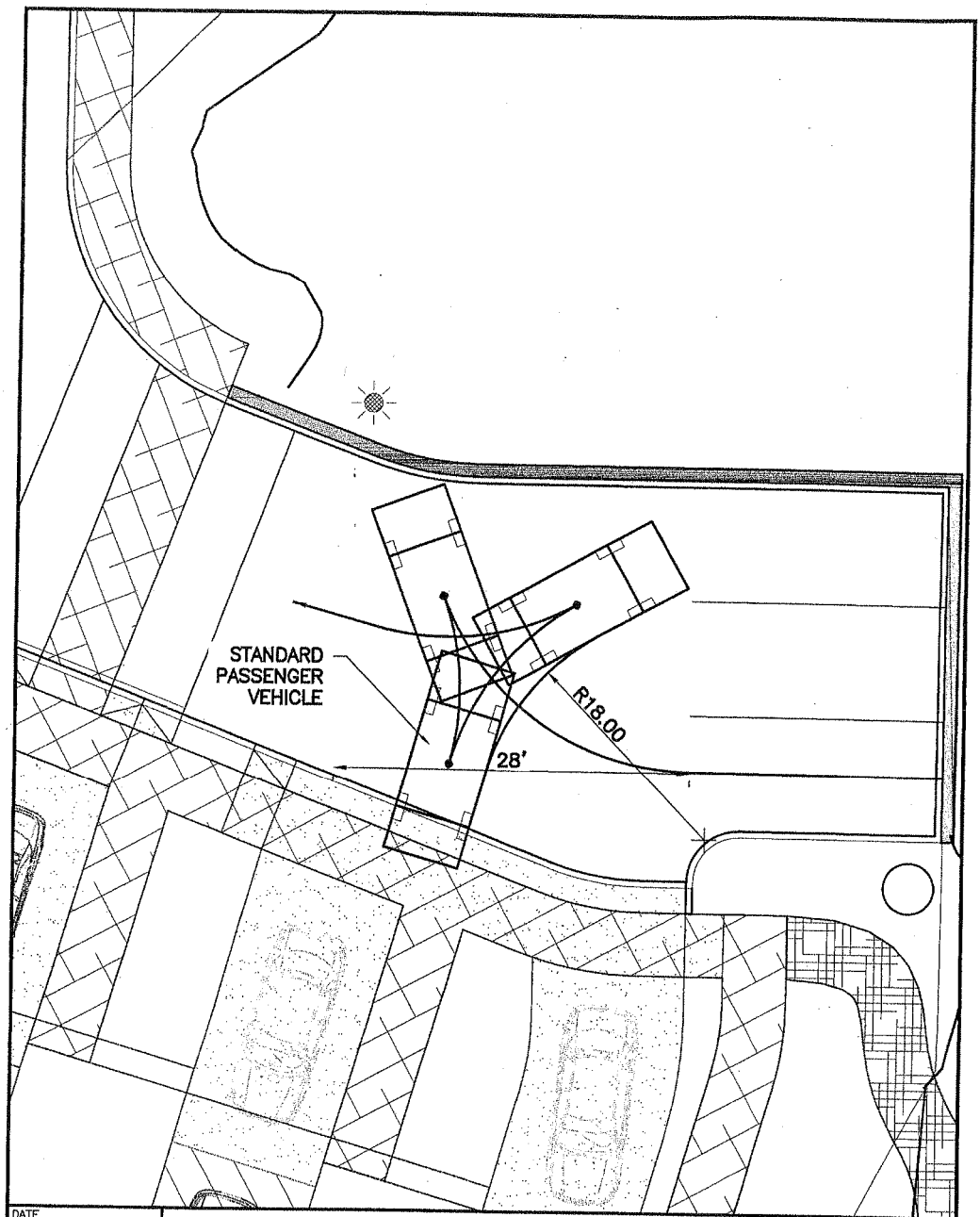
CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 363 of 395



DATE	VEHICLE MANEUVERING DETAIL ACTUAL MIN TURN RADIUS	SHEET FIG 3A
SCALE 1"=10'		
DRAWN PJS		
FILE 07020		OF SHEETS



DATE	VEHICLE MANEUVERING DETAIL ACTUAL MIN TURN RADIUS	SHEET FIG 3B
SCALE 1"=10'		
DRAWN PJS		
FILE 07020		OF SHEETS



DATE	VEHICLE MANEUVERING DETAIL STANDARD TURN RADIUS	SHEET FIG 3C
SCALE 1"=10'		
DRAWN PJS		
FILE 07020		OF SHEETS

Water Quality Swale Design (Prelim)

Approx WQ Design Flow: $Q_{WQ} = 0.14$ cfs

Average slope = 4.6% = 0.046 ft/ft

$y = 0.33$ ft

- Design width required

$$b = \frac{Q_{WQ}\, n_{wq}}{1.49\, y^{1.67}\, s^{0.5}}$$

$$b = \frac{(0.14)(0.20)}{1.49\,(0.33)^{1.67}(0.046)^{0.5}} = 0.56 \text{ ft}$$

since $b < 2$ ft use $b = 2$ ft

- Calculate flow depth

$$y = \left(\frac{Q_{WQ}\, n_{wq}}{1.49\, s^{0.5}\, b}\right)^{3/5} = \left(\frac{(0.14)(0.20)}{1.49\,(0.046)^{0.5}(2)}\right)^{3/5} = 0.15 \text{ ft}$$

- Flow Velocity

$$V_{WQ} = \frac{Q_{WQ}}{A_{WQ}} = \frac{0.14}{(0.15)(2)} = 0.47 \text{ fps}$$

- Required Length = $L = 540\, V_{WQ} = 254$ ft

Preliminary Water Quality Runoff Calculations

KING COUNTY DEPARTMENT OF PUBLIC WORKS
Surface Water Management Division

HYDROGRAPH PROGRAMS
Version 4.21B

1 - INFO ON THIS PROGRAM
2 - SBUHYD
3 - MODIFIED SBUHYD
4 - ROUTE
5 - ROUTE2
6 - ADDHYD
7 - BASEFLOW
8 - PLOTHYD
9 - DATA
10 - RDFAC
11 - RETURN TO DOS

ENTER OPTION:
2

SBUH/SCS METHOD FOR COMPUTING RUNOFF HYDROGRAPH

STORM OPTIONS:

1 - S.C.S. TYPE-1A
2 - 7-DAY DESIGN STORM
3 - STORM DATA FILE

SPECIFY STORM OPTION:
1

S.C.S. TYPE-1A RAINFALL DISTRIBUTION
ENTER: FREQ(YEAR), DURATION(HOUR), PRECIP(INCHES)
1
24
1

********** S.C.S. TYPE-1A DISTRIBUTION **********
********* 1-YEAR 24-HOUR STORM **** 1.00" TOTAL PRECIP. *********

ENTER: A(PERV), CN(PERV), A(IMPERV), CN(IMPERV), TC FOR BASIN NO. 1
1.94
74
0.67
98
10

DATA PRINT-OUT:

AREA(ACRES)	PERVIOUS A	PERVIOUS CN	IMPERVIOUS A	IMPERVIOUS CN	TC(MINUTES)
2.6	1.9	74.0	.7	98.0	10.0

PEAK-Q(CFS)	T-PEAK(HRS)	VOL(CU-FT)
.14	7.83	2085

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 369 of 395

Water Quality Swale Design (Prelim)

Approx WQ Design Flow: $Q_{WQ} = 0.14$ cfs

Avgerage slope = 4.6% = 0.046 ft/ft

$y = 0.33$ ft

- Design width required

$$b = \frac{Q_{WQ}\, n_{wq}}{1.49\, y^{1.67}\, s^{0.5}}$$

$$b = \frac{(0.14)(0.20)}{1.49\,(0.33)^{1.67}(0.046)^{0.5}} = 0.56 \text{ ft}$$

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$$y = \left(\frac{Q_{WQ}\, n_{wq}}{1.49\, s^{0.5} b}\right)^{3/5} = \left(\frac{(0.14)(0.20)}{1.49\,(0.046)^{0.5}(2)}\right)^{3/5} = 0.15 \text{ ft}$$

- Flow Velocity

$$V_{WQ} = \frac{Q_{WQ}}{A_{WQ}} = \frac{0.14}{(0.15)(2)} = 0.47 \text{ fps}$$

- Required Length = $L = 540\, V_{WQ} = 254$ ft

FOUNDATION ENGINEERING, INC.
Professional Geotechnical Services

Memorandum

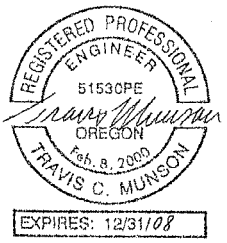
Date: December 26, 2007

To: Wayde and Frankie Kent

From: Travis C. Munson, P.E.

Subject: Additional information requested by the City of Corvallis

Project: Kent Ponderosa Property
FEI Project 2071041



As requested by the project design team, we have read the City's review comments for the project (memorandum dated August 16, 2007, and letter dated August 21, 2007). The grading plan has changed since the City's review. Therefore, this memorandum addresses only selected comments from the City which are applicable to the current scheme.

Letter; Item A.4; paragraph 1 (page 3 of 9)

The City requests that "the geotechnical report address the geologic conditions (i.e., slopes, soil types, etc.) within the immediate vicinity of the site". Based on our visual observations looking north from Ponderosa Avenue, the slopes uphill (north) of the proposed development appear to be relatively gentle (±3 Horizontal:1 Vertical) and we did not see signs of slope instability. We observed weathered volcanic rock in a cut in this area. This suggests the subsurface profile beneath the hillside is similar to that of the subject property (i.e., fine-grained colluvial and/or residual soils underlain by shallow bedrock). Based on site topographic data, the slopes downhill (south) of the proposed development are ±3H:1V, or flatter, down to the stream channel. Our explorations suggest this area is also underlain by fine-grained colluvial and residual soils, followed by shallow rock. Therefore, we believe the risk of deep-seated landslides north or south of the subject property that would impact the proposed development is very low.

It is possible that debris flows could occur within the immediate vicinity of the stream channel (to the west and southwest of the development) during peak storm events. However, we observed heavy vegetation in the riparian zone, continuing far uphill of the project site. In our opinion, this should help reduce the tendency for large debris flows that could travel far downstream or far from the thalwag of the stream. Therefore, we believe debris flows do not pose a threat to the proposed development.

It should be clearly understood that Foundation Engineering, Inc. (FEI) did not conduct site-specific investigations of properties to the north and south of the subject parcel. Therefore, the current findings should not be used as a basis for removing or modifying any hazard overlays outside of the area of study.

Letter; Item A.4; paragraph 2 (page 3 of 9)

Information from the USCS indicates expansive soils are present on the site. The City requested a discussion of how these specific soil types may influence the development. Expansive soils were not addressed in our report because our explorations typically encountered low to medium plasticity soils and the grading plan

called for relatively thick fill. In our opinion, expansive soils would not impact the development if covered by a sufficient thickness of non-expansive fill. However, in the current scheme all foundations will extend to native soils, which may have medium to high plasticity at some locations. Where medium to high plasticity soils will remain beneath footings, pavements or other structural improvements, we recommend a minimum of 24 inches of compacted, crushed rock be placed between the improvements and the subgrade. The need for a thickened rock section should be determined by a representative of FEI at the time of construction.

Letter; Item C.2; paragraph 1 (page 8 of 9)

The City commented that the 8 to 9-foot setback shown on cross-section 2-2 on Exhibit C.3 is not consistent with the minimum 10-foot setback recommended in our report. Our recommended setback applies to foundations bearing on structural fill adjacent to a 2H:1V fill slope. However, as shown in current project drawings, all foundations will now bear on firm native soil or rock. Therefore, the minimum setback distance is no longer applicable.

We understand the foundations will consist of continuous wall footings stepping down the slope and/or isolated piers. We assume the lower level floor will be a structural slab. The foundation design should be prepared by a structural engineer, licensed in the State of Oregon. All foundation subgrade should be observed by FEI.

Memorandum; Item Drainage.1; (page 3 of 3)

MSS originally proposed pervious pavements for the site roadways and to discharge roof drains into shallow dry wells. We understand pervious pavements were deleted from the project and roof drains will now discharge beyond the south limits of the development. Therefore, this review comment is no longer applicable.

Basement walls and Retaining Walls

The current plans indicate the structures will have daylighting basements, and basement walls up to ±10 feet high will be required at the north end. The cast-in-place (CIP) concrete walls will need to be designed to withstand at-rest earth pressures as well as any surcharge loads (e.g., vehicles and/or garage structures). Retaining walls up to ±10 feet high are planned along the new site road. Either CIP concrete walls or gravity walls (e.g., block walls) may be used at these locations. We will be available to provide recommendations for the design and construction of basement and retaining walls.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 371 of 395

DRAFT - Geotechnical Investigation

Kent Ponderosa Property

Corvallis, Oregon

Prepared for:

Wade and Frankie Kent
Corvallis, Oregon

June 21, 2007

RECEIVED

FEB 11 2008

Community Development
Planning Division

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 372 of 395

Wade and Frankie Kent
c/o Peter Seaders
MSS, Inc.
535 SW 4th Street
Corvallis, Oregon 97333

June 21, 2007

Kent Ponderosa Property
Geotechnical Investigation - DRAFT
Corvallis, Oregon

Project 2071041

Dear Mr. Seaders:

We have completed the requested geotechnical investigation for the above-referenced project. Our report includes a description of our work, a discussion of the site conditions, and a discussion of engineering analyses. Recommendations for site preparation and residential foundations are enclosed. An evaluation of the landslide hazard risk is also provided.

It has been a pleasure assisting you with this phase of your project. Please do not hesitate to contact us if you have any questions or if you require further assistance.

Sincerely,

FOUNDATION ENGINEERING, INC.

Travis C. Munson, P.E.
Project Engineer

David L. Running, P.E.
Project Engineer

TCM/DLR/cs
enclosure

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT III - Page 373 of 395

GEOTECHNICAL INVESTIGATION - DRAFT
KENT PONDEROSA PROPERTY
CORVALLIS, OREGON

BACKGROUND

A parcel of land located at 5280 NW Ponderosa Avenue is being considered for development. The location of the site is shown on Figure 1A (Appendix A). The development will include dividing the parcel into nine residential lots. The proposed layout of the development is shown on Figure 2A (Appendix A).

The terrain typically slopes down to the south from NW Ponderosa Avenue to a natural drainage, which runs along the southern edge of the property. We understand that the drainage and the area immediately surrounding the drainage, has been identified as a potential landslide runout area in a confined channel based on the City of Corvallis Natural Hazard Map. A relatively large quantity of fill was previously placed in the northeast corner of the property. Placement of the fill was undocumented. It is proposed to reuse the fill for general site grading if possible.

Wade and Frankie Kent are the project owners and MSS is the civil designer. Foundation Engineering, Inc. (FEI) was retained by Wade and Frankie Kent as the geotechnical consultant. Our work includes an evaluation of the landslide hazard risk, site grading recommendations, and recommendations for residential foundations. Our scope of work was outlined in a proposal dated May 2, 2007.

FIELD EXPLORATION

We dug seven exploratory test pits at the site on June 7, 2007, using a CAT 312 tracked excavator. The test pits typically extended to depths of ±5.5 to 8.0 feet. A deeper test pit (TP-3) was extended to ±18 feet to penetrate the existing fill. Disturbed soil samples were obtained for possible laboratory testing. Where practical, undrained shear strength measurements were made on the test pit sidewalls using a vane shear device.

We dug three additional test holes in the riparian zone on June 18, 2007, to evaluate the soil conditions in the mapped landslide runout area. A hand-auger was used to minimize disturbance. The explorations extended to maximum depths of ±3.0 to 8.0 feet.

The soil profiles, sampling depths and strength measurements are summarized on the test pit and hand-auger logs in Appendix B. The approximate locations of the explorations are shown on Figure 2A. The subsurface conditions are discussed below.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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ENHANCING COMMUNITY LIVABILITY

Corvallis Planning Division
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Planning@ci.corvallis.or.us

DEER RUN PARK SUBDIVISION

PLD08-00013 / SUB08-00007

ATTACHMENT N - Page 5 of 24

DISCUSSION OF SITE CONDITIONS

Site Topography and Vegetation

The proposed development will be constructed in the northeast portion of the property. Undocumented fill was placed in this area, providing a level bench along Ponderosa Avenue. The fill slopes steeply down to the south and west where it catches the natural slope. Based on our observations of the site, it appears that, prior to the fill placement, the native ground in this area sloped down to the south and southwest at ±4:1 (h:v). The remainder of the site is relatively gently sloping. The slope extends to the natural drainage along the south edge of the property. The topographic map provided by MSS, Inc. indicates ground elevations ranging from ±El. 438 to ±El. 484 and natural slopes up to ±25%.

We observed wood chips, straw, gravel, and soil at the surface of the fill. The fill and the slope immediately southwest are covered with grass. Multiple silt fences have been installed in this area. The remainder of the site is wooded with some underbrush.

Subsurface Conditions

TP-1, TP-5, HA-1, HA-2 and HA-3 were dug outside the current fill areas. The explorations encountered the native soil profile consisting of medium stiff to stiff, dark brown, clayey silt with trace to some sand (colluvium). The colluvium extended to the maximum depths of the hand augers (±3 to 8 feet). The colluvium is underlain by extremely weak to very weak (R0 to R1) basalt at ±4.3 feet in TP-1. The colluvium is underlain by residual soil (i.e., bedrock that has decomposed to the consistency of soil) at a depth of ±5 feet in TP-5. Extremely weak to very weak (R0 to R1) basalt was encountered in TP-5 below ±6.5 feet.

TP-2 was dug near the toe of the Ponderosa Avenue road embankment. The exploration encountered ±5 feet of fill including layers of medium stiff to very stiff, clayey silt with some sand, extremely weak to very weak (R0 to R1) sandstone fragments, and very stiff, sandy silt and silty sand. The fill may represent the toe of the road embankment. Weak (R2) basalt was encountered below the fill at a depth of ±5 feet.

TP-3 was dug in the deeper fill area. The exploration encountered ±10 feet of fill consisting of primarily clayey silt with varying amounts of sand and rock fragments. The clayey silt is typically damp to moist, and has low to medium plasticity. Based on the digging effort and collapsing sidewalls above ±9 feet, we estimate the fill is soft to medium stiff and was not compacted. We observed abundant organics from ±9 to 10 feet, which may represent the original ground surface. The fill is underlain by soft to medium stiff, dark brown, clayey silt with variable sand and rock fragments (colluvium). Medium stiff, sandy silt with some rock fragments was encountered from ±17 to 18 feet (the maximum depth of the test pit). The sandy silt appears to be residual soil.

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TP-4 encountered ±1 foot of possible fill consisting of medium stiff to stiff, low to medium plasticity, clayey silt with varying amounts of sand, gravel, rock fragments, organics, wood debris and miscellaneous construction debris. The fill is underlain by very stiff to hard, clayey silt with trace to some rock fragments (residual soil). Extremely weak to medium strong (R0 to R3) basalt was encountered below the residual soil at a depth of ±2 feet.

TP-6 and TP-7 were dug along the slope south of the current fill area. The explorations encountered ±2½ to 3 feet of fill and topsoil consisting of stiff, dark brown, clayey silt with variable amounts of sand, rock fragments, roots and debris. The fill is underlain by stiff, dark brown, clayey silt (colluvium). Stiff to very stiff, clayey silt with variable amounts of rock fragments (residual soil) was encountered at depths of ±4.4 feet and ±2.5 feet, respectively, in TP-6 and TP-7. The residual soil extended to the maximum depth of TP-7 (±8 feet). Extremely weak to very weak (R1 to R2) basalt was encountered below the residual soil at a depth of ±5.5 feet in TP-6.

Ground Water

We observed ground water infiltration at depths of ±2 feet and 6 feet, respectively, in HA-1 and HA-2. No ground water or seepage was observed in the other explorations.

DISCUSSION OF KEY GEOTECHNICAL ISSUES

Slope Stability

The drainage that extends along the southwest portion of the property has been identified by the City of Corvallis as being within a potential landslide runout area. This identified area includes the designated riparian zone, which lies between the drainage and proposed development area.

The soil conditions encountered in our explorations suggest a native subsurface profile comprised of varying thicknesses of colluvium underlain by residual soil grading to basalt with depth. We have used the term 'colluvium' because this surficial soil appears to have been transported to the site from the higher terrain to the north. We anticipate that the fill was deposited over time by surface erosion or shallow debris flows and not necessarily by deep-seated landslides. The colluvial soils are typically medium stiff to stiff and the terrain within the mapped lanslide debris runout area is relatively gently sloping. Therefore, the conditions do not represent a slope stability hazard.

The proposed development area is underlain by medium stiff to stiff, colluvium and residual soil followed by shallow bedrock. Based on these conditions, we anticipate that the risk of slope insatiability will be low provided the fill is properly integrated into the native slope and compacted as recommended in this report.

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Site Grading and Reuse of Existing Fill

The existing fill is relatively soft and does not appear to have been placed in compacted lifts. Additionally, we anticipate that the fill was pushed out over the ground surface without benching the original slope. The fill is not suitable to support residential structures in its current condition. However, the bulk of the fill encountered in the test pits appears to be suitable for reuse.

The fill and the underlying soil are predominantly fine-grained. These soils will be moisture-sensitive. Therefore, it will be necessary to complete the earthwork only during dry weather when moisture-conditioning and compaction will be practical. Fill that contains high plasticity soils, organics, wood debris, or miscellaneous debris will not be suitable for reuse as structural fill and will need to be hauled off-site. Unsuitable soils will have to be identified during construction.

The existing fill will need to be removed from the proposed development area so the original ground can be properly prepared before replacing the fill. We anticipate that it will be most practical to begin with preparing the original ground in Lot 9 (located outside the current fill area) and moving the fill to that location until the original grades can be exposed on Lots 1 through 8.

Based on the current grades, we anticipate that most of the original slopes in the proposed fill area will be steeper than 5:1 (h:v). In these areas, fill should be benched into the hillside. The bottom bench should be at least ±10 feet wide. Each succeeding bench should extend at least ±3 feet horizontally into the sloping terrain. Each bench and embankment layer should be relatively level (i.e., 10:1 (h:v) or flatter). A standard benching detail is shown on Figure 3A (Appendix A). Where original slopes in the proposed fill areas are 5:1 (h:v) or flatter, the ground surface should be stripped of vegetation, scarified and recompacted to positively bond the new fill to the existing ground.

Permanent cut and fill slopes should be constructed no steeper than 2:1(h:v). Fill slopes should be overbuilt and trimmed back to facilitate compaction at the face of the embankment.

FOUNDATION DESIGN

Shallow Building Foundations

We have assumed the new buildings will be supported by conventional continuous perimeter footings and isolated spread footings. We estimated the bearing capacity of the footings placed on at least ±6 inches of compacted crushed rock underlain by recompacted, fine-grained fill. The crushed rock should extend a minimum of 6 inches beyond the edges of the footings.

We recommend using a nominal allowable bearing pressure of 1,500 psf for foundation design. This allowable bearing pressure assumes a typical factor of safety of 3. Our analysis assumes the footings will have a minimum width of 18 inches. A formal settlement analysis was not performed for the project since

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the foundation soils will consist of fill material. However, based on assumed loading and subsurface conditions, we anticipate that total and differential movements will be less than ± ¾ inch and ¼ inch, respectively, if the fill and foundations are constructed as recommended herein.

The lateral resistance of the footings may be established using an allowable passive resistance of 100 psf/ft against the buried side of the footings. A sliding coefficient of 0.35 may also be used beneath the footings assuming they are poured on a minimum of 6 inches of compacted Select Fill.

SEISMIC DESIGN PARAMETERS

We have assumed new structures will be designed using procedures outlined in the 2004 Oregon Structural Specialty Code (OSSC), which is based on the 2003 International Building Code (IBC). The design maximum considered earthquake spectral acceleration maps included in the 2004 OSSC are based on maps prepared by USGS in 1996. In accordance with the exception in OSSC Section 1615, the revised USGS 2002 maps were used to establish the spectral accelerations to provide the most current information.

The site is underlain by predominantly medium stiff to stiff fine-grained soils over shallow bedrock. Therefore, the average properties within the upper 100 feet of the soil profile corresponds to a Site Class D. The appropriate IBC seismic design parameters are summarized in Table 1. The liquefaction potential of the foundation soils is negligible due to its stiffness and plasticity.

Table 1. IBC 2003 Seismic Design Parameters

Site Class	S_S	S_1	F_a	F_v	S_{MS}	S_{M1}	S_{DS}	S_{D1}
D	0.84	0.41	1.16	1.59	0.97	0.65	0.65	0.43

Notes:
1. S_S and S_1 were established based on the USGS 2002 mapped maximum considered earthquake spectral acceleration maps for 2% probability of exceedence in 50 years.
2. F_a and F_v were established based on IBC 2003, Tables 1615.1.2(1) and 1615.1.2(2) using the selected S_S and S_1 values.

CONSTRUCTION RECOMMENDATIONS

The following recommendations assume that construction will occur during the dry summer months (typically mid-June or early July through early October). The existing fine-grained fill and native subgrade will be moisture-sensitive. It will not be practical to compact these soils during the winter or when wet of optimum. Therefore, the work should not be attempted during wet weather. The contractor may still experience pumping problems in the summer if the surficial soils have not

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adequately dried. Therefore, we recommend an on-site conference with the contractor prior to the grading work to review the site conditions.

Material and Compaction Requirements

1. Select Fill as defined in this report should consist of ¾ or 1-inch minus, clean (i.e., less than 5% passing the #200 U.S. Sieve), well-graded, crushed gravel or rock. We should be provided a sample of the intended fill for approval, prior to delivery to the site.

2. Site Fill should consist of approved fine-grained or granular soil that is free of organics, high plasticity clay or construction debris. Any high plasticity soils encountered in the excavations should be disposed of off-site or be reused outside structural fill areas.

3. Borrow Material should consist of approved imported fine-grained or granular soil that is free of organics, construction debris or high plasticity clay. We should be provided samples of proposed borrow materials prior to delivery on site.

4. Drain Rock should consist of 2-inch minus, clean (less than 2% passing the #200 sieve), open-graded gravel or rock.

5. Filter Fabric should consist of a non-woven geotextile with a grab tensile strength greater than 200 lb., an AOS of between #70 and 100 (US Sieve) and a permitivity greater than 0.10 sec^{-1}.

6. Compact all fine-grained soils and Select Fill in loose lifts not exceeding 12 inches. Thinner lifts may be required if light or hand-operated equipment is used. Compact all fill to a minimum of 95% relative compaction, unless otherwise specified. The maximum dry density of ASTM D 698 should be used as the standard for estimating relative compaction, unless otherwise specified. The moisture content of the fine-grained soil should be adjusted to within ±2% of its optimum value prior to compaction. Efficient compaction of fine-grained soils will typically require the use of a padfoot or kneading roller to achieve the required compaction. Granular fill (sand, rock or gravel) will compact more efficiently with a smooth drum, vibratory roller. Field density tests should be run frequently to confirm adequate compaction.

7. Slope trench sidewalls and/or provide shoring according to Oregon OSHA requirements to protect workers from sloughing or caving soils.

8. Trenches that extend beneath buildings, slabs or pavements should be backfilled with Select Fill placed and compacted as recommended in Item 6. Native backfill may be used outside these areas.

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Site Grading

The site should be graded during dry weather as follows:

9. Remove the existing fill from the development areas to expose the original ground. Strip the ground as required to remove organics or otherwise unsuitable materials. Dispose of all stripped material outside of construction areas. The exposed subgrade should be observed by an FEI representative prior to placing fill.

10. Where fill will be placed on slopes steeper than 5:1 (h:v), bench the native ground surface as shown on Figure 3A (Appendix A). Benching will not be required on flatter slopes.

11. Moisture-condition (as required) and compact the subgrade with a padfoot roller to produce a rough surface and promote blending with subsequent fill. Maintain the appropriate moisture in the subgrade and fill to prevent excessive drying and cracking prior to placing fill. Place and compact the fill in lifts as recommended in Item 6.

12. Permanent cut and fill slopes should be graded no steeper than 2:1 (h:v). Permanent fill slopes should be well compacted and overbuilt and trimmed, if necessary, to facilitate compaction of the surface.

13. The finished grades should be seeded, watered and maintained as soon as possible following earthwork to provide mature vegetation prior to the onset of wet weather and reduce the risk of erosion.

Foundation Design

14. If required, design the structures using the seismic parameters provided in Table 1.

15. Design shallow building footings using an allowable bearing pressure of 1,500 psf. This value may be increased by one-third for short-term (wind and seismic) loads. The lateral resistance of the footings may be established using an allowable passive resistance of 100 psf/ft against the buried side of the footings and a sliding coefficient of 0.35 beneath the footings. The sliding coefficient assumes the footings are poured on compacted Select Fill.

16. Provide a minimum footing width of 18 inches. Place the base of the footings at least 2 feet below the finished grade or on compacted Select Fill extending to this depth. Provide a minimum of 6 inches of compacted Select Fill beneath the footings. Select Fill placed beneath the foundations should extend a minimum of 6 inches beyond the edges of the footings.

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17. Assume the building foundations could experience total and differential movement of ¾ inch and ¼ inch, respectively, if foundation preparation is completed as recommended herein.

18. Place at least 12 inches of compacted Select Fill beneath building slabs. Place 6 inches of compacted Select Fill beneath all other isolated slabs and sidewalks.

19. Use a modulus of subgrade reaction, k_s, of 60 lb/in^3, for floor slab design. Reinforce all concrete slabs to reduce cracking and warping. Rebar, instead of wire mesh, is recommended.

20. Provide a suitable vapor barrier under building slabs that is compatible with the proposed floor covering (if any) and the method of slab curing.

Foundation Drainage

21. Grade the terrain surrounding the buildings to promote positive drainage away from the foundations.

22. Install a foundation drain along the outside edges of the buildings. The drain should consist of 3 or 4-inch diameter, perforated or slotted, PVC pipe. The flow line of the pipe should be set near the base of the footings. The pipe should be bedded in at least 4 inches of drain rock and backfilled with drain rock to within 1 foot of the ground surface. The entire mass of drain rock should be wrapped in a Filter Fabric meeting the requirements specified in Item 4. The fabric should lap at least 12 inches at the top.

23. Provide clean-outs at appropriate locations for future maintenance of the drainage system.

DESIGN REVIEW/CONSTRUCTION OBSERVATION/TESTING

We should be provided the opportunity to review all drawings and specifications that pertain to site preparation and foundation design. Site preparation and reuse of on-site materials will require field confirmation. That judgment should be provided by one of our representatives. Frequent field density tests should be run on all engineered fill. We recommend that we be retained to provide the necessary construction-phase geotechnical consultation.

VARIATION OF SUBSURFACE CONDITIONS, USE OF THIS REPORT AND WARRANTY

The analysis, conclusions and recommendations contained herein are based on the assumption that the soil profiles and the ground water levels encountered in the test pits and hand-augers are representative of the overall site conditions. The above recommendations assume that we will have the opportunity to review the grading plan and be present during construction to confirm assumed subsurface conditions. No changes in the enclosed recommendations should be made without

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our approval. We will assume no responsibility or liability for any engineering judgment, inspection or testing performed by others.

Our services do not include any survey or assessment of potential surface contamination or contamination of the soil or ground water by hazardous or toxic materials. We assume that those services, if needed, have been completed by others.

Our work was done in accordance with generally accepted soil and foundation engineering practices. No other warranty, expressed or implied, is made.

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Appendix A

Figures

Professional Geotechnical Services

Foundation Engineering, Inc.

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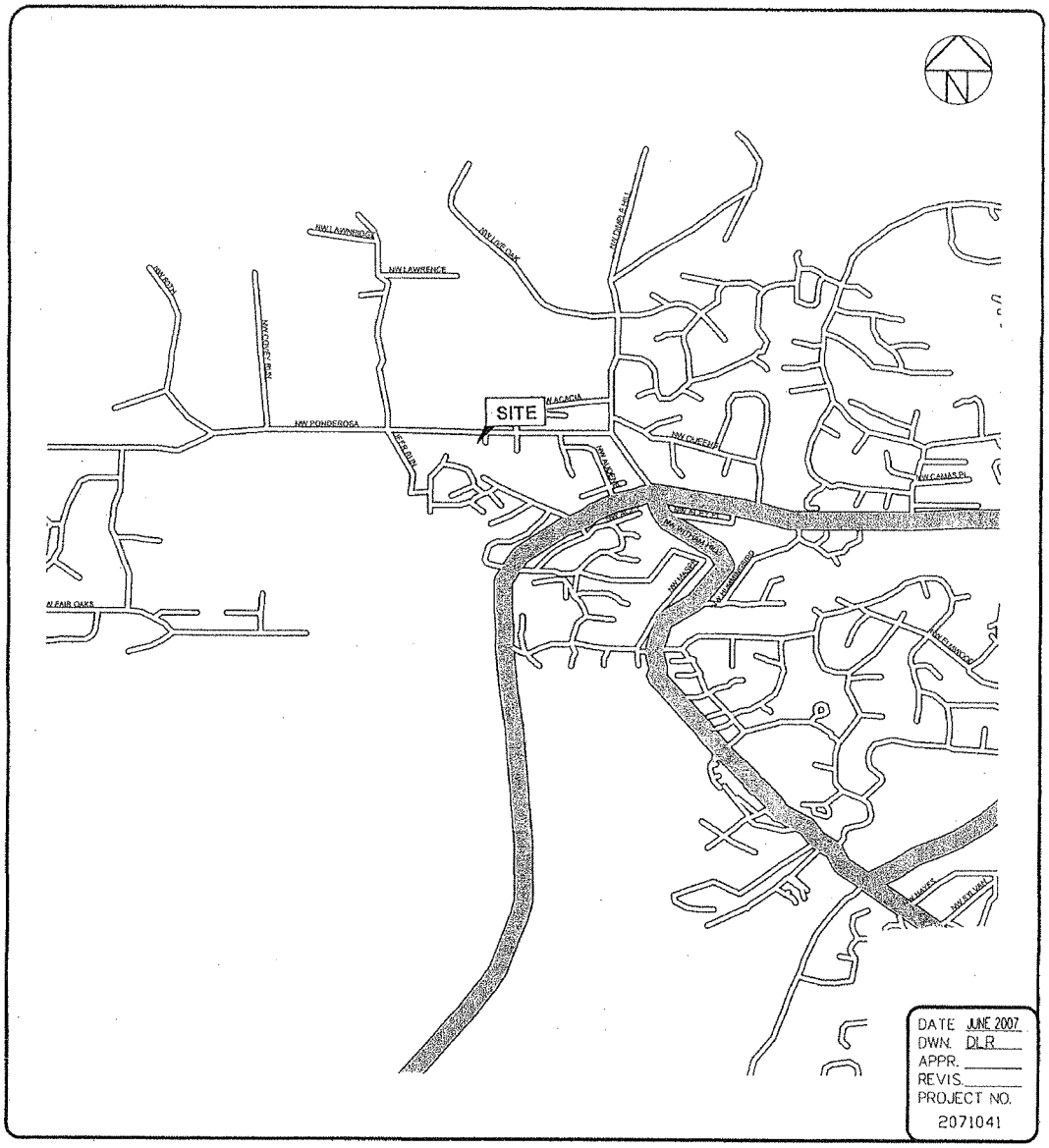

FOUNDATION ENGINEERING INC.
PROFESSIONAL GEOTECHNICAL SERVICES
820 NW CORNELL AVENUE
CORVALLIS, OR 97330-4617
BUS. (541) 757-7645 FAX (541) 757-7650

VICINITY MAP

KENT PONDEROSA PROPERTY
CORVALLIS, OREGON

FIGURE NO.
1A

FILE NAME: FIGURE 1A

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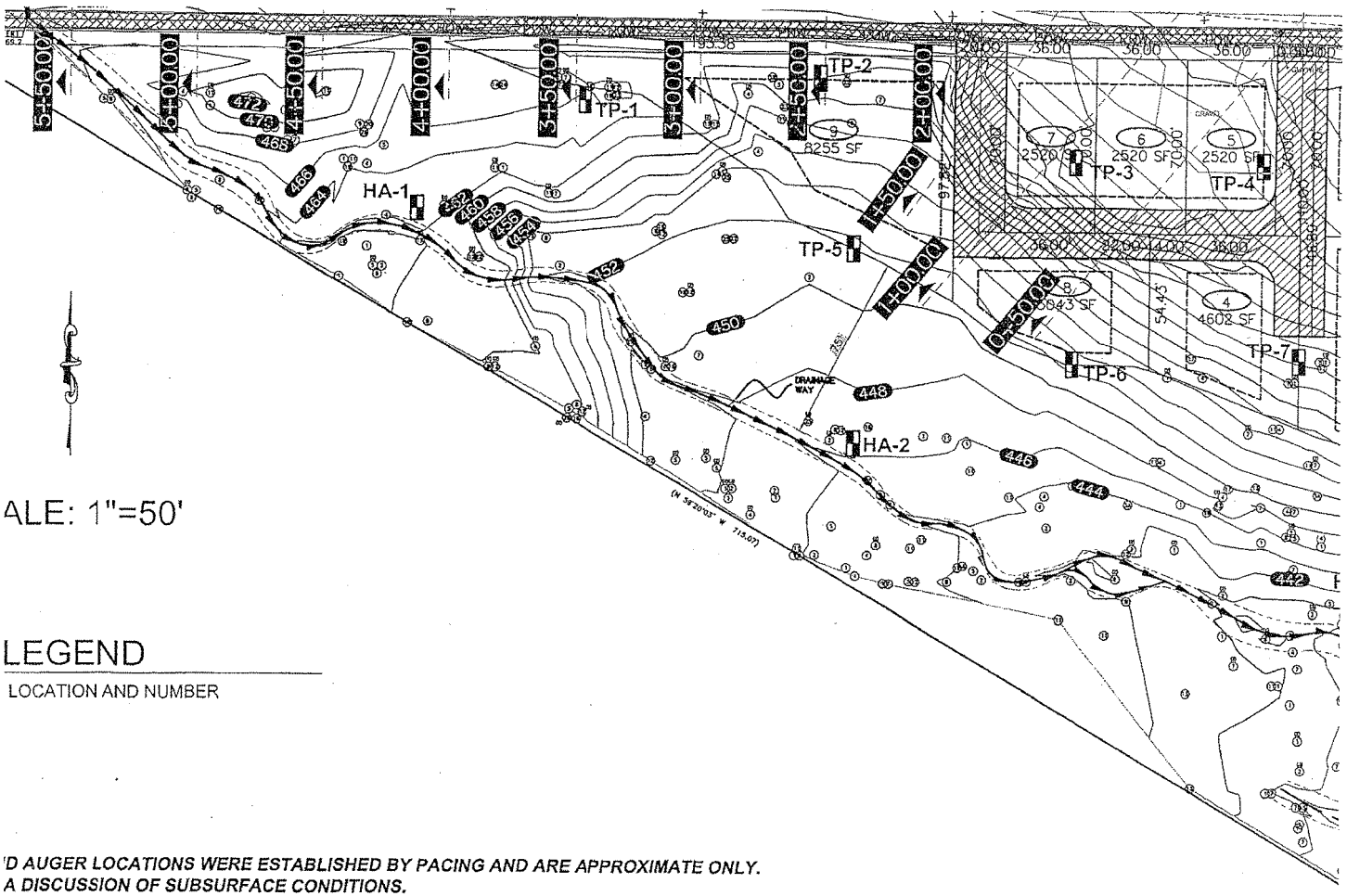

ALE: 1"=50'

LEGEND

LOCATION AND NUMBER

'D AUGER LOCATIONS WERE ESTABLISHED BY PACING AND ARE APPROXIMATE ONLY.
A DISCUSSION OF SUBSURFACE CONDITIONS.
ROVIDED BY MSS INC.

FOUNDATION ENGINEERING INC.

DATE JUNE 2007
DWN. TCM

TEST PIT LOCATION PI

Notes:

1. Construct benches on slopes steeper than 5:1 (h:v) to provide positive bond with existing ground.
2. Individual lifts should be constructed at slopes 10:1 (h:v) or flatter.

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DATE JUNE 2007
DWN. DLR
APPR. _____
REVIS. _____
PROJECT NO.
2071041

STANDARD BENCHING DETAIL

KENT PONDEROSA PROPERTY
CORVALLIS, OREGON

FIGURE NO.
3A

FILE NAME: FIGURE 3A

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Appendix B

Test Pit Logs

Professional Geotechnical Services

Foundation Engineering, Inc.

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Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: grass.	1-					1.00		Medium stiff, clayey SILT, trace to some sand; dark brown, damp to moist, low to medium plasticity, fine to coarse sand, (colluvium).
	2-	S-1-1						
	3-					0.80		Becomes stiff below ±2 feet.
	4-	S-1-2						Becomes brown and medium plasticity with some red-brown rock fragments below ±3.8 feet.
	5-							Extremely weak to very weak (R0 to R1) BASALT; dark red-brown to grey, decomposed to moderately weathered, very close to close joints, (Siletz River Volcanics).
No seepage or ground water encountered to the limit of excavation.	6-	S-1-3						
	7-							BOTTOM OF TEST PIT
	8-							
	9-							

Project No.: 2071041

Surface Elevation: N/A (Approx.)

Date of Test Pit: June 7, 2007

Test Pit Log: TP-1

Kent Ponderosa Property

Corvallis, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: grass.	1-					1.30		Medium stiff to stiff, clayey SILT, trace to some sand, abundant roots; dark brown, damp, low to medium plasticity, fine to coarse sand, (topsoil).
	2-	S-2-1						Very stiff, clayey SILT, some sand; dark brown, moist, medium plasticity, fine to coarse sand, (fill).
	3-	S-2-2						Extremely weak to very weak (R0 to R1) SANDSTONE fragments; grey to red-brown, decomposed to moderately weathered, (fill).
	4-	S-2-3						Very stiff, sandy SILT with some clay to dense, silty SAND; brown, damp, low to medium plasticity, fine sand, intact rock structure, (fill).
No seepage or ground water encountered to the limit of excavation.	5-	S-2-4						Weak (R2) BASALT; dark red-brown, manganese-stained, slightly weathered, very close to close joints (Siletz River Volcanics).
	6-							BOTTOM OF TEST PIT
	7-							
	8-							
	9-							

Project No.: 2071041

Surface Elevation: N/A (Approx.)

Date of Test Pit: June 7, 2007

Test Pit Log: TP-2

Kent Ponderosa Property

Corvallis, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: gravel, soil, wood chips, straw and grass.	1-							Medium stiff, clayey SILT, some rock fragments, trace to some sand; brown, damp to moist, low to medium plasticity, fine to coarse sand, (fill).
	2-	S-3-1						
	3-							Becomes soft and sandy between ±3 and 6 feet.
	4-	S-3-2						
	5-							
	6-							
	7-	S-3-3						
	8-							
Test pit side walls collapsed above ±9 feet.	9-	S-3-4						Becomes dark brown to grey and moist with abundant organics and roots noted between ±9 and 10 feet.
	10-							Soft to medium stiff, clayey SILT, some rock fragments, trace to some sand; dark brown, moist, medium plasticity, (possible fill/colluvium).
	11-							
	12-	S-3-5						
	13-							
	14-							
	15-	S-3-6						
	16-							
No seepage or ground water encountered to the limit of excavation.	17-	S-3-7						Medium stiff, sandy SILT, trace to some rock fragments; yellow-brown, moist to wet, low to medium plasticity, (residual soil).
	18-							BOTTOM OF TEST PIT
	19-							

Project No.: 2071041

Surface Elevation: N/A

Date of Test Pit: June 7, 2007

Foundation Engineering

Test Pit Log: TP-3

Kent Ponderosa Property

Corvallis, Oregon

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Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: grass.	1-	S-6-1				0.55 to 1.00		Stiff, clayey SILT, trace to some sand, gravel and basalt fragments, scattered roots, debris and wood debris; dark brown, brown and grey, damp, low to medium plasticity, occasional seams of grey, high plasticity clay, (fill).
	2-							
	3-							
	4-	S-6-2						Stiff, clayey SILT, trace sand and rock fragments; dark brown, damp to moist, medium plasticity, fine to coarse sand, (colluvium).
	5-							Stiff to very stiff, clayey SILT, some rock framents; red-brown, damp to moist, low to medium plasticity, intact rock structure, (decomposed basalt).
	6-							Extremely weak to very weak (R0 to R1) BASALT; grey, slightly to highly weathered, very close joints, (Siletz River Volcanics).
No seepage or ground water encountered to the limit of excavation.	7-	S-6-3						BOTTOM OF TEST PIT
	8-							
	9-							

Project No.: 2071041

Surface Elevation: N/A (Approx.)

Date of Test Pit: June 7, 2007

Test Pit Log: TP-6

Kent Ponderosa Property

Corvallis, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: grass.		S-7-1						Stiff, clayey SILT, trace sand and gravel-sized rock fragments, abundant roots; dark brown, damp, low to medium plasticity, fine to coarse sand, fine to coarse, angular to subrounded gravel, (topsoil).
	1-	S-7-2						Stiff, clayey SILT, some gravel-sized rock fragments, trace sand, scattered roots; brown, low to medium plasticity, fine to coarse sand, (possible fill/colluvium).
	2-							Stiff to very stiff, clayey SILT, some sand and gravel-sized rock fragments; orange-brown mottled brown and occasionally blue-grey, damp to moist, medium plasticity, (residual soil).
	3-							
	4-	S-7-3						
	5-							Becomes grey mottled brown and white with some intact rock structure below ±5 feet.
	6-	S-7-4						
	7-							Stiff SILT, some clay and rock fragments; grey, moist, low to medium plasticity, intact rock structure, (decomposed basalt).
No seepage or ground water encountered to the limit of excavation.	8-	S-7-5						BOTTOM OF TEST PIT
	9-							

Project No.: 2071041

Surface Elevation: N/A (Approx.)

Date of Test Pit: June 7, 2007

Test Pit Log: TP-7

Kent Ponderosa Property

Corvallis, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: wood chips.	1-	S-4-1						Medium stiff to stiff, clayey SILT, trace sand, gravel, debris, wood debris and organics, frequent roots; dark brown, dry to damp, low to medium plasticity, (topsoil/fill).
Profile shown is representative of the south end of the test pit. In the northern portion of the test pit, the basalt is decomposed to extremely weak (R0).	2-	S-4-2						Very stiff to hard, clayey SILT, trace to some rock fragments; brown mottled white, damp, medium to high plasticity, (residual soil).
	3-							Weak to medium strong (R2 to R3) BASALT; dark grey, slightly weathered, very close to close joints, clay infilled joints, trace iron-stained joints, (Siletz River Volcanics).
No seepage or ground water encountered to the limit of excavation.	4-							
	5-							
	6-							BOTTOM OF TEST PIT
	7-							
	8-							
	9-							

Project No.: 2071041 — Test Pit Log: TP-4

Surface Elevation: N/A (Approx.) — Kent Ponderosa Property

Date of Test Pit: June 7, 2007 — Corvallis, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: grass.	1-							Stiff, clayey SILT, trace to some sand; dark brown, moist, medium plasticity, fine to coarse sand, (colluvium).
	2-	S-5-1				0.80		
	3-							Becomes moist to very moist below ±2.8 feet.
	4-	S-5-2				0.70		
	5-	S-5-3						Medium stiff to stiff, clayey SILT, some rock fragments; brown, moist to very moist, medium plasticity, intact rock structure, (residual soil/decomposed basalt).
No seepage or ground water encountered to the limit of excavation.	6-							
	7-	S-5-4						Extremely weak to very weak (R0 to R1) BASALT; red-brown, brown and white, decomposed to moderately weathered, very close joints, (Siletz River Volcanics).
	8-							BOTTOM OF TEST PIT
	9-							

Project No.: 2071041 — Test Pit Log: TP-5

Surface Elevation: N/A (Approx.) — Kent Ponderosa Property

Date of Test Pit: June 7, 2007 — Corvallis, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: grass and brambles.	1-							Medium stiff, clayey SILT, trace to some sand; dark brown, damp grading to wet, medium plasticity, fine to coarse sand, (colluvium).
Seepage noted below ±2 feet.	2-							
	3-	HA-1-1						
	4-							
	5-	HA-1-2						Becomes soft to medium stiff with trace gravel below ±4.5 feet.
		HA-1-3						Becomes stiff and brown with some sand below ±5 feet.
	6-	HA-1-4						
		HA-1-5						
	7-							BOTTOM OF HAND AUGER
	8-							
	9-							

Project No.: 2071041

Surface Elevation: N/A (Approx.)

Date of Test Pit: June 18, 2007

Test Pit Log: HA-1

Kent Ponderosa Property

Corvallis, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: grass and weeds.	1-							Medium stiff, clayey SILT, trace to some sand; dark brown, damp, low to medium plasticity, fine to coarse sand, (colluvium).
	2-							
	3-	HA-2-1						Iron-staining noted below ±2 feet and increasing with depth.
	4-							
	5-	HA-2-2						Becomes stiff, brown and damp to moist below ±4 feet.
	6-							
Seepage noted below ±6 feet.	7-							Becomes wet with trace to some fine to coarse, angular to subrounded gravel below ±6 feet.
	8-	HA-2-3						Becomes medium stiff and low to medium plasticty with some sand below ±7 feet.
	9-							BOTTOM OF HAND AUGER

Project No.: 2071041

Surface Elevation: N/A (Approx.)

Date of Test Pit: June 18, 2007

Test Pit Log: HA-2

Kent Ponderosa Property

Corvallis, Oregon

Comments	Depth, Feet	Sample #	Location	Class Symbol	Water Table	C, TSF	Symbol	Soil and Rock Description
Surface: grass. No seepage or ground water encountered to the limit of excavation. Practical refusal encountered in multiple holes at ±3 feet.	1- 2- 3- 4- 5- 6- 7- 8- 9-	HA-3-1						Medium stiff to stiff, clayey SILT, trace to some sand and rock fragments; brown, damp, medium plasticity, fine to coarse sand, (colluvium). BOTTOM OF HAND AUGER

Project No.:	2071041	Test Pit Log: HA-3	
Surface Elevation:	N/A (Approx.)	Kent Ponderosa Property	
Date of Test Pit:	June 18, 2007	Corvallis, Oregon	

CONSUMERS POWER INC.

July 1, 2008

Attn: Peter Seaders
MSS, Inc
215 NW 47th St
Corvallis OR 97330

Subject: WO 80240 Deer Run Park

Dear Mr. Seaders:

Your request for electrical service availability to a nine (9) residential unit development known as "Deer Run Park" has been investigated. Consumers Power, Inc. (CPI) has the capacity to serve this proposed development.

CPI has reviewed exhibit B of the conceptual and detailed development plan for **Deer Run Park Subdivision dated 6-17-08**. We see nothing proposed on this drawing that would compromise our existing easement.

A cost estimate will be calculated once transformer and meter locations have been agreed upon. No less than a seven (7) foot public utility strip will be required for all high voltage hardware. The developer will be responsible for all excavation, backfill, and conduit installed to CPI specifications. Any costs to revise and/or relocate existing CPI facilities will be born by the developer.

Questions regarding the engineering and costs involved with the electrical distribution facilities to serve this proposed development should be directed to me.

Sincerely,

Micheal W. Smith
Line Staker
541 929-8642
E-Mail: mwsmith@cpi.coop

6990 West Hills Rd.
PO Box 1180
Philomath, OR 97370
(541) 929-3124
800-872-9036
FAX (541) 929-8673
www.cpi.coop

PNGC Power
Smart. Local. Connected.

TOTAL P.02

August 7, 2008

TO WHOM IT MAY CONCERN:

I have reviewed the development plan for Deer Run Park Subdivision and have the following comments relative to garbage and recycling removal services from AWI:

1. The development can be served by AWI; each unit may be provided with individual trash and recycling containers.

2. AWI can access the units for purposes of collecting trash; however, the current "Up the drive" franchise rate will apply. The recycling including yard waste containers will need to be placed at the curb on Ponderosa Avenue, so that they can be serviced in accordance with our automated pick-up system.

3. We understand that significant portions of the rear yards are protected riparian area which will not be subject to yard maintenance practices. Due to the relatively small remaining yard areas for most of the lots, it is anticipated that some residents may opt out of the yard waste containers.

Please feel free to contact me if you have further questions concerning this correspondence. Thank you.

Travis Butler,
Allied Waste, Inc.

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
November 19, 2008

Present
Karyn Bird, *Chair*
Jennifer Gervais, *Vice Chair*
Frank Hann
Tony Howell
Steve Reese
Jim Ridlington
Patricia Weber
Jeanne Raymond, *Council Liaison*

Staff
David Coulombe, Deputy City Attorney
Fred Towne, Planning Division Manager
Jeff McConnell, Development Engineering Supervisor
Matt Grassel, Development Review Engineer
Jason Yaich, Associate Planner
Claire Pate, Recorder

Excused
Denise Saunders

draft

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT IV - Page 1 of 30

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			
II.	Public Hearing **Deer Run Park Subdivision (PLD08-00013, SUB08-00007)**			Record held open; Deliberations on December 3, 2008.
III.	Planning Commission Minutes none to consider			
IV.	Old Business			
V.	New Business A. Planning Manager's Update			
VI.	Adjournment			

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Karyn Bird at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. VISITOR'S PROPOSITIONS:

Michael Papadopoulos, 5370 NW Lawrence Avenue, asked that properties impacted by a land use planning application be posted with the notice as soon as possible, so that residents will have time to do research on and prepare testimony relating to the application. Mr. Papadopoulos said that there are three entities involved - the government, the developer, and the public. He said it is important that the public be given as much notice as possible so they can do research. Staff explained the process for posting the property, stating that they do not have all of the necessary information needed for the notice right away, so there is a bit of a delay from time of receipt of the application to posting. Corvallis exceeds State requirements for posting and notification, which are that everyone within 100 feet of any development proposal receive notification a minimum of 20 days in advance of the public hearing. Corvallis expands the notice area to all residents within 300 feet, and posts the property twenty days in advance of the hearing. Additionally, as soon as an application is deemed to be complete, a prenotification is sent out to all the neighborhood asssociations and interested parties on the Planning Division distribution list. This mailing is done in advance of the formal notification process. Deputy City Attorney Coulombe added that the substantive analysis included in the staff report does not come out until approximately seven days before the evidentiary hearing; therefore, the notice will likely not have all the substantive analysis which an opponent or proponent might need to evaluate a proposal.

II. PUBLIC HEARING - Deer Run Park Subdivision (PLD08-00013, SUB08-00007):

A. Opening and Procedures:

The Chair welcomed citizens and reviewed the public hearing procedures. Staff will present an overview followed by the applicant's presentation. There will be a staff report and public testimony, followed by rebuttal by the applicant, limited in scope to issues raised in opposition and sur-rebuttal by opponents, limited in scope to issues raised on rebuttal. The Commission may ask questions of staff, engage in deliberations, and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria for this case is available as a handout at the back of the room.

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair opened the public hearing.

B. Declarations by the Commission: Conflicts of Interest, Ex Parte Contacts, Site visits, or Objections on Jurisdictional Grounds

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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1. Conflicts of Interest: Commissioner Weber said that Cole Surveying, Inc. is a subsidiary of Devco Engineering, her employer. However, neither she nor Devco were involved in any way with this project.
2. Ex Parte Contacts: None
3. Objections to declarations: None
4. Site Visits: All Commissioners present declared site visits.
5. Objections on Jurisdictional Grounds: None

C. Staff Overview:

Associate Planner Jason Yaich said the application is for a Conceptual and Detailed Development Plan and Tentative Plat approval for a nine-lot residential subdivision, to contain three groups of three attached single-family homes, served by a common driveway and parking area. The subdivision proposal also includes dedication of additional public right-of-way along the site's NW Ponderosa Avenue frontage and an open space tract of approximately 1.4 acres. The Planned Development request also includes requested variations to Land Development Code standards. The site is located at 5280 NW Ponderosa Avenue, north and west of the intersection of Glenridge and Walnut Boulevard. The Comprehensive Plan Designation is LD (Residential - Low Density), and zoning PD(RS-6) (Low Density Residential with a Planned Development Overlay). This designation was applied at the same time as it was applied to the Suncrest subdivision to the south, in 1984. The property immediately to the east, Ponderosa Point subdivision, has an RS-3.5 designation.

There are natural hazards and natural resources mapped on site. The natural hazards include a land-slide hazard and significant slopes which range from 10-35%. The natural resource is a Highly Protected Riparian Corridor.

D. Legal Declaration:

Deputy City Attorney Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they believe are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Creed A. Eckert, land use planning consultant, introduced the owner, Frankie Kent, and Peter Seaders of MSS Inc., project engineer. They have reviewed the staff report and, in general, concur with its findings. They are appreciative to staff for pointing out that two of the original variances appear unnecessary. In brief, no variation to the mass grading standards is required, along with one other variation which he could not immediately recall.

The applicants purchased the property in 2003 and subsequently wished to sell it, but potential buyers have been frustrated by design constraints of the property. Contrary to

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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one particular point in the staff report, the Kents have had conversations with City Planning staff since soon after the purchase of their property, not necessarily just associated with any violations that might have occurred, but in order to investigate the feasibility of developing the property. The layers of environmental natural resource and natural hazard protections and regulations on the property have made it a daunting project. It has taken a couple of years to clarify how it could be approached. They are happy to now have a proposal that is a very close mesh between the characteristics of the site, the significant restraints thereon, and the Land Development Code. The hope is that this will increase the site's marketability.

Mr. Eckert explained that though the applicants are mostly in agreement with the staff report, there are a couple of staff findings they would ask the Planning Commission to reconsider. Condition of Approval #25c would require extending street trees along the entire length of property frontage. They believe that there is Code support for and logical reasons for not requiring the street trees along the portion of the frontage that is part of Tract A, the natural riparian area that is already heavily treed. Staff cited Land Development Code section 4.0.30.a.1 as the passage that would require extending the street trees through the Natural Resource preservation Tract A, but it does not appear to apply to Collector streets. The corresponding section that does apply, Land Development Code section 4.0.30.a.2, normally requires a twelve-foot planting strip, but also states that the tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by the Code. This statement appears to support the applicant's proposal to terminate street trees along the frontage of Natural Resources Tract A. It is also further reinforced by Land Development Code section 4.0.60.a.9. Both sections delete street tree planting areas when adjacent to Natural Resource areas, and neither of the sections make provision for relocating those street trees. The curb-side sidewalks were arrived at through much coordination with the City, and are consistent with the existing, improved profile for the sidewalks to the east.

Mr. Eckert said the staff report indicates that the applicants have not met the burden of approval for a variation to the sign area standard. Staff correctly observes the applicant's position that Land Development Code section 4.7.90.09, entitled *Signs in Planned Developments*, provides the criteria for approving signs in a Planned Development. It specifically requires findings of compliance with the Sign Code "and/or that the sign is compatible with the types of development existing in future surrounding the Planned Development." Admittedly, the applicants have not submitted testimony in that respect, but they are requesting that the Planning Commission find that a deviation of four square feet in sign size area would be generally compatible with what might be expected if a Planned Development were to occur across the street, or if one of the surrounding subdivisions had opted for an identification sign. Nonetheless, in addition to addressing that the application meets that particular separate set of standards, Mr. Eckert said that he would also like to submit that a minor deviation to the sign area can provide a compensating benefit by identifying the development for traffic safety, including fire and other emergency vehicles. It does not appear that granting this variance would require any changes to the language of Condition of Approval #27, although some amended findings in support of the sign area variation might be required.

Mr. Eckert said the applicants are agreeable to Condition of Approval #7, limiting the number of three vs. two bedroom units, which permits the development to provide five parking spaces in excess of the Land Development Code requirements in order to address overflow parking needs.

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In conclusion, Mr. Eckert said the applicants would like to request that a correction be made to the Natural Hazard map in the staff report, removing the identified landslide area indicated on their property. He said the risk is relatively inconsequential for this application, since a geotechnical expert was hired to demonstrate the feasibility of developing on the sloping site. But, as the City compiles more specific information than what is currently avialable, it is the applicants' hope that future applicants will not be faced with the unnecessary burden of the mapped landslide area.

Mr. Eckert said a neighborhood meeting was held one week ago, and everyone on the City's notification list was invited. Around twelve people in attended. He noted some of the suggestions that came out of the meeting, and asked that the Planning Commission consider them.

- With regard to the chip bark path to access the existing sanitary sewer manhole located off-site close to the southeast boundary, neighbors were concerned about proximity of the path to the fence and property line. The applicants would like to place the path directly on top of the sewer line, which would set it back from the property line. They could then retain and/or plant some trees as a buffer to the neighbors to the east.
- The school bus stop which is currently located in proximity to the northeast corner of the site might be more appropriately located in proximity of Lots 4 and 5 frontage.
- Neighbors were curious as to whether the street trees could be stipulated as evergreen.
- There was a request for a Covenant, Code &Restriction (CC&R) prohibiting parking on Cassia Place, and the applicants are 100% agreeable to that.

Mr. Eckert said there was also a request to reduce the number of units by one-third or more, and to provide double car garages. He said that, while the existing parking scenario is admittedly not ideal, the team determined that such a modification would make the property less marketable. A very major consideration is the cost of public improvements required for the site; improvement costs for Ponderosa Avenue will be substantial, and the project has to pencil out.

Mr. Eckert said it is a challenge to develop the site in the manner that the Corvallis Comprehensive Plan and Land Development Code envision, and that most of the neighbors have had the privilege of doing. He also pointed out that over two-thirds of the site will be deeded over to the public good, and neither of these two facts should preclude the owners from their ability to seek some residential use of the remaining usable portion of the site, as long as it is consistent with the residential density range assigned to it and to applicable standards. He said the staff report interprets that a minimum required density would be ten total units, but notes correctly that the applicants are given the option of exercising the provision to use net acreage to arrive at a lower required density. They have done so to arrive at nine units on one net acre of land. The maximum number of units allowed on the usable acre, by the City's maximum density standards, would be 15 units. The applicants are not interested in maximizing profit; they just want to arrive at what would be a marketable proposal that best fits the City's standards and requirements. Through a two-year process, they have submitted four design proposals, and each has been amended through working with the City staff. Mr. Eckert said the initial proposal was for seven single-family dwellings on the property, but the impacts to the riparian zone and the number of deviations required to realize such a plan led them to this final plan. This proposal appears to be a much better fit, with minimal impact to the natural resource area.

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Questions of the applicant:

In response to a question from Commissioner Howell related to the two cited Land Development Code references to street trees in the riparian area, Mr. Eckert said that, to his knowledge, there would be no trees removed or impacted in the riparian area. If any were to be removed, it would be in relation to the storm detention facility, but he does not believe that this is the case. Mr. Eckert said there will be some grade change to accommodate the sidewalk in that area. Peter Seaders, project engineer, said that the easiest place to see where trees will be impacted is Exhibit A.2, Attachment K, page 3 of 17 in the staff report. He said there are a few trees listed in the Tree Table that are close to the "toe of road embankment" line, which might have some impact, though they are not slated to be removed.

Commissioner Weber cited Land Development Code section 4.2.30.a.1.d language requiring plantings in-lieu of street trees if planting strips are not provided along a Collector street. Mr. Eckert acknowledged this citation, but added that it is his belief that the section he cited, Land Development Code section 4.0.30.a.2, made specific reference and gave exception to frontage abutting a Natural Resource area.

Commissioner Weber asked if they had looked at the concept of having an alley serving the rear of the units instead of the access from the front. She suggested that adding an alley would allow five or six units on site. Mr. Eckert said they had first looked at a looped alley with two points of access to Ponderosa serving single-family dwellings, but it was never a matter of not being able to get enough units in; the issue is the amount of disturbance to the riparian area, and the fact that there would have to be a significantly-sized retaining wall put in along the boundary. He said the intent of this proposal is to keep grading activities 25 to 40 feet away from the boundary.

Commissioner Howell referred to the geotechnical report and its assumptions about foundation design and seismic design parameters. He asked whether the intent of the final design and construction methods was to comply with the recommendations. Mr. Eckert replied affirmatively, and said that the conceptual design of the retaining structures all came from consultation with the geotechnical engineer. Mr. Seaders said that the geotechnical engineer would continue to be involved through the construction phase.

Commissioner Hann asked why a larger sign was necessary, given the size of the project. Mr. Eckert said he was under the impression that for a Planned Development, a similar standard for signage as allowed in a Mixed Use-Residential zone would apply, so the sign was designed accordingly. It was a relatively minor point.

F. Staff Report:

Planner Yaich reviewed the three components of discussion relating to the proposed Conceptual and Detailed Development Plan. He gave a brief overview of the case history as contained in the staff report. He said the 1984 annexation included a District Change that had Conditions of Approval associated with it. The staff report notes the corresponding section in the existing Land Development Code for each of those conditions, which are mostly standard public improvement-type requirements for development.

Planner Yaich said the plan is for nine residential lots, in groupings of three attached, single-family, townhomes. There are common access, parking and utilities, as well as

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common pedestrian and landscape improvements. He said the applicant is proposing improvements for NW Ponderosa Avenue and dedication of a 1.4 acre Natural Resource preservation tract.

Planner Yaich said the review criteria comes primarily from Land Development Code Section 2.5.40.04, which outlines compatibility criteria for Planned Developments, and points to other Code sections, including the RS-6 district standards and several chapters in Article 4 dealing with public infrastructure improvements.

Planner Yaich explained that Tract A, dedicated to the public as a Riparian Corridor and Drainageway Tract, is 1.4 acres in size and includes the 50-foot wide easement, as is required by Chapter 4.13. In addition, 25 feet are added to the riparian corridor, which will be placed on the rear yards of the residential lots. There is significant vegetation on site, and the applicant's Exhibit A.1 shows the significant trees and indicates which will be preserved and which will be removed. He said all trees within the Riparian Corridor will be preserved, with the exception of the trees associated with the Ponderosa Avenue road improvements. There is also a plateau of fill dirt that has been placed on the property over the past 15 years , which is unstable. The geotechnical report indicates that the fill needs to be removed from the site.

Relating to the density question, Planner Yaich explained that when land is divided within an RS-6 district, the requirement is for a minimum of 4 dwelling units per acre, even though the underlying Comprehensive Plan policy states 2 to 6 units per acre. Because of the way the Land Development Code defines net area and net density, he said the applicant has the option of removing the Natural Resource preservation tract from the total site net acreage, which allows a reduction in the minimum density. He said the gross density does not change, with or without the inclusion of Tract A. The 15 unit maximum density is a constant, but there is now a range in minimum density from 5 and 10 dwelling units, and the proposal complies with that range.

Planner Yaich then reviewed the Exhibits included with the staff report. Exhibits A.1 and A.2, relate to existing conditions and slopes. Exhibit C shows the grading plan. The applicant is proposing to vary from the eight-foot standard in a couple of locations towards the west end of the developed portion of the site, with fills of up to ten to fourteen feet. In Land Development Code Chapter 4.5, there are some exceptions for exceeding the eight-foot standard, particularly for preservation of natural features, and for road improvements. Exhibit C.3 shows some alternate development scenarios and the impacts of fill on the site. Exhibit C.4 provides cross-sections through the site, including cross-sections of the westerly areas where the "cut-and-fills" will exceed the eight-foot standard. Exhibits E.1 through E.3 relate to the utilities plan, with all extensions of utilities meeting requirements under Land Development Code chapter 4.0. Exhibit G shows the Natural Resources Preservation Plan, and Exhibit H shows the landscaping and irrigation plan. He said there are two types of landscaping associated with the development: a common area landscaping generally on the north side, and a small amount of private landscaping on the south side of the common sidewalk and adjacent to the homes.

Planner Yaich said the Minimum Assured Development Area (MADA) preliminary calculations show that the applicant could take advantage of the provisions. Depending on the amount of right-of-way the applicant proposes to dedicate, up to a possible 4,000 square feet of additional development area would remain, which could possibly allow encroachments into the Riparian Corridor. However, he said, the applicant has opted not to take advantage of MADA at this time.

Planner Yaich said that, except for the specific variations requested, the Detailed Development Plan complies with the RS-6 standards, particularly with respect to density, allowable residential use, building type, lot area and width, and front and rear setbacks. He then reviewed the specific variations requested with the compensating benefits as outlined in Table A, page 11 of the staff report. He highlighted the following:

- Variation to Land Development Code section 3.3.30.e.2 , wherein the applicant is proposing to provide the Usable Yard to the rear of the units, utilizing the 25-foot riparian corridor. Though allowed by Code, there are restrictions on how this area can be used, i.e. no play structures, sheds and no removal of vegetation. The applicant cited as compensating benefits natural resource protection in promoting the area as a passive recreation amenity and additional green area for most of the lots.
- Most of the variations are due to the constraints of the site, and locating the development in a certain portion of the site for which variances to the Land Development Code are required. The compensating benefit commonly cited for many of the variances is a higher level of protection for the Riparian Corridor.
- The variation requested to reduce the width of right-of-way dedication for improvements to Ponderosa Avenue by eliminating the 12-foot planter strip has compensating benefits of eliminating the large amount of fill and decreasing the height of retaining walls that would be required to achieve the increased road width.

Planner Yaich said the tentative Subdivision Plat is for a nine-lot residential plat, with right-of-way dedication for Ponderosa Avenue, public and private utility easements, and 1.4 acre Natural Resource Preservation Tract A. The proposed lots comply with all applicable standards.

Staff conclusions and recommendations are noted in the staff report.

G. Public Testimony in favor of the application: None

H. Public Testimony in opposition to the applicant's request:

Alan Robinson, 2999 NW Cassia Place, read his written testimony (**Attachment A).** He said his chief concerns are visual compatibility with the existing area homes, the removal of trees and potential reduction in buffer along the east property line, and the spillover of parking onto Cassia Place. His request is that the number of units be reduced to 4 or 5; that all the trees be kept along the east property line; and that sufficient parking be provided for vehicles so that owners and guests would not routinely park in Cassia Place.

Michael Papadopoulos, 5370 NW Lawrence Avenue, said he has been a resident since 1966, and lives at the top end of Deer Run. He submitted written testimony (**Attachment B)**. He objects to the name Deer Run Park Subdivision, as this is the name of the privately owned easement that provides access to each of 20 proposed parcels along the roadway. **Mr. Papadopoulos requested that the record remain open**. His second concern is about the public hearing notice, in that he was unaware of this application until about one month ago, even though the first proposal was submitted to the City in July of 2007. He believes that this is a complicated proposal. The neighborhood meeting was held only one week ago, but he was not notified; he had been on the list of interested

persons ever since Suncrest Subdivision was developed, and believes he should have been notified. He said one substantive issue pertains to Land Development Code section 4.5.70, dealing with landslide hazards. Section 4.5.70.02 prescribes a number of activities that cannot take place on property that is closer than 500 feet to a landslide hazard. Part of the site is only 470 feet away from the designated landslide hazard as shown on the map. Therefore, the applicant has to file a site assessment and geotechnical report meeting the criteria in section 4.5.70.03. He said the applicants appear to have followed this requirement, but no site assessment was done for Ponderosa Avenue or for the property on the north side of Ponderosa Avenue. He said nothing was done to show that development activity would not trigger inherent instability on lands abutting this property. He said the County does not have any subgrade plans or any geological information for the area under Ponderosa Avenue. When the City adopted Land Development Code section 4.5.70 in 2004, the ordinance language cited public safety as a concern and required that a site assessment and geotechnical report be done to all areas impacted. He does not believe the applicants have shown that the area to the north is safe.

Liz Frenkel, 4954 SW Hollyhock Circle, said that the lot has had a long history. She read from her written testimony (**Attachment C)** and related seven concerns about the application. The first concern mirrored Mr. Papadopoulos' testimony about the integrity of Ponderosa Avenue being compromised because of its proximity to the identified landslide hazard area. Concern #2 related to the fact that the property might not be appropriate for residential development at all because of the number of identified Natural Features. Her other concerns related to:

- lack of adequate emergency access;
- the number of variations requested; and staff Conditions of Approval;
- the fact that drainageway dedication should occur before any permits are issued;
- the fact that the "usable yard" space would be limited in terms of the use of the space and would be under a dual use by both the homeowner and the public, which could lead to conflict; and
- the fact that the proposal does not satisfy Statewide Planning Goal 6 relating to Energy Conservation because of its distance from jobs, banks, stores, etc.

For these reasons, Ms. Frenkel recommends denial of the application.

Madeline Sprague, 2992 NW Cassia Place, said she has lived there one year. She has the property on the east side that would be immediately adjacent to the proposed development. She is concerned about whether the property is indeed buildable. She has heard concerns about water drainage into the creek, and the landslide issues. Ms. Sprague said she is also very concerned about parking overflowing onto Cassia Place. Nine homes with a two-car, tandem parking situation, with only 5 extra spaces, will realistically not be enough. They cannot park on Ponderosa Avenue, so it is likely that people will go to the other cul-de-sacs for parking.

I. Neutral testimony:

The Chair reminded people that speaking neutrally removes rebuttal rights. No one came forward.

J. Questions of staff:

Commissioner Howell said, in response to Ms. Sprague's testimony, that the geotechnical report indicates that test pits done on June 7, 2007, picked up water in holes down by the creek. He asked if tests done at that time of the year were adequate to show "up-slope" seepage that might affect later soil stability. Manager Towne said that he would have to rely on the geotechnical engineers for that determination, since they have the expertise and the certifications to make those determinations.

Commissioner Howell asked if there was an official process to remove mapped hazard areas, after a more thorough evaluation. Staff said that Land Development Code Chapter 4.5 provides a process for removing hazards from the map, but the submittal by the applicants and the geotechnical engineer does not include enough information. Chapter 4.5 would require a more extensive examination outside the site itself before this could happen. Staff said the applicants need to show through the geotechnical reports that the analysis finds the site suitable for development. The Land Development Code requires them to look at the site internally, as well as at how the development might create hazards downstream. The geotechnical report indicates that those standards have been met for development of the site.

Commissioner Weber asked how a private drive could serve more than four dwelling units. Development Review Engineer Grassel cited the first page of the Parking Lot Access standards, wherein the bottom paragraph states: "These standards are not intended to be a replacement for innovative design and concepts. If such a circumstance arises, and innovate design is consistent with objectives of the City, the design may be approved." Therefore, there is some flexibility in the standards. He said the site is constrained and meets the access requirements of Chapter 4.4 by providing the 25-foot standard in front. Therefore a driveway is allowed, and this proposal is just a variation from the standard. He said one of the problems with the private street standard is that the minimum standard is 20 feet, which would take up a lot of the site with the requirements for sidewalks and planting strips that go along with it.

In response to another question by Commissioner Weber, Engineer Grassel cited Section 4.4.20.03.b and stated that the difference between this proposal and some others is that, typically, alleys are used where the lot does not face the street, and therefore does not meet the 25-foot requirement for abutting a street. He agreed with Commissioner Weber that there is nothing in the Land Development Code that would preclude using an alley.

Commissioner Weber asked which Land Development Code section allows an applicant to choose either net density or gross density. Planner Yaich said that he is not familiar with any part of the Code that allows the choice, but that a section in the prior Land Development Code addressed the process for doing a transfer of density. He said it appears that the definition got left in, but the process got left out. In this particular case, there is no transfer of density per se. Commissioner Weber explained to the other Commissioners that she recalled from working on the Ashwood Preserve application that the Land Development Code states somewhere that, when applying density, the applicant can choose to use either net or gross density when working with a site that is constrained by natural features. She said she had interpreted that choice as an either-or decision, without the ability to choose both. In her mind, it is dubious whether this proposal meets the density requirement.

Commissioner Weber said that she is struggling with the interpretation that parking can be located on the development site as a whole rather than on the primary structure lot. She cited Hilltop Village as a case in which parking was tight and she does not believe

the notion of dispersed parking was ever presented to them as a possibility. She is concerned that this interpretation could be applied to a much larger subdivision, wherein the houses would not have garages and there would be one great big parking lot removed from the houses. Manager Towne said he understands her concern, but the language does say *site;* this is a development site and the access easements are in place. He agreed with her that, theoretically, a larger subdivision could come in and apply the same interpretation.

Commissioner Weber cited the language in Land Development Code section 4.4.20.03.a where it says that lot "depth shall generally not exceed 2.5 times the average width." Though the word "generally" is a clarifier, and it would be better to have specificity in the standard, her belief is that, since the language is in there, the proposal should meet the standard. Use of the word "generally" leaves more of an opening for a variance, with perhaps less of a need to prove compensating benefit. She said the language should not be interpreted as *not* having to meet the standard at all if an applicant does not want to. Manager Towne said the language is intended as direction to encourage developments to be designed in a certain manner, but because the word "generally" is not a clear and objective standard, it therefore cannot be applied as such. Commissioner Weber said she has ongoing concerns with this situation and believes it should be looked at for a possible Code change.

Commissioner Weber then raised the concern about putting the "Usable Yard" in the protected natural feature area, as brought up in public testimony. She remembers the 7th Street Station application, in which staff specifically directed that the Highly Protected Significant vegetation portion of that site was not to be allowed to be considered as part of the usable common space for either active or passive recreation under the requirements of RS-12 zoning. She asked for clarification, stating that her belief is that there should be some consistency. Manager Towne said there is a difference between the requirements for the Highly Protected Significant Vegetation (HPSV) and Riparian Corridors and wetlands. The difference is that the entire HPSV area is protected. In this case, the part that is required to be protected is the 50-foot area, rather than the full 75-foot area. The remaining 25-foot area has limitations as to what is allowed to occur and how it is to be used. If the Planning Commission, as a discretionary decision-making body, believes that the limitations placed by the Land Development Code are adequate limitations and would still allow the use of that area as a Usable Yard, then the decision can be made to accept the variance. Conversely, they can decide not to accept the proposal.

Commissioner Weber then asked about proposed Condition of Approval #29 and the potential use of a deed restriction requiring a fire sprinkler system in perpetuity, since the technology might change eventually. Her preference would be for the applicant to submit a Fire Department-approved plan with adequate emergency access. Staff stated that the Fire Code can be met in a number of ways, and the fire sprinkler system is one of the means to meet it. The concern for the Fire Department has to do with the topography of the site, and the ability to run hose to the back of the site. Deputy City Attorney Coulombe said that deed restrictions are primarily used as a notification to a potential property owner who might be purchasing the property. It is not necessarily an enforcement tool, since it is only enforceable by the person who sells the property. The City is not going to enforce it.

In response to another question from Commissioner Weber referencing Condition of Approval #33, Planner Yaich said that this condition was more intended for staff as they

review the final plat just to reconfirm compliance. The materials submitted by the applicants do indicate that both the lot width and lot area standards are satisfied.

Commissioner Weber asked if the front of the garages were on the same vertical plane as the buildings, and if so does it meet Land Development Code Chapter 4.10 requirements for garage placement. Mr. Yaich said that the design standards would allow them to be flush if the developers incorporate options under the Pedestrian-Oriented Design standards, such as providing porches in front of the home or overhangs.

Commissioner Weber said her biggest concern was why it is considered so terrible to have fill and a retaining wall at the edge of the 75-foot riparian corridor boundary, that it is worth wholesale chucking out the Pedestrian-Oriented Design standards. She views the site layout as absolutely antithetical to how the Land Development Code has been developed. She cited such features as pushing back the maximum setback and having the parking in between the homes and the street. The compensative benefit that is offered is that it keeps the retaining wall and fill from the edge of the boundary. She does not see the balance there, and would not vote to approve it if she were voting on it. Mr. Towne said that clearly if a Planning Commission does not see it as a benefit, then it is its prerogative to turn it down. One of staff's main concerns was to move the traffic activities away from the Riparian Corridor, as a means of protecting against the potential environmental hazards of oils, rubber from tires, etc.

Commissioner Weber said that for the variance to the maximum front yard setback the applicant lists a compensating benefit that the houses will have less presence on Ponderosa Avenue. This confounds her, since the entire purpose of having the maximum setback limitation is the benefit gained from houses being present on streets. Mr. Towne said that the fact the applicant views this as a compensating benefit does not mean that the Planning Commission necessarily has to view it that way. Commissioner Weber said she brought this up because staff had not commented on this as a compensating benefit, though they had commented on the reasonability of the compensating benefits offered by the applicant for the sign variance. Her interpretation of the lack of comment on this and perhaps other compensating benefits was that staff was accepting the validity of them. Mr. Towne said that the increased setback to allow for the access and parking is almost exclusively associated with the desire to keep the auto movement away from the riparian corridor. It is the main compensating benefit for allowing the variation from the POD standards.

Mr. Towne said that in terms of density considerations, a development proposal is required to fall within the range of minimum density and maximum density. Minimum density for this site is defined as the net density; using the net area of 1.1 acres gives a minimum density of 4.4 units, or 4 units minimum. The maximum density is based on the gross area for the site and the gross density allowed for the site; using the gross area of 2.55 acres times 6 units, it equates to 15.5 units. They are within that range, and they are developing it according to standards within the Land Development Code.

Commissioner Weber said that though they are not asking for variances to the minimum lot sizes, they are using a private driveway to serve all nine units and part of the driveway is on each of the lots. Everyone of the lots has a piece of the common driveway as part of it. City of Corvallis off-street parking and access standards Table 1 Minimum Driveway Width says that "any access drive for five or more dwelling units shall be considered a private street and shall be constructed to City standards." Her understanding has been for several years that the City has a position that no more than four dwelling units should

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be located on a private driveway. If this were required to be an alley or a street, it would be required to be in a separate tract. If the tract removes some of the land from each lot, minimum densities could not be met on any of the lots.

Mr. Towne reiterated that it was within the Planning Commission's discretionary abilities to decide whether to accept or reject arguments raised as part of the applicant's proposal.

Commissioner Howell said he would follow up on a couple of issues raised by Commissioner Weber. In response for a request for clarification, Mr. Towne said that he had not meant to imply that the 25 feet of riparian area was not protected; what he meant was that 50 feet of the 75 feet was set aside in a separate tract. The remaining 25 feet can be a part of the home lots but still has the same level of protection. It would be up to the Planning Commission to decide whether those protections would preclude its use as Usable Yard. Commissioner Howell then read the definition of yards, which allows for certain activities to take place which might conflict with protecting the area. Mr. Towne said the greater protections would be those that would prevail. Even though in the definition it describes what a yard might be used for, the protections afforded by the Highly Protected Riparian Corridor would trump them.

Commissioner Howell then cited Land Development Code Chapter 1.6. page 17, wherein it gives the definition for Development Site as "legally established lots, parcels, or tracts of land involved in a land use application..." with the word "lots" used in the plural. He then said that the vehicle parking standards for residential zones require that parking be provided on the development site of the primary structure, with the word "structure" being singular. There appears to be a grammar conflict between the definition and the standard. Mr. Towne said that because it is a Planned Development, it is possible to view it across the entire development site with some situations having to be addressed in a different manner from the base standard. Commissioner Howell said that if they were to interpret it strictly as one site, it could be treated as a request for a variation. If they considered is as allowed across multiple lots, then it could be considered as just part of the development.

Commissioner Howell then asked about the issue of street trees in Tract A. The code exempts them from having them in the Highly Protected area but then in another section of the code, if they are not required then they have to be put elsewhere. Mr. Yaich said that Land Development Code section 4.2.30.a.1.d is often used to require the same number of street trees for any particular development to be placed in the front yards or common areas behind the sidewalk. Often times this standard gets implemented such as with curbside sidewalks throughout the City with no designated planting strip. Staff is taking this to be the more restrictive standard versus the exemption that does not require the planter strip next to the Highly Protected Riparian Corridor. This is why Condition of Approval 25-c was put in. Commissioner Howell said that the standard for the Highly Protected Riparian Corridor would likely require certain types of native trees, which is not in the condition language. Mr. Towne said that language could be added to Condition of Approval 25-c to reference that requirement.

In response to Commissioner Howell's questions relating to the parking area and screening/buffering along the eastern boundary, Mr. Yaich said that the area met the setback requirements and there is a Condition of Approval to ensure buffering and vegetation is provided. Additionally, the applicant is proposing a screening fence along that property line as well. The buffer is specific to the parking area and the eastern property line.

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Commissioner Howell asked if staff could accept the applicant constructing the sewer easement access path setback from the fence line. Staff said that as long as it is within the 15 feet of easement access it would be fine.

In response to questions from Chair Bird and Commissioner Gervais relating to parking, staff said that the applicant is proposing three spaces at the east end of the parking lot/accessway and two spaces at the west end. In terms of tandem parking, Mr. Towne said it is not allowed for four-plexes but is allowed for a triplex, duplex, or, as in this case, an attached three-unit development.

Commissioner Gervais commented that the combining of the rear yard with the Highly Protected Riparian Corridor sets up a situation where the owner cannot remove vegetation, do any dumping, or build any structures though the owner can consider it their land. She envisions a small yard with a lawn or vegetables or plantings, then a fence with a gate that leads to the rest of the yard which is in a Highly Protected Riparian Corridor in which a lot of the activities that an owner would assume with a yard cannot take place. Mr. Towne said that they would be able to remove noxious vegetation and maintain it as a nice riparian area to be enjoyed. In response to questions about impact of a fire fuel break on the Riparian area, Mr. Yaich said that a fire fuel break along property lines could be up to 25 feet in width, but is a determination of the Fire Chief. It does not necessarily mean removal of trees, but might require some limbing of trees.

Commissioner Weber referred to Exhibit B, and said it seems that the rear yard fences run about five feet from the structures, which means it would be a very limited area in which to put play structures and other items.

Commissioner Hann referred to Attachment G, and expressed concern about how the fencing as required by Condition of Approval #15 might impact animals transversing the Riparian corridor area. Mr. Grassel said that the fencing would only occur along the Ponderosa Avenue sidewalk where there are slopes in excess of 4:1. Specific locations of the fencing, which is to protect pedestrians, would be determined at the time the property owners come in with the grading plans. The height of the fence is limited to three feet. Commissioner Hann said he is concerned about deer and other wildlife. Staff said there would be opportunities to have fencing that might allow animal migration. Commissioner Howell said that the type of fence should be something that can be seen through and that has openings for animals to go through. Staff said their main concern is for pedestrian safety along Ponderosa but that language can be modified to accommodate animal migration as well.

J. Rebuttal by Applicant:

Mr. Eckert said he had taken notes of the substantive comments by everyone who had spoken during the evening and offered the following points as rebuttal:

- Three variances presented in the application are no longer necessary. Lot depth-to-width ratio is a guideline not a requirement, and therefore no variation is necessary. The mass grading standard is not exceeded, and they are compliant with the standard. The side setbacks between units 3 and 4 and 6 and 7 the setbacks are compliant and meet the 8-foot requirement.
- A point of clarification with regard to the planter strip adjacent to the private sidewalk: they are proposing not to remove it completely but to have a two-foot wide planting strip in lieu of the five-foot wide strip. They are of the professional opinion that small

trees could still be planted in the strip, but staff has recommended that for vision clearance purposes the trees indicated for that location be placed in the front yards, and keep them out of the area between driveways. Instead there will be a green strip between the sidewalk and the proposed circulation area.

- Because they are not utilizing the MADA, they are not proposing any encroachment into the Riparian zone as might have been permitted. This is a less impacting proposal as a result of this.
- They agree that there is a distinction between common area landscaping and the private landscaping on the south side.
- The right of way profile they are proposing, specifically the elimination of the twelve-foot wide planting strip, was a result of direction by City staff. Their most recent proposal was for including a planting strip adjacent to their development along the frontage of the whole site, six feet wide. For purposes of safety with respect to the retaining wall and the amount of fill that would be required, staff preferred not to have that planting strip, but to have street trees placed behind the sidewalk and have a curbside sidewalk.
- This is a constrained site and has its difficulties, but the applicant should not be precluded from its eligibility for residential development.
- With respect to staff's statement that encroachment upon the Circles of Protection for protected trees is permissible for storm drainage improvements, the improvements they are proposing will not have an impact on the roots.
- In response to points made by Mr. Robinson, the fact that the housing type proposed does not exactly match what is already in the neighborhood is actually a benefit to the community in that it adds to the variety of houses and provides a diversity of housing styles. This is an objective of the City of Corvallis. In general, they disagree with the statement that this is incompatible with the existing housing pattern. The square footage of the structures they are proposing, as specified in the application narrative, is in the area of 2300 square feet of living area.
- The parking is conforming with code requirements, and in fact exceeds the required number of spaces. Though some of the spaces are tandem parking, that is permitted for this housing type. There are actually seven total extra parking spots provided.
- They appreciate the neighbors concerns about parking and recognize that this might not be an ideal, but it avoids a parking lot scenario which is much less desirable. They are agreeable to a CC&R or other mechanism for ensuring that parking on Cassia Place is not exacerbated.
- They are willing to relocate the chip path and retain the trees along the eastern boundary, if desired by the Planning Commission.
- With regard to Mr. Papadopoulos' comments, the application describes the information given to them by staff which is from Department of Geology and Minerals Industries (DOGAMI). It is his understanding that DOGAMI has recommended further analysis of those mapped hazards in the inventory; they do not necessarily say that they are hazards. The data is from photo interpretation only, not field studies. So if property has that designation, then a geotechnical engineer has to be hired. They have done that and gotten the appropriate reports. It says that there are no signs of slope hazard on the existing property, and there is nothing to suggest that this development will exacerbate those types of conditions upstream, downstream, uphill or downhill. There is not a requirement in the code that they send their geotechnical engineer onto adjacent properties. They agree with Mr. Towne's opinion that they have to go with the professional, geotechnical engineer's opinion. That opinion is that approval of this request will not create any risk of landslide or natural hazard.

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- If there is a landslide hazard 415 feet to the northeast, there is not only Ponderosa Avenue right of way located between that but also engineered homes in residential development.
- In response to Ms. Frankel's testimony, no mass grading standard variation is needed. This had been mis-stated in the application.
- In terms of fire access, to their knowledge they have met the requirements for this. They are allowing the option of either fire sprinklers or the other improvements as discussed by staff in the Condition of Approval.
- With respect to the 25-foot rear yard being usable, it is not really of dual use. It is private, but abuts the 50 foot riparian zone that is public, but will likely not see public use as it is not developed and is rough terrain. The Land Development Code states that 25 feet of the 75-foot Protected Riparian zone may be private, and they clarified with staff that this could be counted as parted of the rear yard. The question is whether it is usable rear yard, meeting the 15-foot usable yard standard.

Mr. Eckert read portions of the application relating to this:

"We understand staff may have some concerns regarding the applicants' proposal to include portions of the riparian corridor for inclusion as useable rear yard area for Lots 2-8. We agree with Staff's statements in the September 5th correspondence that the circumstances and particular characteristics of this planned development may reasonably warrant Staff's support of this aspect. In compensation for this deviation from the norm, the applicants' Conceptual and Detailed development Plan provides additional common yard areas in the northerly portions of lots 4-9; ensures protection of valuable natural resources through appropriate use restrictions and erection of a wooden fence on the boundary of the resource area; and maintains an adequate range of choice for making non-intrusive uses of the rear yard areas contained behind the natural resource protection fencing depicted on the applicants' exhibits to this application. Additionally, this Conceptual and Detailed Development Plan provides compensating benefits in the form of side yards for Lots 1 and 9 which exceed the 15-foot minimum standard, and 25-40-foot rear yards."

He noted that the code does not provide a definition of "Usable Yard," although both the terms "Use" and "Yard" are defined. "Use" is purpose of or activity on a site. "Yard" is: "open space unobstructed from the ground upward except as otherwise provided in the code. In the case of a corner lot, the front, rear, and side yards that were determined at the time of the original construction of structure(s) on the lot may be used for the purposes of remodeling, rebuilding, and/or constructing additions, accessory structures, etc." The code further describes rear yards: "Yard, Rear - As shown in Figure 1.6-31 - Rear Yard below, yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel to the nearest point of the main building."

"The rear yards, as defined above, average just over thirty feet in depth, far exceeding the 15-foot minium standard for usable yard. North of the proposed natural resource preservation fencing, rear yards are fairly narrow, particularly on the western end of the development area. Since these portions of the proposed rear yards average between 5-10 feet in width, full compliance with the 15-foot usable yard standard north of the fence is not feasible for some lots.

"The term "useable yard" does not inherently require that the available uses be wholly un-restricted; indeed, around the community, many yards or portions thereof

are subject to setbacks and are reserved for tree and other resource protection, often at property owners' discretions or not. These yards nonetheless remain useable for a wide variety of typical, non-intrusive yard uses. The use restrictions that they have imposed on the site plan are specific. It states: Natural Resource Preservation Tract A is proposed to be dedicated to the City of Corvallis.j In addition, the Highly Protected Riparian Corridor extends for 25 feet northerly, beyond the northerly boundary of Tract A. Activities in the entire 75-foot wide Riparian Corridor are limited to a passive enjoyment of the natural features therein, including primarily hiking, picnicking and sight-seeing. No disturbance of any type is permitted of the soil, vegetation , or water feature associated with this reserve natural area. The wooden fence may be provided with one gate per dwelling, subject to the above restrictions of use. No structures may be placed or other disturbances occur within the Highly Protected Riparian Corridor, the boundary of which is to be demarcated on the ground by the wooden fence."

The rear yard standard is five feet. In no case is that encroached upon with respect to the buildings and the fence. This does not provide a lot of room for swing sets either, hence the 15-foot useable yard standard. They are also looking at who they anticipate occupying the homes: people who do not want to maintain a huge yard. Types of uses that would still be permissible provide a sufficient range to be considered useable yards. Again, many useable yards may be subject to setback and other standards and preclude play structures, etc. and still be considered useable.

"Rather than request a reduction in or waiver of the 15-foot yard standard, they prefer to request that the privately owned rear yards south of the natural resource protection fencing be considered as contributing to, and in fact exceeding, the 15-foot minimum useable yard standard."

He apologized for the length of his testimony, in this regard.

- Ms. Sprague asked questions about whether the site is buildable, and whether the drainage to the creek and landslide issues have been adequately addressed. They have had eleven meetings with over 24 hours of discussion relating to storm drainage and sanitary sewer. They believe they have arrived at the best storm drainage plan for the property. The extensive tests have established that the site is buildable. Mr. Seaders added that here is only one drainage outfall location that works, and every measure has been taken to treat water and provide detention.
- With regard to Ms. Sprague's comments about parking not appearing to be adequate, the application exceeds the standard.
- With respect to some comments made by Planning Commissioners, geotechnical report finds no evidence the development will create or increase the risk of hazard on the property or on any surrounding property.
- Minimum density is calculated through net and maximum density through gross, as Mr. Towne has already clarified.
- When they are talking about useable yard, they are not talking about common space. He referred to the narrative in the application for more discussion along this line.
- Again, they prefer not to tie the hands of the developer by identifying which fire protection or access option would be exercised. Their preference is to be able to leave the options available.
- The garages are setback from the facade of the structures, as viewable in Exhibit B, particularly on the detail.

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- It is clear to both their engineer and perhaps the City's engineers that keeping the fill away from the riparian zone is desirable and a reasonable compensating benefit. Placing a retaining wall immediately up against the boundary, while meeting the letter of the code, certainly has the potential for greater hydrological and root impacts. Mr. Seaders said that staff had asked them to demonstrate that they were minimizing the impacts to the existing surface and sub-surface drainage and moisture patterns on the vegetation in the riparian zone. The more impact that occurs in terms of filling and paving towards the boundary of the riparian zone increases the disturbance of those patterns. One of the things they did in the proposal was to incorporate disconnected rain drains for the buildings themselves, so that it would decrease the area of impact as much as they were able to. If the site design were flipped around it would increase the area that is taken directly to the detention facility and increase the hydrologic impacts. The intent is to try to maintain the natural drainage patterns.
- They do not believe that they are throwing the POD standards out the window. A look at those standards as a whole will reveal a substantial level of conformity with them. His belief is that the intent of the POD's is to orient the development towards the pedestrian. Along with that it is also about reducing visual impacts of development on adjacent properties and right-of-ways, substantiated by the prohibition of parking between buildings and the street. Here, the only deviations they are asking for are that the buildings be allowed to be greater than 25 feet from the front property line. It is a straight out variation to the standard, and is necessary in order to realize this application. The second variation is to have parking between the buildings and the street. With the exception of the three spaces on the east side for which there is a visual buffer of a hill, the parking is not technically located in between the buildings and the street. The buildings are oriented with the street, and are connected to the public sidewalk with private facilities that do not exceed the lengths given in the code. They believe that the reduced visual impact for neighbors is important.
- Staff has not indicated a problem with the number of units being served by the driveway. He was not clear whether Commissioner Weber was considering the entire vehicle circulation area as driveway, but if so did not believe that is accurate. He pointed out some areas that are vehicle circulation areas as opposed to driveway.
- The rear yards between the buildings and the Riparian Corridor fence average 10 feet which exceeds the 5-foot standard. The most restricted lot is Lot 1, and it has an extensive side yard.
- Mr. Seaders added that while laying the site out, with Ponderosa Avenue being a well-trafficked Collector street, it just felt better to have the front doors of the structures a bit further away from the street.

Commissioner Weber asked if by placing the vehicle circulation area to the north end of the site and thereby helping with the hydrology, will the stormwater detention system then exceed the design criteria in Appendix F from the King County standards? Mr. Seaders said both systems would have to meet the King County standard, but the point he was trying to make was that the natural drainage would allow for more dispersed sheet flows. The idea of a detached rain drain is that one allows the water to follow more of a natural course, and it is allowed and encouraged in King County standards. It is his opinion that they will work adequately. The water hits a rock dispersion pad, and then is allowed to sheet flow across the slope instead of being concentrated in one area.

In response to other questions from Commissioner Weber, Mr. Eckert said that there was a detail in the staff report, but he believed they were approximately 4 feet by 6 feet. The percentage of the impervious surfaces that are roof area is about 25%.

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Commissioner Weber said that now that she has gotten the clarification from staff in response to questions she had earlier in the week, it appears that this application is in clear violation of the City of Corvallis off-street parking and access standards, wherein Table 1 gives driveway widths for access for up to 4 dwelling units, and then states: "any access drive for 5 or more dwelling units shall be considered a private street." Additionally, they have gotten confirmation from staff that an alley would be an acceptable option. If the vehicular access as shown in this layout were provided by an alley, which would be required to be in a separate tract, or a private street which would also have to be in a separate tract, how would they meet minimum lot areas and how would they meet the POD standard of having front doors within 200 feet of a street since they would not be allowed to have sidewalks cross alleys or private streets? Mr. Eckert said that they likely would not be able to meet the standards and would have to request a variance. The only feasible way of getting access to the street would be to go along the easterly boundary line, which would be an illogical route given the hillside. They might have to use a stairway on the west side to meet the 200 foot standard. Minimum lot areas could not be met if one considers it an alley, and the alley cannot be used as part of the lot area.

K. Sur-rebuttal: none

L. Request to Hold the Record Open:

Included in Mr. Papadopoulos' testimony. The record will be held open until Wednesday, November 26, 2008, at 5pm.

M. Additional time for applicant to submit final argument:

The applicant will have until Wednesday, December 3, 2008, at 5pm to submit final arguments. The Planning Commission will reconvene on December 3, 2008, at 7pm for deliberations.

N. Close the public hearing:

MOTION: Commissioner Gervais moved to close the public hearing. Commissioner Weber seconded the motion and it passed unanimously.

III. PLANNING COMMISSION MINUTES: There were no minutes to consider.

IV. OLD BUSINESS:

V. NEW BUSINESS:

A. Planning Division Manager's Update:

Planning Division Manager Fred Towne called attention to the new meeting schedule on the back of the agenda.

VI. ADJOURNMENT: The meeting was adjourned at 10:45p.m.

draft

PLANNING COMMISSION
TESTIMONY RECEIVED
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NAME

November 19, 2008

Testimony before the City of Corvallis Planning Commission
by Liz Frenkel
4954 SW Hollyhock Circle
(541) 754-6790
lizbobfrenkel@proaxis.com

RE: Deer Run Park Subdivision
Review of an Application for a Major Modification to a Conceptual and Detailed Development Plan and Tentative Subdivision Plat
PLD08-00013, SUB08-00007 (formerly, PD-93-3)

The history of proposals for this tiny 2.55 acre triangle is long. Prior proposals have been dropped or withdrawn. Since the lot was purchased by the present owners in 2003, the City completed its Phase III Natural Features Project. The new Code was finally implemented the end of 2006. The Natural Features Project identified portions of the area in the 100 year floodplain for "Partial Protection). This drainage area on the property also consists of a Highly Protected Riparian Corridor [Staff Attachment G.] Deer Run Creek drainage is upstream from Dixon Creek.

The Natural Features Project also identified portions of the area as Land Slide Runout Hazard Areas [Staff Report Attachment E] and identified a moderate landslide feature within 415' to the northeast of the property. [See Staff Report p. 3 and Attachment E] Slopes within the proposed development area vary from 10 to 35%, with a few areas exceeding 35%. [Staff Report Attachment F & October 2008 Applicant's Submittal p. 57]

The applicant attempts to resolve the Natural Features issues based on a "Geotechnical Investigation" [See Staff Report Exhibit M] and an additional report and Memorandum [Staff Report Exhibit N] The conclusions appear to be that the slope problems and grading problems and fill depths can be engineered around and that none of the features pose a threat to the proposed development. The Memorandum does state that they "did not conduct site-specific investigations of properties to the north and south of the subject parcel".

CONCERN #1
Section 4.5.70.03.b of the LDC is not satisfied by Exhibit N [See Staff Report]. The December 26, 2007 Memorandum by Foundation Engineering, Inc. clearly states that no "site-specific investigations" were made to the north of the property; only "visual observations looking north from Ponderosa Avenue". This is not adequate to assure there is no risk to public health and safety.

This is all the more significant because a collector road, Ponderosa Avenue, is between the identified landslide area "within 415 to the northeast". [Staff Report p. 3] At present

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT IV - Page 20 of 30

the road is in Countyjurisdiction. The integrity of the road and potential liability are of concern to both the City and the County as well as a concern to other land owners. .

CONCERN #2
Looking at the number of identified Natural Features identified by the public and included in the Natural Features Inventory and protected in the Land Development Code, it could certainly be argued that this property is not appropriate for residential development.

CONCERN #3
Emergency Access and Fire Protection provisions falls short of the applicable Corvallis Municipal Code and City Fire Code Section 2.08.130 regarding the proposed driveway for Fire Department Access. Mitigation, such as unit sprinklers is a great idea to slow down internal fire. In a tight area such as this proposed development, located in the vicinity of two other developed areas, and in a densely wooded landscape, external fire could be a much higher risk. Any development providing difficult access for fire trucks is dangerous. It should be noted that, according to the Applicant's Narrative [p. 24]. "The need for this level of fill [eight to ten feet] is necessary "to facilitate driveways" and that the proposed driveway is only "possible" if the 8' maximum fill can be exceeded. [Applicant's Narrative p. 24]
Both the emergency and fire protection plus the depth of fill represent a significant concern regarding public health and safety.

CONCERN #4
Going back to the Cauthorn Development (PD-93-3), drainageway dedication was required by the City before any permits were issued. Presumably this was based on the Condition #1 of the 1984 Annexation and Zone designation which included the area. The applicant is required to dedicate the drainageway on the property, not as a concession, not as a "benefit". The City would then have management of the drainageway. This was a condition known to the present owners at the time of purchase. The amount of land available for development was already known to be less than 2.55 acres.

This leaves a very little amount of land available for development on what is a very small lot.

CONCERN #5
There are 34 conditions (not counting the "a", "b" etc.) proposed by Staff to the development for this small area. There are also numerous waivers necessary for development: mass grading - LDC 4.5.80.04.c.3(a); 2% of development site exceed 8' limitation for fill standards – LDC 4.5.80.d.1; fire department access – FC Section 2.08.130. These particular waivers do represent significant concerns regarding public health and safety.

CONCERN #6
The "usable yard requirement" [LDC 3.3.30.e.2] requires a twist in that the "usable yard" back yard would be limited in terms of the use of the space (i.e. limited by the same

protections that apply to the Riparian Corridor. This dual use by homeowner and the public seems inherently incompatible and will likely lead to conflict

CONCERN #7
This proposal does not come close to satisfying Statewide Planning Goals 6: Energy Conservation. The nearest grocery store or shopping center would at Walnut & Kings. There is no near-by public transit system. Living on the proposed site will require extensive use of automobiles and gasoline.
Given the present economic downturn, it is hard to imagine this peripheral homeowner development as being practical, particularly given the distance from jobs, stores, banks etc. Even rental units at this distance would appear problematic. Hence, Goal 10: Housing is probably not relevant.

In summary:
I recommend that the Planning Commission deny both the proposed Conceptual and Detailed Development Plan for the Deer Run Park subdivision and the proposed Tentative Subdivision Plat.

The "unknowns" present a far too great risk for Public Health and Safety and the need is highly problematic.

Thank you for this opportunity to speak to you.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT IV - Page 22 of 30

Testimony before the City of Corvallis Planning Commission

by Michael Papadopoulos
5370 NW Lawrence Ave.
Corvallis 97330

(541) 753-3138
<papadop@peak.org>

PLANNING COMMISSION
TESTIMONY RECEIVED
NOV 19 2008
Papadopoulos
NAME

RE: Deer Run Park Subdivision Review of an Application for a Major Modification to a Conceptual and Detailed Development Plan and Tentative Subdivision Plat PLD08-00013, SUB08-00007 (formerly, PD-93-3)

##########

I have the following objections to the proposal being reviewed.

Issues relating to notice and to neighborhood involvement.

According to the record on file the applicant first submitted a proposal on July 30 '07 relating to the subject 2.55 acre parcel under the name Ponderosa Heights The proposal was modified and final application was filed on February 11 '08, The original filing was under the name Ponderosa Heights; the name was changed to Madrona Oaks and is currently under the name Deer Run Park.

Although the final application of February 11 '08 included applicant's undertaking to hold a neighborhood meeting prior to mailing for public hearing [Application 02-11-08 at p.4]] and where public notice is required to have been put out 20 days prior to this hearing date [Application 02-11-08 at p.5] there has been no neighborhood meeting.

And as to public awareness, the City has been involved with applicant about the subject parcel for approximately 14 months where there was no sign of pending action issued either to the neighbours or to the public at large. The 02-11-08 Application lists the addresses to which notice of this 19-11-08 hearing was mailed - that list includes the name of only one Deer Run resident.

The proposed name "Deer Run Park" should not be applied. What is now called "Deer Run" was created in the 50's as part of a development called Happy Acres, and was a privately owned easement providing access to each of 20 proposed parcels. The name Deer Run was given after the residents applied to the county. Four of the owners who thought up that name, and who petitioned the County Commissioners to have it recognized, still reside on Deer Run. They and the more recent arrivals have not been asked for their opinion about the name "Deer Run Park", indeed have mostly not been informed of that proposal.

It seems obvious that there has been minimal public involvement prior to this 19-11-08 hearing; the Planning Commission should accordingly adjourn this hearing and delay its decision until after the holding of a neighborhood meeting in order to allow the neighbours to be fully apprised of the issues involved.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT IV - Page 23 of 30

Issues relating to public health and safety

I point to LDC 4.5.70 as being a regulation which deals with Landslide Hazards. Thus:

4.5.70.01 - Purposes - Standards for Development in Landslide Hazard Areas -

It is the purpose of these regulations to provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner as to mitigate potential impacts from landslides in Corvallis. Landslide Hazard areas include High Landslide Risk areas, Existing Landslide areas, and Landslide Debris Runout areas. These areas are mapped on the Natural Hazards Map. The following regulations shall apply to development and other activities in identified Landslide Hazard areas.

4.5.70.02 - Applicability -

Except as provided under Section 4.5.70.03, below, no person shall engage in any of the following regulated activities on properties containing or abutting the Landslide Hazard areas designated on the Corvallis Natural Hazards Map, unless it can be shown that the proposed activity is located at least 500 ft. distant from any portion of the Natural Hazard area as mapped on the Natural Hazards Map:

a. Excavation;

b. Fill;

c. Installation or construction of any accessory structure with a Building Code occupancy classification other than "U;"

d. Construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to this Code, or the adopted Building Code; and

e. Construction or expansion of utilities, streets, driveways, or other accessways.

4.5.70.03 - Site Assessment and Geotechnical Report Requirement -

a. Applications for development on properties containing or abutting identified Landslide Hazard areas, including land use applications, Excavation and Grading Permits, Public Improvements by Private Contract Permits (PIPC), Building Permits, and any other development permits, shall include a Site Assessment and Geotechnical Report which meet the criteria identified in sections 4.5.60.04 and 4.5.60.05. In addition to the items identified in Section 4.5.60.05, the Geotechnical Report shall specifically address the presence, characteristics, and precise location of the identified hazard(s) on the subject property which is/are depicted on the Natural Hazards Map. If other reports are called for by the Site Assessment, these reports shall also be submitted.

b. Prior to issuance of permits for any work on the development site, the Building Official and/or City Engineer shall review the submitted Site Assessment, Geotechnical Report, and any other required reports. Permits shall not be issued until the Building Official and/or City Engineer approve the required reports. Upon approval of these reports, permits for construction activities may be issued, if they are in accordance with the findings and recommendations of the reports. Site inspections and submitted permit materials shall demonstrate that all necessary measures recommended by the reports and by City staff are addressed in the construction process.

In no case will permits be issued for development that would increase landslide risks on the development site, or upon neighboring properties, as indicated in the approved reports.

The LDC 4.5.70 standards have been only partially met. But those standards are not met with respect to the adjacent/abutting lands - In its December 6 '07 technical memorandum, the author announces that it did not conduct "site-specific examinations of properties to the north ... of the subject property" thus ignoring the possibility that development activity on applicant's property might trigger inherent instability on private lands or on Ponderosa.

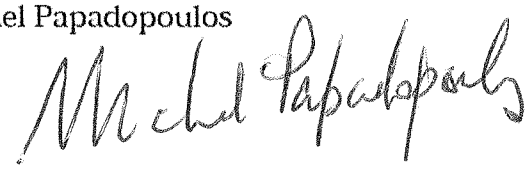
Thus LDC 4.5.70 and the other related provisions of the LDC are not specific as to the standard required when off-property hazards are situated within 500ft of any part of the subject property.

But when the City adopted LDC 4.5.70 on December 13, '04 as part of ORDINANCE 2004- 32 what it adopted included specific language indicating the City's concern for public safety. At page 28 of the attached EXHIBIT A the city noted with regard to a site assessment and a geotechnical report that

" ... any development proposed for sites containing or abutting landslide hazard areas may only be approved if a "site assessment" and a "geotechnical report" indicate that such development can be made safe ..... . Obviously avoiding these hazard areas is a matter of public safety, as improper excavation or other development activities could trigger landslides, which can cause problems off-site from the landslide. Such problems can include negative impacts to water quality. ..."

Given that the applicant has not shown that the adjacent public highway and the properties on the North side of Ponderosa can be made safe by what the applicant can do on the subject property, the planning commission should deny the application

Michael Papadopoulos



CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT IV - Page 25 of 30

2999 NW Cassia Place
Corvallis, OR 97330-3274

PLANNING COMMISSION
TESTIMONY RECEIVED
NOV 19 2008
A. Robinson
NAME

November 18, 2008

City of Corvallis Planning Commission
501 SW Madison Ave.
Corvallis, OR 97333

Ref: Deer Run Park Subdivision (PLD08-00013, SUB08-00007)

Dear Planning Commission:

We respectfully request that you deny the proposed application in its present form. Our reasons and suggested modifications are given below.

This application is long and complicated so it is difficult for us to address the specific variations or modifications of the applicable codes; nine of which are listed on pages 33 and 34 of the Narrative. Our principle concerns are compatibility with the surrounding neighborhood, landscaping (tree removal), and, especially, parking.

The proposed plan is not compatible with the existing surrounding neighborhood and would likely devalue nearby area homes. Area homes are single family dwellings while the proposed plan is for three triplexes. Area homes are generally larger than 2,500 sq ft, with some larger than 5,000 sq ft. The units of the proposed plan are all significantly smaller. Area homes have double garages and have visual green lawn and shrub front yards. The proposed plan does not. Area homes have large lot sizes (>5000 sq ft) with reasonable width. The proposed plan has smaller, narrow lots.

The proposed development plan "crams" in too many lots and thus requires too many exceptions from the land development code. Parking and driveway in front of the dwellings causes several violations in the front. Small, narrow lots require the dwellings to be narrow and long which violates the dwelling 2.5x ratio.

The proposed development plan requires the removal of trees along the East property line to accommodate the building and the East side path. This will destroy the important visual buffer, green area, and shade provided by these trees. This can be seen in the satellite images attached to this letter. The images show an approximate foot print of the planned development. The foot print includes, approximately, the area bounded by the south side of the three triplex buildings out to the 5 foot sidewalk that runs along the north side of the buildings. The foot print image was produced by scaling Exhibit B of the Narrative. Distances in the satellite photo were determined from Goggle Earth's measurement ruler and may be in error. Photos of the trees along the East property line are also attached.

The proposed development plan provides only single car garages with "tandem" parking for a second vehicle in front of the garage. We believe this will result in the owners using the "overflow" parking and also parking on Cassia Place on a daily basis. This, we believe, will result in constant conflicts with the owners on Cassia Place. The proposed parking plan is not realistic and is completely inadequate.

Finally, we are sympathetic to the owners of Deer Run Park that want to develop their valuable property. While we are not fond of the triplex concept, we would likely not object to the development if they would do three things: 1) Reduce the number of units to 4 or 5, which would allow for larger units and double car garages. 2) Keep all the trees along the East property line. 3) Provide sufficient parking for vehicles so that the owners, and guests, would not routinely park in Cassia Place.

Sincerely,

Alan and Kay Robinson

Attachments:

1) Satellite view of the surrounding area.
2) Satellite view of Deer Run Park and Cassia Place.
3) Photos of the trees along the East property line.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT IV - Page 27 of 30

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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© 2008 Tele Atlas
Google
44°35'44.14" N 123°18'29.34" W
elev 484 ft
Eye alt 936 ft

View Looking South Along East Boundary

East Side Trees

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
December 3, 2008

Present
Karyn Bird, *Chair*
Jennifer Gervais, *Vice Chair*
Frank Hann
Tony Howell
Jim Ridlington

Excused
Steve Reese
Denise Saunders
Patricia Weber

Staff
David Coulombe, Deputy City Attorney
Jeff McConnell, Development Engineering Supervisor
Matt Grassel, Development Review Engineer
Kevin Young, Senior Planner
Jason Yaich, Associate Planner
Terry Nix, Recorder

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			
II.	Deliberations **Deer Run Park Subdivision (PLD08-00013, SUB08-00007)**			Approved as conditioned.
III.	Planning Commission Minutes A. September 17, 2008 B. September 24, 2008 C. October 1, 2008			 Approved as revised. Approved as revised. Approved as revised.
IV.	Old Business	X		
V.	New Business A. Planning Manager's Update	X		
VI.	Adjournment - 9:10 p.m.			

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Karyn Bird at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. **VISITORS' PROPOSITIONS**: There were no propositions brought forward.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT V - Page 1 of 28

II. DELIBERATIONS - DEER RUN PARK SUBDIVISION (PLD08-00013, SUB08-00007):

The Chair welcomed citizens and stated that the public hearing on this item was held on November 19, 2008. By request, the record was held open for seven days for additional written public testimony. The applicant's final written comments were received on December 3, 2008. Planning Commissioners have received both the additional testimony **(Attachment A)** and the applicant's final written comments **(Attachment B)**. Deliberations will proceed tonight.

A. Declarations by the Commission: Conflicts of Interest, Ex Parte Contacts, Site visits, or Objections on Jurisdictional Grounds

1. Conflicts of Interest: None.
2. Ex Parte Contacts: None.
3. Site Visits: None.
4. Objections on Jurisdictional Grounds: None.

B. Staff Update:

Associate Planner Jason Yaich called attention to the applicant's final written comments in response to the testimony submitted after the public hearing was closed on November 19, 2008, but before the record was closed on November 26, 2008.

C. Discussion and Action by the Commission:

Commissioner Ridlington asked for staff comment regarding the public testimony related to alleys. Planner Yaich said the Land Development Code offers alleys as one option to encourage pedestrian-friendly design. In this case, the applicant proposes to locate access to the north side of the units in order to minimize impacts to the riparian corridor.

Commissioner Howell referred to public testimony regarding land slide hazard. He referred to drawings in Exhibit C-1 and said it appears that there is no significant cutting into the toe of the natural slope. Planner Yaich agreed. Planner Yaich added that the geotechnical report indicates that, as proposed, the foundation of the wall of the home would serve as the retaining wall for the newly placed fill. There will be monitoring throughout the construction process as the existing fill is replaced by the engineered fill which will be compacted and supported by the retaining walls. There are retaining walls proposed between the units as well.

Commissioner Howell asked about risks to Ponderosa Avenue if there was a landslide on the subject property. Development Engineering Supervisor Jeff McConnell stated that the curbside sidewalk, slope, and retaining wall are all proposed to protect the integrity of Ponderosa.

Commissioner Hann asked for additional information regarding cuts and fill. Planner Yaich reviewed the proposed cuts and fills as shown in Attachment K to staff report. He noted that the greater amount of fill is associated with the retaining wall; that fill is proposed to be between 12 and 14.5 feet. In response to further inquiry from Commissioner Hann, Senior Planner Kevin Young noted that the staff report

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT V - Page 2 of 28

discusses a balancing of issues and makes mention of the compensating benefit of keeping development out of the riparian area.

Commissioner Hann said he is struggling with this proposal due to the lack of pedestrian-oriented design; he envisions a large parking lot appearance from Ponderosa Avenue. Planner Yaich said the elevation for the parking and driveway would be below the grade of Ponderosa, and the retaining wall, berm, and street trees would provide some visual buffer.

Commissioner Ridlington opined that the site might be better served with fewer units than proposed. Planner Yaich noted that it is the City's job to weigh the applicant's proposal against the applicable criteria. Reducing the number of units would require a new site design and a new application. Throughout the long history of this project, staff has always encouraged the applicant to comply with as many of the development standards as possible. The number of units was discussed and the applicant ultimately submitted this design for consideration. Planner Young added that one of the applicant's considerations in proposing this number of units is that there will be street improvements and infrastructure improvements on this site that will be quite expensive.

In response to an inquiry from Commissioner Howell, Planner Yaich reviewed comments from the Fire Department and proposed Condition of Approval #29, which addresses those concerns. He noted that the applicant has indicated a willingness to sprinkler the units.

Commissioner Howell requested staff comment regarding why there has not been a request for a change to the mapped land slide hazard area. Planner Yaich said map refinements can be made to the land slide hazard areas based on information submitted by a geotechnical investigation. That investigation should occur on site and on adjacent properties. The applicant has not gone through that process and staff did not believe the requirements for modifying the maps were met. The requirements for building within 500 feet of a mapped hazard are met.

Commissioner Howell referred to testimony expressing concern about the loss of screening between this property and properties to the east. Planner Yaich said the proposal complies with screening requirements in the Land Development Code. The applicant has satisfied buffering requirements for parking at the east end of site. Regarding tree removal for the sewer line extension, the applicant's drawings show a fence along the east property line, and the applicant has indicated that landscaping could be enhanced in that area. Planner Young added that the retaining wall on the east side of the parking area and the landscaping on top will provide some buffering.

In response to an inquiry from Commissioner Ridlington, Planner Yaich said the existing fill was dumped illegally; the geotechnical investigation requires that the existing fill be exported from the site.

MOTION: Commissioner Gervais moved to approve the proposed Conceptual and Detailed Development Plan for Deer Run Park subdivision. The motion is based upon the staff recommendation to the Planning Commission. Commissioner Howell seconded the motion.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT V - Page 3 of 28

Commissioner Gervais initiated discussion about the possibility of adding a condition of approval to disallow pesticides or herbicides which pose a hazard to aquatic life in the riparian buffer. She noted that someone may not be aware that this is a riparian area because there is not always water present. Brief discussion followed.

MOTION TO AMEND: Commissioner Gervais moved to add a new Condition of Approval #35 as follows: "No pesticides, including herbicides, shall be used within the 25-foot riparian corridor easement if they contain statements within the label that indicate hazards to aquatic species. The applicant is required to include this language in the CC&R's". Commissioner Howell seconded the motion and it **passed** unanimously.

Commissioner Howell initiated discussion about ways to allow flexibility in the placement of the path and the utility easement to preserve the greatest amount of vegetation along the boundary. Staff provided suggested language to address his concerns.

MOTION TO AMEND: Commissioner Howell moved to amend Condition of Approval #17 to include the following language: "The alignment of the sewer and path shall consider impacts to the existing vegetation on the east property line." Commissioner Gervais seconded the motion.

Commissioner Ridlington suggested that the Condition also indicate that the path be centered over the sewer line. This was accepted as a **friendly amendment**. The motion to amend then **passed** unanimously.

Commissioner Hann stated that he is struggling with the applicant's decision to develop at this intensity level, which in his view drives many of the problems, and then to ask for variances to resolve the problems. He said it seems the pedestrian-oriented design standards are largely set aside to allow for parking in the front and use of the riparian area as back yard area. He is not convinced that this would not create something that is out of character with the area and which has too much emphasis on motor vehicles. He is not convinced that the applicants have met the requirements to justify the amount of variances they are requesting. The purpose of the application is to market the property, and Commissioner Hann does not believe that marketability is a rationale for Planning Commission decisions.

Commissioner Gervais said part of the rationale for sacrificing pedestrian-oriented design standards was to provide more protection for the riparian zone. Commissioner Hann agreed, but said the size of the proposed footprint creates a problem for which the applicant is requesting a variance.

Commissioner Howell described a potential design that would result in fewer units with similar impacts. He said he thinks the impacts are driven not as much by the number of units as by the site. He said this proposal would accomplish the goal of providing a variety of housing types. The design has impervious surface serving more units for the amount of vehicle movement area, which is a more efficient use of the site. He does not know that the views from Ponderosa would be very different with any other townhouse development that would happen at this location. Given the site, the grading is fairly benign. There are limited cuts and fill and the riparian area is fairly well protected from any slope activity. The proposed parking meets Land

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT V - Page 4 of 28

Development Code requirements. Commissioner Howell is willing to allow an exception for the number of units served by the driveway because fire safety issues are being satisfied with the addition of sprinklers.

Commissioner Hann referred to testimony expressing concern about overflow parking. Commissioner Howell said occasional overflow parking is a risk whenever there is no on-street parking, and he thinks this has been addressed as much as possible for this site.

In response to an inquiry from Commissioner Howell, staff further reviewed the options given by the Fire Department as outlined in Condition of Approval #29.

Commissioner Howell referred to a request from the applicant for a sign variance. He said the size allowed by the Land Development Code seems adequate for a residential development sign.

Commissioner Gervais recalled a previous discussion about ways to make the fences more wildlife-friendly. She suggested that a small opening be left at the bottom of fences to allow for movement of small wildlife such as frogs and salamanders. Brief discussion followed.

MOTION TO AMEND: Commissioner Gervais moved to add a sentence to Condition of Approval #34 as follows: "All fences adjacent to Ponderosa and the riparian buffer zone shall provide a small gap of at least one inch between the bottom of the fence and the ground for passage of small animals through the riparian area." Commissioner Howell seconded the motion and it **passed** unanimously.

The amended main motion **passed** by a vote of 3 to 1, with Commission Hann voting no.

Commissioner Hann stated that his vote in opposition is not a criticism of the project. He can see the thought and work that went into developing this proposal for this difficult property. His objection is to the level of reliance on automobiles, the presence of parking in front of the property, and the lack of empathy with the surrounding neighborhood.

MOTION: Commissioner Gervais moved to approve the proposed nine-lot tentative Subdivision plat, as described in Attachments K & L. This motion is based upon the staff recommendation to the Planning Commission. Commissioner Howell seconded the motion and it **passed** by a vote of 3 to 1, with Commissioner Hann voting no.

D. Appeal Period:

The Chair explained that the decision will be effective 12 days from when the Notice of Disposition is signed, unless an appeal is filed with the City Recorder.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT V - Page 5 of 28

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

DATE: November 26, 2008

TO: Planning Commission

FROM: Jason Yaich, Associate Planner

SUBJECT: Deer Run Park Subdivision - Additional Testimony Received
PLD08-00013 and SUB08-00007

On November 19, 2008, the Planning Commission held a public hearing on the above referenced cases. Testimony submitted by citizens at the public hearing included a request to hold the written record open for 7 additional days (November 26, 2008). Additional written testimony was submitted by three parties on November 24, 2008, and November 26, 2008, and is included with this memorandum.

The applicant will have seven additional days to provide final written arguments related to the testimony received, and will present the final written arguments at the December 3, 2008, Planning Commission meeting.

ATTACHMENT A

2999 NW Cassia Place
Corvallis, OR 97330-3274

November 25, 2008

RECEIVED

NOV 26 2008

Community Development
Planning Division

City of Corvallis Planning Commission
501 SW Madison Ave.
Corvallis, OR 97333

Ref: Deer Run Park Subdivision (PLD08-00013, SUB08-00007)

Dear Planning Commission:

After listening to the presentations at the Hearing, and studying the information provided in the application, we again respectfully request that you deny the proposed application. In its present form the development is totally incompatible with the surrounding neighborhood.

Our principle concerns are compatibility with the surrounding neighborhood, landscaping (tree removal), and, especially, parking.

The proposed plan uses some very creative designs to circumnavigate the Land Development Code, or at least the spirit and intent of the Code. Even after using these creative designs the plan requires 10 variations to the LDC standards.

For example, the building proposed is really a Nineplex. But it was split into three Triplexes in order to avoid the parking requirements. If a Nineplex was actually proposed the tandem parking would not be allowed. This would would have required more parking; which is what is actually needed. The tandem parking is completely unrealistic. This will cause constant problems with the residents of Cassia Place.

The proposed development plan requires the removal of trees along the East property line to accommodate the building and the East side path. This will destroy the important visual buffer, green area, and shade provided by these trees. We have provided some new photos of these trees. We request that removal of these trees not be allowed. These are large, old, oak and Douglas Fir trees.

We have also provided a new satellite photo of Deer Run Park and the Cassia Place Cul-de-sac. The photo shows the foot print of the proposed building area and the lots and houses on Cassia Place. The land area of the four houses on Cassia Place is approximately 1.8 Acres. The proposed plan is to put nine units on about 1.0 Acre. Further, all of the surrounding area consists of single family houses. A Nineplex is just not appropriate here.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT V - Page 7 of 28

As we previous stated we are sympathetic toward the owners of Deer Run Park and their desire to develop their valuable property. We would like to suggest three things: 1) Reduce the number of units to 4 or 5, which would allow for larger units and double car garages. 2) Keep all the trees along the East property line. 3) Provide sufficient parking for vehicles so that the owners, and guests, would not routinely park in Cassia Place.

We hope that the Commission will take a step back and look at the total picture, with its 10 variations, and just say no.

Sincerely,

Alan Robinson Kay Robinson

Alan and Kay Robinson

Attachments:

1) Photos of the trees along the East property line.
2) Satellite view of Deer Run Park and Cassia Place.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT V - Page 8 of 28

Lee's House

Sprague's House

© 2008 Tele Atlas
Google
44°35'43.84" N 123°18'29.07" W
elev 485 ft
Eye alt 1046 ft

November 21, 2008

Re: PLD08-00013 Deer Run Park

Corvallis Planning Commissioners,

We respectfully request the Proposed Development Plan and Subdivision Plat for the Deer Run Park property not be approved. The proposal has too many variations from the Corvallis Land Development Code making it incompatible with our neighborhood. Therefore, it would make our neighborhood less livable and devalue our property.

Objections to the proposed development plan:

1. The proposed development plan is not compatible with the surrounding neighborhood that already exists and would most likely devalue the livability and marketability of these nearby homes.
    a. Area homes are single homes whereas the proposed plan has triplexes. The density of the proposed dwellings will cause extensive activity and noise in our area.
    b. Area homes have double garages whereas the proposed plan has single garages with tandem parking. We fear overflow parking to the already minimal parking availability in our adjacent cul-de-sac.
    c. Area homes have large lot sizes >5000 square feet with reasonable width whereas the proposed plan have smaller (5 of 9 are < 5000 square feet) and narrower lots. The area's larger lots allow for visually pleasing green lawn and scrub front and side yard areas. The proposed plan has concrete car road and driveways with little visual green area. This would create an eye-sore to our neighborhood.

2. The proposed development plan squeezes 9 lots into the 1 acre area requiring too many variations from the CLDC.
    a. Road, driveway and parking in front of triplexes causes several variations to the CLDC in the front. (i.e. >25' from front property line, reduced landscaping strip, reduced side yards, <40% green area)
    b. Small, narrow lots require the dwellings to be narrow and long and have separated overflow parking areas. (i.e. dwellings 2.5x ratio, lot depth requirements would have to allow inclusion of the restricted Riparian Corridor in rear, reduced side yards)

We are not opposed to development on this beautiful property. Please require a plan that will meet the CLDC to be consistent with the livability and value of our existing neighborhood.

Regards,

Gerald Erickson
Julie Erickson

Gerald and Julie Erickson
2991 NW Cassia Pl
Corvallis, OR 97330

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CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT V - Page 11 of 28

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NOV 24 2008

Community Development
Planning Division

November 21, 2008

Ref: Deer Run Park (PLD08, SUB08-00007)

Dear Planning Commission,

Our home is 2992 NW Cassia Place, on the east side of this proposed nine-plex, and we are very concerned about this development under consideration by the city. We are firmly opposed to this plan for a number of reasons, some of the most important ones listed below.

1) A nine-plex (three tri's) would be completely inappropriate in this neighborhood
2) The site is not suitable for what the plans indicate. This is apparent by the number of variances needed in order to squeeze nine homes on this small parcel.
3) The homes have a one car garage with a tandem parking slot behind it. This type of parking is less than desirable. Additionally, for the entire 9 homes, there are 5 extra spaces scattered here and there. Where will people park? Wouldn't people living in these homes want to be able to have guests? Where are they going to park? The people in the nine-plex would have to coordinate their schedules so none of them have people over at the same time.
4) The tall, narrow tri-level home design is not desirable to easterly neighbors because it would feel like someone is watching you while you are in your backyard. This is particularly uncomfortable and unsettling when you have children. With this proposal, many of the trees that would serve as a buffer would be removed.
5) The owners of this property purchased the property knowing it was nothing more than a hole on the side of the road. They illegally brought in fill dirt and were fined as a result. Now, they want to sell the property and are trying to market it as "big profit potential" for a developer. The more dwellings they can squeeze together, the more dollar signs a developer sees and the more money the owners can ask for their property. The end result is the owners, designers, and developers make lots of money and then they are gone. The neighborhood is left dealing with an unsightly out of place structure, parking issues, major increase in traffic, and most probable decrease in property values.

We are not at all opposed to growth and are generally non complainers, however livability must be maintained. This plan is not healthy for the neighborhood nor is there much consideration for the people who would be living in this nine-plex. There are lots of "shortcuts" taken to squeeze it all in.

This is a plea to the Commission to please look at this holistically. Codes are a big part of it but there's more to it than that. We implore you to please take all of these concerns into consideration. This is weighing very heavily on us because if this were to be approved by the Commission, our neighborhood would be forever changed – and not for the better. Even if this proposal met every code, which it clearly doesn't, we would ask you to think of the following analogy. There can be many job applicants for a single position. They could all have the qualifications required to apply for

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the position yet clearly there could be some candidates that would not be well suited for that particular position. This is how we feel about this plan for this site. It's just not a good fit.

They are trying too hard for big profits. The neighborhood should not have to pay the price.

We request that the Commission deny this proposed plan.

Respectfully,

Tom and Madeleine Sprague

Tom and Madeleine Sprague

2992 Cassia Pl

207-3395

MEMORANDUM

From: Jason Yaich, Associate Planner

To: Planning Commission

Date: December 3, 2008

Re: Deer Run Park Subdivision - Final Written Arguments from Applicant (Cases PLD08-00013 and SUB08-00007)

On November 19, 2008, the Planning Commission held a public hearing on the above referenced cases. Testimony submitted by citizens at the public hearing included a request to hold the written record open for 7 additional days. The applicant requested an additional seven days in order to prepare a formal written response to the written testimony. Additional testimony was received and forwarded to the Planning Commission on November 26, 2008.

Enclosed with this memorandum is the written response from the applicant (submitted December 3, 2008).

ATTACHMENT B

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DEC - 3 2008

Community Development
Planning Division

DEER RUN PARK FINAL TALKING POINTS – 12/2/08

SECTION I. INTRODUCTION

Unique site characteristics, and the need to preserve an extensive area of significant natural features on the subject property, require some special considerations in designing a residential use for this site. Fortunately, the planned development chapter is intended "*...to establish procedures that permit flexibility in the land development process, allow for better preservation of Significant Natural Features, and allow for innovation in site planning and architectural design.*" (CLDC 2.5.10, *Planned Development, Background*)

Resource Protection and Development Constraints Require Innovation

Sixty seven percent (67%) of the parent parcel's total area is required to be preserved forever as "highly protected riparian corridor", removing the most level elevations of the site from eligibility for development. The remaining developable portion is primarily located on southwesterly trending slopes ranging between 10-35 percent gradient, generally. Though constrained by it's natural topography, size and irregular (triangular) configuration, this approximate one acre of residentially zoned land remains nonetheless legally buildable from all regulatory perspectives.

Providing the highest feasible level of protection for the "highly protected riparian corridor" is the driving force behind the most substantive of the applicants' requested deviations to city standards. Through over twenty four hours of meetings with City Engineering Department personnel alone, the (owners and their representatives) applicants and staff concurred on what they feel is the plan that provides the greatest protection for the soil, water, and biotic resources of the riparian area, both in terms of foreseeable, temporary impacts of construction as well as potential impacts of the ongoing residential activities. To ensure this, the current plan places buildings, rather than vehicle circulation, closest to the riparian corridor's boundary, and also proposes a single driveway to serve all nine proposed units, as opposed to a public or private street or alley (see discussions below).

Once high protection status is ensured, it is also necessary to address constraints of the remaining portion of the site.

Two Site Design Innovations in Particular are Elemental to Implementing the Above

1. Placing the buildings outside of the normal 25' maximum front setback permits implementation of the above best-case scenario for protecting the riparian corridor and it's associated resources, in which parking and circulation are not placed behind the buildings.

2. Serving the residences with a private driveway as opposed to public or private street or alley further facilitates the above resource protection scenario.

Regarding item number 1, above: This plan achieves the highest possible level of protection for natural resources on this site primarily by maximizing the lineal separation between the proposed vehicle circulation and parking areas and the sensitive riparian corridor that comprises the southerly two thirds of this tract. As discussed and illustrated in the application materials, and as also shared in the public hearing, initial grading and fill impacts would be much greater under a scenario of constructing the circulation drive and parking behind the buildings, as is normally required under the December 2006 LDC.

Significant fill materials (far in excess of the eight foot maximum standard to which the applicants are requesting minor deviation) would need to be placed in the southerly portion of the development to meet grade requirements for access. Please see Applicants' Exhibit C.3., Max. Front Yard Setback Analysis, compared with the Sections 1-1, 2-2, and 3-3 on Exhibit C.4., Site Cross Sections. These illustrations demonstrate the drastic change over existing grade that would be required to implement parking and circulation behind the buildings.

This scenario would also necessitate the installation of a four-foot high or larger retaining wall immediately abutting the development's entire shared boundary with the seventy-five foot wide riparian corridor. The retaining wall, coupled with the associated increased fill activities in close proximity to the riparian corridor, together would risk damage to trunks of trees and (surface and) subsurface hydrology along the natural resource area's boundary that would not otherwise be impacted under the applicants' plan. This retaining wall is not pictured on any current exhibits, as its potential for adverse impacts to the abutting riparian resources, in conjunction with those potential grading impacts discussed above and factors discussed in following paragraphs associated with placing parking behind the structures on this site, was deemed too great to warrant further consideration.

Aside from temporary impacts of construction, discussed above, the applicants are also concerned that petroleum, heavy metals and/or other pollutants associated with parking and circulation areas may have a greater chance of reaching the riparian corridor given a closer proximity to it. We understand that the Commission has, on at least one occasion, required relocation of a bicycle and pedestrian facility to a point fifty feet away from a riparian corridor, in order to avoid impacts of that hard surfacing and resulting ongoing activity on the protected resource. This was reportedly in association with a land use application from Evanite.

This prior reasoning on the part of the Commission appears to be consistent with the applicants' rationale described above. More specifically with regard to this site, while storm water from the applicants' proposed development will be detained and treated for water quality to standards, it is nonetheless expected that the potential for adverse impacts occurring from motor vehicles parking and operating adjacent to a riparian corridor is probably significantly greater than the risk of similar adverse impacts from pedestrians and bicyclists utilizing the same or a similar location.

For the reasons described above, and consistent with prior Commission action(s), the applicants determined that the current plan, providing parking in garages, driveways and to the sides of buildings, and placing the circulation area in front of the structures rather than behind, was the very best means available for protecting the riparian resources of this site and downstream properties from potential adverse impacts. This plan achieves the applicants' objective of doing so while still permitting reasonable residential use to occur within the parameters and intent of the comprehensive plan and land development code.

Other Proposed Deviations are Directly Related to this Request

Inherent in a deviation to relieve this site from the requirement to place parking and vehicle circulation to the rear of structures are certain other of the applicants' requested modifications to standards.

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These exceptions appear to necessarily 'fall out" of that action, or would, by nature, reasonably be assumed to go hand in hand with such an approval. Namely, there is the maximum front yard setback standard of the PD RS-6 Zone and POD's, which cannot accommodate vehicle circulation between the buildings and streets. This is discussed in more detail in the application, staff report and this document.

Similarly, protection of the riparian zone cannot be accomplished as envisioned by the applicants, and described above, in conjunction with development without approval of either:

A) A variation to relieve Lots 2-8 from the 15' minimum useable side or rear yard standard, or

B) An interpretation or variation to permit the 25' deep rear yards of those parcels (which are each part of a protected riparian corridor) to serve as part of the useable yard for Lots 2-8, in conjunction with those lesser restricted rear yards located between the structures and southerly fences on those lots. It is noted that side yards also make contributions to total useable yard area for Lots 3 and 4 and 7 and 8, as noted in the application narrative. Please see additional subsequent discussions of these aspects in this document.

Regarding item number 2, above, Table 1 of the Corvallis "*Off—Street Parking and Access Standards*" states:

> "Any access drive for five or more dwelling units shall be considered a private street and shall be constructed to City standards."

Page 1 of the document contains the following caveat:

> "These standards are not intended to be a replacement for innovative design and concepts. If such a circumstance arises and the innovative design is consistent with the objectives of the City, the design may be approved."

The above discussions of this section describe why innovations have been necessary in the design of this site, and which two innovative design techniques in particular are most crucial to the applicants' natural resource preservation plan and associated development proposal. As stated, this sub-section of this document addresses the question of access.

The applicants' access plan was approved by the City Engineer following formal written review of alternative access and development plans that had involved serving the site with a private street or alley. Staff's review comments revealed that serving the developable portion of the site in this manner would have required numerous additional variations to code standards, not the least notable of which may be the minimum green area / maximum impervious cover standard of the PD RS-6 Zone; setback and lot dimension / area requirements; and POD's relating to landscaping along private sidewalks.

{Note: this document, including Section I *Introduction*, contains no new information except as it may pertain to rebutting / responding to public testimony / Commissioners' questions received prior to the close of the public hearing}

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Further constraining the already meager developable portion of the parent parcel, by requiring a street or alley, would also mean greater potential impacts to the riparian zone, since site grading and other "improvements" would be forced southerly by the additional right of way width and other amenities required in association with such a relatively large-scale transportation facility. We have established in these discussions that the risk of such increased impacts is undesirable.

In addition to basically strangling an already severely size-constrained parcel, our homework revealed that construction of an alley or street also required importing substantially greater volumes of fill, representing a much larger deviation from the City's 8' maximum fill standard. This is due to the significant difference in grades between the subject property and adjacent public (Ponderosa Avenue) right of way. Such a development approach would constitute a significant departure from the current, relatively natural topography and resulting hydrology of the parent parcel; would be expected to have greater potential environmental impacts, and is inconsistent with the applicants' efforts to design the PD, to the greatest extent feasible, with the lay of the land.

To be clear, we didn't simply 'consider' an alternative access plan or two; much more, we went so far as to design and engineer the site with alley access, conforming to the best of our abilities with the code and submitting full 'detailed development plans'. We then received written comments on these alternative access and development plans from the City, and finally incorporated all city comments the best we could into our subsequent, evolved proposals. It was through this rigorous, time consuming and costly process that the applicants determined that the current conceptual and detailed development plan represents the best available means of providing vehicular access to this site.

It is our understanding that the City Engineer's approval of the applicants' access plan is entirely consistent with the above excerpted language from and intent of the City's "*Off—Street Parking and Access Standards*".

***PLEASE NOTE**: Following is a point by point response to the concerns raised by neighbors and Commissioners to this proposed development, either in public hearing or written testimony following the close of the public hearing and prior to the close of the record.*

SECTION II. POINT-BY-POINT FINAL RESPONSE

A. RE: The Question of Compatibility
An Issue Raised in Public Testimony by Mr. And Mrs. Alan and Kay Robinson on 11/19,
Written Testimony dated 11/18/08
Gerald and Julie Erickson, 11/21/08

BRIEF POINTS FROM APPLICANTS' VERBAL RESPONSE ON 11/19/08:
Our average floor plan, depicting just over 2,000 square feet of living area (described in most detail in the narrative and verbal testimony as approximately 2,400 sq. ft. minus a 250 sq. ft. garage) does not appear to be inconsistent with the range of home sizes located in the general vicinity.

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Admittedly, some much larger homes occur in the area, but compatibility does not require carbon copying, and the City's comp. plan seeks diversity in housing types as an objective.

ADDITIONAL PERTINENT FACTORS / CONSIDERATIONS:
Contrary to the statement in par. 3, although not detached, the proposed dwellings are "single family dwellings", in private ownership, and in that respect are wholly consistent and compatible with the surrounding housing pattern. Comprehensive Plan policies 9.2.5.E. and 9.3.2. are specifically cited in the applicants' narrative as supporting this type of diversity in housing types, lot sizes. The following is excerpted from page 89 of that document:

> *""**9.2.5** Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:"*
>
> *"E. Neighborhoods have a mix of densities, lot sizes, and housing types."*
>
> Zoning surrounding the subject property is almost entirely Low Density Residential. The proposed planned development is at a lower density than urban development that has occurred *immediately south of the site, while slightly denser than some other neighboring patterns (NOTE: italicized language added 12/2/08)*, lending to diversity in residential densities in the area in general. Lot sizes within the planned development represent a mix consistent with the above plan policy, and range from 2,833 square feet to 7,134 square feet.
>
> The introduction of individually owned townhouses onto the subject property, *an outright permitted use in the subject zone*, lends diversity to the mix of housing types in the general area. *Further,* as stated, the significantly larger lot sizes proposed in all but one instance *(as compared with the city's minimum area standard)* provide variation over *some of* the other low-density parcel sizes currently found in the vicinity (e.g., in the subdivision to the south of the subject property).
>
> The plan is consistent with this sub element of this comprehensive plan policy."

Please also see discussions in the applicants' narrative, Page 22; the applicants' extensive discussion of the code's compatibility factors, narrative Pages 68-79; and additional discussions on Pages 88 and 89. Finally, contrary to statements by Mr. and Mrs. Erickson in their correspondence of 11/21/08, the applicants' full sized Exhibits G and H illustrate the very green appearance that would be maintained under the applicants' plan.

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B. RE: "Too many lots...require(s) too many exceptions".
Par. 4, Written Testimony, Alan and Kay Robinson, 11/18/08
Also Tom and Madeleine Sprague, 11/21/08

FROM APPLICANTS' VERBAL REBUTTAL:
The record reflects that prior attempts to provide a lesser number of detached dwellings required a greater number and more significant deviations to city codes than does the current plan, and that's how we arrived at it. Detached dwellings served by a looping alley or street required significantly more, and more substantial, deviations to the lot development and other applicable standards of the CLDC than does the current plan.

FURTHER:
Applicants have no further response. Please refer to prior discussions of this document demonstrating our consistency with the lower end of the allowable density range for the developable portion of this site, and also discussions of alternative access scenarios that were evaluated by the applicants and city staff.

C. RE: Protection of Trees Along East Property Boundary
Par. 5, Alan and Kay Robinson, 11/18/08:
Reiterated in Verbal and Written Testimony from Madeline Sprague and John and Madeline Sprague, 11/19/08 and 11/__/08, respectively; also by Commissioner Howell following close of public hearing.

FROM APPLICANTS' VERBAL RESPONSE:
We proposed to relocate the proposed chip path, within the confines of it's associated sanitary sewer easement, westerly as necessary to permit the retention or replacement of buffering vegetation and the screening fence depicted on the plans. The City Engineer stated that this could be reviewed at the time of PIPC's, and relocation of the path within the easement would be acceptable to his office.

ADDITIONAL CONSIDERATIONS:
Although impacts to riparian trees associated with construction of the public sanitary sewer and its necessary access are permissible by the code, these impacts would be minimized to the greatest extent feasible. Applicants have since discussed with City Engineering and Planning Staff a potential condition of approval to require a screening fence (already depicted on our exhibits) and acceptable buffering plantings (promised in the existing narrative) within the sanitary sewer easement, since no mature trees may be located within the fifteen-foot sanitary sewer easement.

D. RE: Proposed Parking Plan – Not Enough Spaces, Encourages Parking on Cassia Place
Raised, Par. 6 and Verbally, Alan and Kay Robinson, 11/19/08
Verbally by Mrs. Madeline Sprague 11/19 & in writing 11/21

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APPLICANTS' VERBAL RESPONSE IN HEARING:
The proposed parking is compliant with every aspect of the code, and in fact exceeds the parking space requirement by five spaces, providing for overflow parking on site. CC&R's prohibiting parking on Cassia Place or other adjacent public rights of way are further proposed as part of a homeowners' association agreement (HOA).

ADDITIONAL CONSIDERATIONS:
The cited paragraph suggests that tandem parking will encourage residents to park "second vehicles" in overflow spaces provided on the site, and on Cassia Place, rather than in their available driveways. We would suggest that, if some residents occasionally park in overflow parking spaces, any temporary visitors who would normally create demand for such overflow parking would then be encouraged to utilize either remaining overflow spaces which are unused or, if it is available because the resident has opted not to utilize it, the vacant driveway of the residence which they are visiting.

As noted in the hearing and confirmed by staff, tandem parking is specifically permitted for the subject housing type. The applicants have exceeded code requirements, and thereby demonstrated their prudence in addressing valid concerns of neighbors and staff relative to off-street parking. If desired, the Commission could conceivably require a condition of approval that requires marking overflow parking as reserved for such purposes, and perhaps requiring parallel language in the CC&R's / HOA.

While there may be aspects of the parking plan that do not appear optimal, the team is quite pleased to have avoided a *parking lot* scenario; to have successfully provided all required parking upon the lot it is intended to serve; and to have demonstrated compliance with all off-street parking standards applicable in the PD RS-6 Zone.

E. RE: Various Concerns (e.g., notice, naming of PD/Subdivision; geologic consultant's work)
Raised by Mr. Michael Papadopolous and reinforced in Written Testimony, 11/19/08

APPLICANTS' VERBAL RESPONSE:
We reiterated that the City's requirement for geo-technical data in this case was based upon a recommendation for further investigations from DOGAMI, not upon any site-specific investigations or an actual natural hazards inventory. We also stated that our application met the land development code's test for development approval in this respect.

ADDITIONAL FACTORS / CONSIDERATIONS:
We addressed those pertinent issues of Mr. Papadopolous' in verbal rebuttal, and have no further specific comments at this time. Please see subsequent discussions of this document relative to citizens' comments concerning the applicants' geo-technical report and site assessment.

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F. RE: Numerous Issues Raised by Ms. Liz Frenkel in Written and Verbal Testimony, 11/19

FRENKEL CONCERN 1: States CLDC 4.5.70.03.b. is not satisfied.

APPLICANTS' VERBAL RESPONSE:
Applicants stated that both they and staff feel the application meets code requirements for development approval on land preliminarily mapped on the City's natural resources inventory as a 'high potential landslide hazard'. Staff also advised the Commission to defer to the professional work of the applicants' geo-technical engineer regarding evaluating the adequacy of their on-site methodology, test pits, etc. Applicants noted the local consultants' local reputation was very much dependent upon their providing accurate and thorough professional service and conclusions.

ADDITIONAL INPUT:
"Site-specific investigations north and south of the subject property" are not required by the CLDC (and it would seem unlikely that permission would be granted for such investigations to occur, if the code did require it). Nor were these deemed necessary by the consultants in order to reach their professional conclusion that no increased risk of landslide, erosion or similar impacts, on or off-site, would appear likely to result from approval of this request.

Review of available records and on-site investigations, as detailed in the reports, were adequate in this case to permit the geo-technicians to arrive at their certified conclusions.

To answer the question more directly, CLDC Section 4.5.70.03.b. is satisfied as demonstrated below:

> *"4.5.70.03 - Site Assessment and Geo-technical Report Requirement -*
>
> *...b. Prior to issuance of permits for any work on the development site, the Building Official and/or City Engineer shall review the submitted Site Assessment, Geo-technical Report, and any other required reports. Permits shall not be issued until the Building Official and/or City Engineer approve the required reports."*
>
> Consistent with the above, the appropriate city staff reviewed the submitted site assessment and geo-technical report, and approved the same.
>
> *" Upon approval of these reports, permits for construction activities may be issued, if they are in accordance with the findings and recommendations of the reports. Site inspections and submitted permit materials shall demonstrate that all necessary measures recommended by the reports and by City staff are addressed in the construction process."*
>
> The applicants have repeatedly stated their awareness and acceptance of their known obligation to follow requirements of the geo-technical engineer, and to adhere to any conditions of approval, during all phases of construction design and implementation.

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" In no case will permits be issued for development that would increase landslide risks on the development site, or upon neighboring properties, as indicated in the approved reports."

The approved reports do not anticipate or indicate any such increased risks as resulting from approval of the PD / Subdivision, so the above does not apply.

The following is excerpted from Page 65 of the applicants' narrative:

> "Page 3 of (*Applicants'*) Exhibit F observes that site conditions "***do not represent a slope stability hazard***." (Page 3, Exhibit F, Foundation Engineering's Geo-technical Investigation). The report further states, "***Based on these conditions, we anticipate that the risk of slope instability will be low provided the fill is properly integrated into the native slope and compacted as recommended in this report***." (Same page)."

In fact, the addendum report (Foundation Engineering, 12/26/07, Attachment N to the Staff Report, Page 1 of 24) not only finds that no increased risk described under Section 4.5.70.03.b. exists, but also that sufficient data was gathered on site to support removing the landslide hazard overlay from the subject property mapping altogether.

The applicants do not intend to argue for removal of the overlay mapping at this time, only for the reasonable, fully engineered use of the developable portion of the site. While the report notes that the mapping should not be corrected *off-site* until test pits and similar site-specific investigations can be performed for any other specific properties in question, at no point does it suggest that this measure is necessary to reach the development-supporting conclusions pertaining to the subject property, found in Attachment N and briefly summarized above.

Finally, the reports meet all substantive requirements of CLCD 4.5.60.04.b.1-9 and 4.5.60.05.a.-d. Based upon the above evidence, this concern does not appear to be supported by the facts in the record.

Additional note: The applicant is receptive to and familiar with the concerns of neighbors when Northwest Corvallis and other parts of the community grow, having once been charged, for instance, with writing the combined applications to the City of Corvallis for annexation, subdivision and planned development for the property that would become known as Brookside Meadows (Annexation, PD and Subd. 93-9). This is the neighboring planned development located at the northwest corner of Glenridge Drive and Ponderosa Avenue. Despite the fears expressed by some neighbors at the time concerning undisputed geologic challenges and other significant site constraints, we successfully planned, engineered and realized an attractive new contribution to the subject neighborhood, an addition that has proven good neighbors (and a physically sound residential development on solid ground) for nearly fifteen years. The current combined application is viewed as an opportunity to make a similarly positive contribution to this neighborhood and northwesterly sector of the community.

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FRENKEL CONCERN #2: Property "not appropriate for residential development".
Also, Mrs. Madeline Sprague's Verbal Testimony 11/19

VERBAL RESPONSE PROVIDED AT HEARING:
It would be an injustice to remove from eligibility for development the scant portion of the site that remains following adherence to environmental and natural hazard regulations. The property is zoned for low-density residential development and is buildable by code standards. Eleven meetings and over twenty four hours of face-to-face coordination with city engineering staff alone have resulted in the storm drainage and other utility plans herein. The property is clearly considered buildable by applicable city staff.

ADDITIONALLY:
The record is replete with evidence that non-riparian portions of the site are eligible for some type of low-density residential development (e.g., Cauthorn approval, '93). No evidence to the contrary, or in support of Concern #2, has been presented.

FRENKEL CONCERN #3: Suggests Emergency and Fire Access Standards not met
Concern reiterated by Commissioner Weber following public hearing

APPLICANTS' VERBAL TESTIMONY IN RESPONSE:
The access and development plans conform with all fire and life safety access requirements presented to the applicants, and simply leave an option to the developer for either providing sprinklers in each unit or ensuring additional vehicular and firefighter access provisions at final design. This concern is not supported by the facts of record.

FRENKEL CONCERN #4: Drainageway dedication not a benefit since it is required

VERBAL REBUTTAL:
None provided at public hearing.

OTHER INPUT:
There are numerous acknowledged public benefits from protecting riparian corridors, significant vegetation, and natural drainageways. Many of these are recognized in Section 4.13.10.a. and b., *Purpose of Riparian Corridor and Wetlands Provisions*, and the corresponding purpose section of Section 4.12.10. Clearly, city staff, and many of the Commission's precedent setting land use decisions, both concur with the applicants in supporting the consideration of these substantial public benefits as at least partial compensation for some related PD deviations.

Additionally, while the ultimate dedication of the drainage corridor has been an understanding since at least 1993, dedication has not occurred in the interim fifteen years, precisely because the current mechanism in place provides that dedication occurs at the time of issuance of development permits. Thus, dedication of Tract A, and the public assurances that provides, may be considered a direct public benefit of development approval on this site.

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Finally, it is noteworthy that when the owners purchased the property in 2003, the total extent of drainageway / riparian corridor protection reached for only **thirty-five** feet beyond the bank of the creek. That standard has since increased (with the Dec. 31, 2006 LDC) to seventy-five feet of riparian corridor protection, and a fifty foot wide dedication on either side of the drainageway / creek is now required.

FRENKEL CONCERN #5: 34 Conditions and "Numerous Waivers Necessary for Development" Also, Alan and Kay Robinson, 11/25/08

APPLICANT'S VERBAL INPUT AT HEARING:
Applicants noted that approval does not require three variations to standards that were errantly requested in the application. Specifically:

1) Side yards are compliant with the minimum 8' standard of CLDC Table 3.3-1; 2) Mass grading as proposed is in fact compliant with code provisions; and 3) Deviation from the lot depth / width ratio stated in the code does not require a variance. This is due to the fact that this is not a clear and objective standard, but a guideline (clarification provided in hearing by City Staff). We did not, during the public hearing, address the number of conditions of approval recommended by staff .

ADDITIONAL CONSIDERATIONS:
The above information brought the total number of variations requested by the applicants to nine:

1. >25' front yard setback;
2. Parking, circulation not located behind buildings;
3. Exceed 8' fill on just over 2% of development area;
4. Reduced landscaping strip adjacent to private sidewalk;
5. A reduced right of way dedication, improvements for Ponderosa Avenue;
6. A four percent reduction in required green area for Lot 6;
7. An interpretation to permit 25' deep back yards, subject to riparian corridor protections, to be considered partial compensation for less than 15' of useable rear or side yard located elsewhere on Lots 2-8 (lots 1 and 9 are compliant);
8. Very minor impacts to the surface of soils atop the roots of some protected trees in the riparian corridor and the northeasterly sector of the site; and
9. A four (4) square foot increase in the maximum allowable area standard for signs in the subject zone.

Of the nine proposed deviations above, five are considered to be very minor in scope and hence potential impact. More particularly: less than two percent of the development would exceed the 8' maximum fill standard; Lot 6 would be within four percent of the applicable minimum green standard; impacts to protected trees is anticipated to be unsubstantial and potentially even invigorating to their vitality, according to the arborist; the circulation area would be largely screened from view from the public roadway by the difference in grades, existing and proposed vegetation, and proposed fencing; and the proposed sign is just four square feet larger in area than the code usually permits. The increased traffic safety from providing one more means of identifying where a driver wants to go is considered a compensating benefit for this minor deviation.

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Of the three deviations Ms. Frenkel cites in her letter in an attempt to demonstrate that their number and scope are excessive, two (mass grading / fire department access) are in fact not applicable, as discussed above. The applicants feel that the limited number and scope of deviations requested, and the public benefits associated with the protections for natural resources which many of the deviations are intended to facilitate, necessarily indicate consistency with the intent of the CLDC. Remaining deviations above have been described, and compensating benefits identified, in the application and staff report.

Concerning the number of conditions recommended by staff, of the 34 conditions of approval contained in the staff report, at least **twenty two, or sixty five percent (65%)** of them, are standard conditions that would be associated with any subdivision and/or planned development, and do not contain language that is specific to the characteristics of this proposal. The Commission may recognize that these boiler plate conditions are generally required in every case, and that they merely make provisions for filing the final plat; approval of construction drawings; timing of improvements; and the extension of public facilities, etc. Based upon the above, the number of conditions of approval recommended by staff in this case does not appear to indicate the complexity of this application, or to reflect that the proposal requires an inordinate number of conditions /and or deviations in order to implement. This concern does not appear founded.

FRENKEL CONCERN #6: "Dual use" by owners, 'public' of 25' riparian corridor yards seems likely to lead to conflict.

APPLICANTS' COMMENTS AT HEARING:
The proposed 25' rear yards are not in a public use easement or intended for public use, so no 'dual use' is envisioned. Code stipulates that the outer twenty five feet of riparian protection shall be private, consistent with the proposal.

ADDITIONALLY:
The easement across private riparian areas is intended to provide City access, oversight, and maintenance on as needed basis. Since located fifty feet from the top of bank of the creek, it's doubtful that City access to the 25' corridor will be required very frequently, but it would always be maintained as available. No conflict, as envisioned in this 'concern', is anticipated.

FRENKEL CONCERN #7: Proposal not consistent with Statewide Planning Goal 6.

APPLICANTS' REBUTTAL IN PUBLIC HEARING 11/19/08:
Applicants did not specifically address this question in their response of 11/19.

ADDITIONAL PERTINENT FACTORS & CONSIDERATIONS:
The application and staff report note that the subject property is located within the urban growth boundary and city limits, on a collector street, and is identified as appropriate for residential development by the comprehensive plan and land development code.

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Page 95 of the applicants' narrative states that Corvallis Transit System bus Route 1has a stop near the intersection of Glenridge Drive and Walnut Boulevard, approximately ¼ mile from the subject property. Public sidewalks and improved bike paths provide connection to this transit stop and the bicycle and pedestrian facilities associated with Walnut Boulevard and adjacent streets.

No evidence of inconsistency with Goal 6 has been presented.

G. RE: Use is "illegal", inconsistent with maximum number of units served by one driveway
Commissioner Weber, following close of public hearing

APPLICANTS' VERBAL RESPONSE:
None provided at time. City Engineer indicated in the hearing that the source of this standard is Table 1 of the City's Off-Street Parking and Access Standards.

ADDITIONAL INFORMATION:
The "General Statement" of the above document grants the City Engineer the right to replace these standards with "innovative designs" that respond to unique circumstances and site characteristics. The City Engineer approved the applicants' access design consistent with this provision and the innovative sign design provisions of the PD section. Please see substantial additional discussions under Section I of this document, *Introduction.*

H. RE: Did applicant tweak density calculations/methodologies to appear compliant?
Commissioner Weber following close of public hearing

RESPONSE 11/19:
No, it is our understanding from staff and the definitions section of the code that net density is typically used for determining minimum density requirements, and gross density is usually utilized for calculating maximum density. That direction from city planners led us to our statement of the density range applicable to this site as between four and fifteen (4-16) units.

Planning Division Manager Fred Towne confirmed the above for the Commission.

I. RE: Useable Yard compared with Riparian Corridor Yard
Question Raised by Commissioners Howell, Gervais, following public hearing

APPLICANTS' RESPONSE 11/19:
Applicants re-entered into the record substantial portions of the application narrative addressing this question, and reiterated the lack of definitions provided in code for "useable yard" or "useable". Noted some restrictions apply to other useable yards in the community, e.g., setback requirements, public and private easements, and voluntary resource protected / green maintained / native planted areas. The term "useable yard" does not necessarily, or clearly and objectively, dictate that a yard must be wholly unrestricted as to use.

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
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The remaining types of activities permitted within the riparian rear yards, e.g., picnicking, sight seeing / nature observing, are sufficient to provide a range of enjoyable yet passive uses of the proposed rear yard areas.

The requested exception, to limit uses of the otherwise "useable" rear yard areas of Lots 2-8, is described in the staff report as compensated for by the extensive increase in each of the rear yards' total depths. Far exceeding the minimum requirement for rear yards in the PD RS-6 Zone of just five feet, these lots bear an average of ten feet in depth prior to the fence, and then another 25' of riparian rear yard extends beyond that in every case. Lots 1 and 9 also have side yards deeper than fifteen feet, and are thus compliant without a variation.

ADDITIONALLY:
Lot 4's rear yard between the structure and riparian fencing ranges from between about ten and sixteen (15.8) feet. Please see additional pertinent discussions in Section I, *Introduction*.

J. RE: Fencing adjacent to Natural Resource Preservation Tract A – can it be wildlife friendly?
Raised by Commissioner Hann following close of public hearing

APPLICANTS' INITIAL RESPONSE:
Our response was to listen to the experts in this regard; namely, the City Engineer indicated that this would likely be feasible, and that it could be conditioned and ensured at PIPC review.

ADDITIONAL CONSIDERATIONS:
The applicants are entirely supportive of this potential condition of approval.

SECTION III. CONCLUSION

The owners and applicant are grateful to the Commission for their time in poring over these materials; researching and considering the lengthy record associated with this property; and being attentive to the valid, and bearing with the other, comments of the noticed public and neighbors. We appreciate the concerns of our neighbors relative to new development and the potential impacts it can bring, and we strongly believe and sincerely hope that this application reflects the great pains we've taken to avoid or minimize those wherever possible.

We hope you will adopt positive findings of fact in favor of Wayde and Frankie Kents' Conceptual and Detailed Development Plan and Tentative Subdivision application for Deer Run Park, on which this team has worked so hard for the past nearly two years.

The applicants also wish to acknowledge the contributions from numerous members of city staff, who have been immensely helpful in getting through this application process.

{Note: this document, including Section I Introduction, contains no new information except as it may pertain to rebutting / responding to public testimony / Commissioners' questions received prior to the close of the public hearing}

CITY COUNCIL STAFF REPORT - DEER RUN PARK SUBDIVISION
EXHIBIT V - Page 28 of 28

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

DATE: January 15, 2009

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director

SUBJECT: Deer Run Park Subdivision Appeal
(cases PLD08-00013 & SUB08-00007):
Additional Testimony Submitted After Release of Staff Report by Appellant and Applicant

---

The Staff Report for the above mentioned case was printed on January 7, 2009, sent to the copiers and made available to the public on January 13, 2009.

Additional written testimony was submitted to the Community Development Department after the January 13, 2009, release of the City Council staff report, and is included as Attachment A and Attachment B to this memorandum.

DEER RUN PARK
(PLD08-00013, SUB08-00007)

APPEAL from PLANNING COMMISSION'S DECISIONS

SUBJECT: Introductory material

FROM: Michael Papadopoulos
5370 NW Lawrence Ave.
CORVALLIS, OR 97330

TO: CORVALLIS CITY COUNCIL

DATE: JANUARY 14, 2009

I, Michael Papadopoulos, appeal the Planning Commission's approval of both a Conceptual and Detailed Development Plan and a Tentative Subdivision Plat in regard to an application made to the Corvallis Planning Division.

I appeal that approval based on standards specified in the Corvallis Land Development Code under policies stated in the Corvallis Comprehensive Plan.

I claim that both the Planning Department report and the Planning Commission decision, both in general approval of applications PLD08-00013, SUB08-00007 are erroneous because, based on the record there exists no discretion to approve grant of permits for construction of buildings on the applicant's property, and no discretion to require construction or expansion of utilities, streets, driveways or other accessways as a condition for that approval. See Corvallis Land Development Code 4.5.70.02.

This claim centers on the record which shows that the activity proposed for the applicants' property and the adjacent section of Ponderosa Ave. will be located within 500 feet of any portion of the Natural Hazard area as mapped on the (Corvallis) Natural Hazards map. See Corvallis Land Development Code 4.5.70.02.

I intend to present argument and evidence at the time of the Jan. 20th hearing, but in preparation for that hearing I here present, as background, some of the voluminous material relating to landslide hazards.

/sgd/ Michael Papadopoulos

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INTRODUCTORY MATERIAL:
http://www.oregonlive.com/news/index.ssf/2009/01/houses_in_peril_but_owners_una.html

The Oregonian, Saturday January 03,

Michael Lloyd/The Oregonian

A landslide from above the property severely damaged a Lake Oswego home early Friday morning.

HOUSES IN PERIL, BUT OWNERS ARE UNAWARE

Like thousands of other homeowners across Oregon, residents on Lake Oswego's Woodhurst Place live along slopes that state geologists have mapped as landslide hazard zones. Destructive slides hit the region almost every winter, but the state doesn't require that residents at risk be warned that their homes sit in the middle of an "extremely high hazard" site.

LANDSLIDE RISKS

[To see how your home is rated for landslide risk, go to the Oregon Coastal Atlas and zoom to your property's location
(Note Added by MP: The link at
<http://www.coastalatlas.net/index.php?option=com_wrapper&Itemid=28>

points to a mapped region which does not include Corvallis)

One neighbor of the Woodhurst home hit by a slide Friday said he realized only in a broad sense that his neighborhood could be at risk. That's too bad, experts say, because homeowners who recognize landslide risk can take steps to protect their homes and family. They could buy landslide insurance -- typically excluded from standard policies -- and improve drainage so rainwater doesn't saturate the ground and trigger a slide.

"The important thing is to get people in Portland and the rest of this area to ask the question, 'What can I do to prevent landslides on my property?'" said Scott Burns, a professor of geology at Portland State University and an authority on slides.

The three ingredients of landslides are steep slopes, loose soil and water. Oregon has plenty of all three.

"Within the United States, we are one of the prime landslide areas," Burns said.

Geologists who examined the Woodhurst Place neighborhood Friday said rainwater control was inadequate, without storm drains and curbs. Water was rushing everywhere -- down the streets, down the hills, even out the front of the damaged home.

"There was just a lot of stormwater going down the streets and going every direction," said Bill Burns, an engineering geologist with the state Department of Geology and Mineral Industries. "There was so much water, it was just overtaking the system."

Soils throughout the region are so wet from recent snow and rain that "we're kind of at that tipping point where even moderate amounts of rain can cause more slides," he said.

A mudslide after 10 p.m. Thursday blocked US 26 in the Alder Creek area and ruined two vehicles. Clearing trees and debris may take all weekend. He counted three different slides in the neighborhood from the recent storm -- all relatively small.

The one that destroyed the home slid down a roughly 200-foot hillside: "It happened in their backyard and now it's in their house," Bill Burns said.

Another slide stopped against the wall of a house under construction down the street. The third covered a portion of Greenbluff Road just above Woodhurst Place. In each case, small sections of hillsides collapsed. None was a fast-moving debris flow that can race down mountainsides.

After landslides killed five people in 1996 in western Oregon, the state launched a safety initiative that called for landslide hazard maps. State geologists developed taxpayer-funded maps, which put much of Woodhurst Place in an extreme hazard zone.

But the state never formally adopted those maps after some city and county officials complained that the maps represented a regulatory headache that labeled too much area as hazardous and might restrict development. The maps label large portions of hilly areas, including chunks of Lake Oswego and Portland's West Hills, as hazardous.

REQUIRED AN ASSESSMENT

Lake Oswego, however, recognized Woodhurst Place as a risky site using an earlier set of maps. The city required a geotechnical assessment before construction began, said Stephan Lashbrook, community development director.

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ATTACHMENT A

"The reality is that the places we're experiencing problems today are in an area where we consider there to be hazards," he said.

Carlson Testing did the geotechnical report on the site before the destroyed house was built in 2000. Bill Weyrauch, the firm's geotechnical division manager, said he couldn't discuss specifics, in part because he and other staff joined the company after the report was prepared. Generally, he said, the engineer often recommends a drainage system after evaluating slopes, soil types, water levels and other site-specific variables. It's up to the builder to follow the recommendations, he said. Oregon's standard disclosure statement for residential real estate sales includes a question about whether the property is in a designated slide zone. But sellers only violate the disclosure standard if they are aware of the designation and don't disclose it. The destroyed house was resold in 2003.

State building codes have standards for setbacks from slopes, Weyrauch said but give engineers leeway to be more -- or less -- conservative than state standards at a specific site. State geologists are working on newer, more accurate maps incorporating Light Detection and Ranging, or LIDAR, a laser-based landscape mapping system. They say that soon will lead to state-of-the-art landslide susceptibility maps for some critical areas. Washington County and Oregon City are among jurisdictions paying for more thorough mapping.

NOT COVERED BY INSURANCE

Typical homeowners insurance policies don't cover landslides, mudslides, flooding or earthquakes, said Jim Armitage, an insurance agent and spokesman for Insurance Brokers & Agents of the West. Homeowners who know they face landslide risks could try to get a separate rider to cover landslide damage, he said.

> "People who are in an area susceptible to landslides would find it very difficult to get the insurance," he said, "and if they did get an offer, it would be quite expensive."

Scott Burns, the PSU geology professor, said he and his teams examined 705 landslides that hit the Portland region in 1996 and found that 10 percent could have been prevented if homeowners had addressed drainage problems. Plugged rain gutters, clogged drains and broken drain pipes can all send water into the ground, he said, which is then more likely to slide.

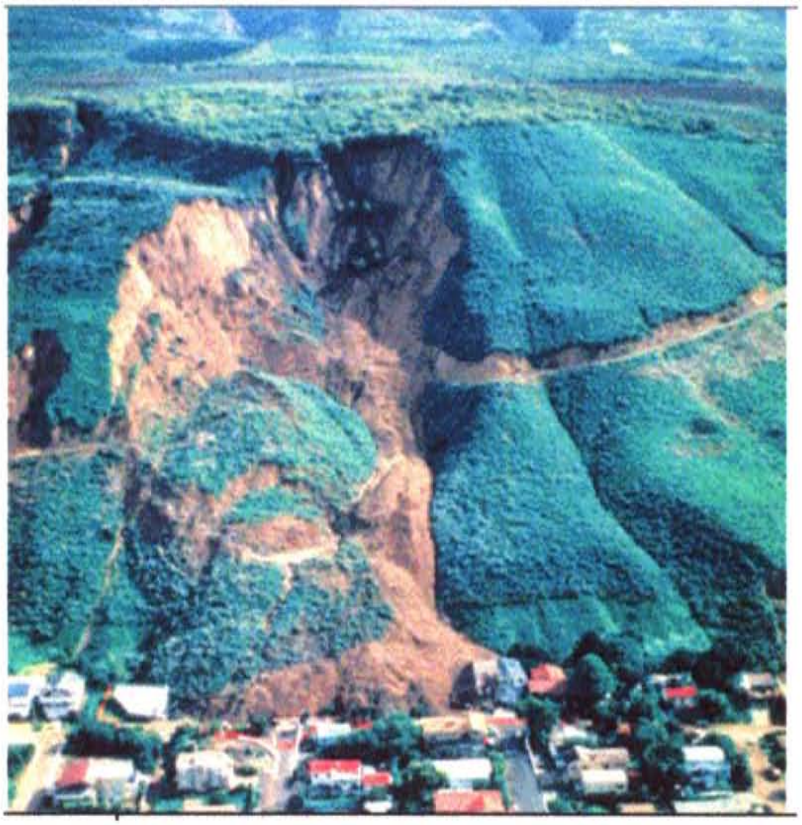
He said he is working with officials from Portland, the state and the US Geological Survey to develop better landslide hazard maps for Portland. As development restrictions lead builders to squeeze more homes into the undeveloped plots within urban growth boundaries, "there are a lot of properties that they're now infilling that probably shouldn't be built on," he said.

###############

USGS LANDSLIDE PICTURE

http://daveslandslideblog.blogspot.com/2008/08/la-conchita-landslide-verdict.html

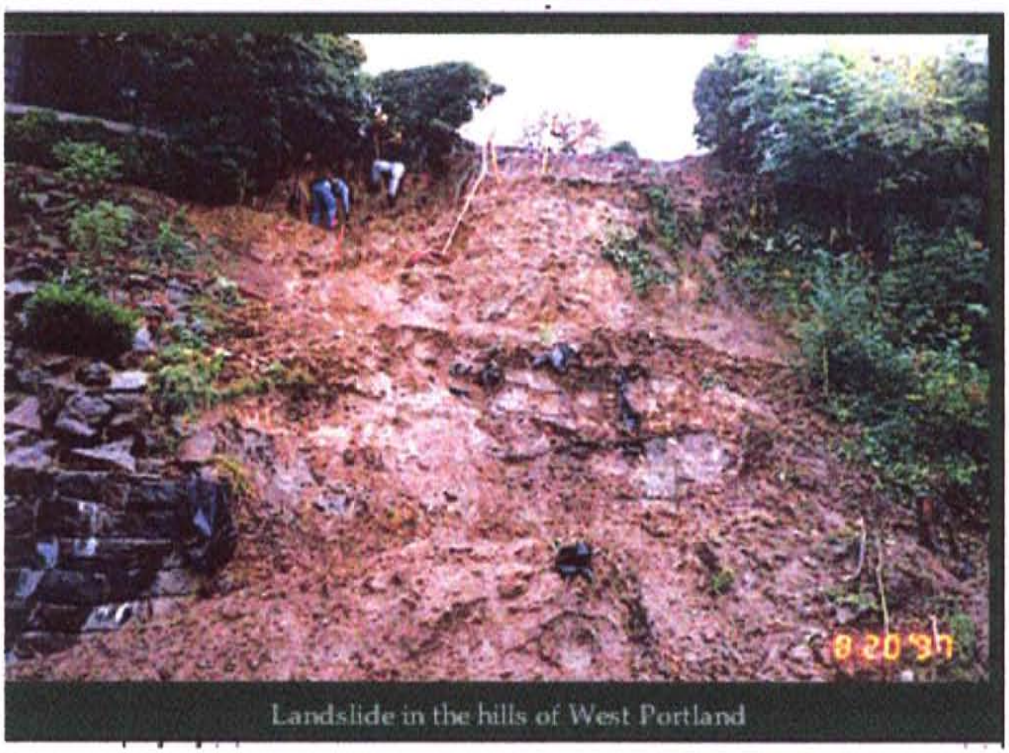
The coastal town of La Conchita (near LA) shot into the limelight on 4th March 1995 when a landslide slipped off the slope and buried or damaged seven houses. Fortunately no-one was killed, but it clearly caused considerable concern. The landslide is the subject of perhaps one of the most famous of all landslide pictures, taken by the USGS. The landslide was large (120 m wide, 330 m long, and >30 m deep, with an estimated volume of 1.3 million cubic metres. However, the slide occurred as a coherent earthflow and was comparatively slow.



http://ksjtracker.mit.edu/wp-content/uploads/2007/12/oregonmudslide.jpg

Oregon State Police highway photo

www.forestparkconservancy.org
Portland ForestPark landslide



Landslide in the hills of West Portland

http://www.oregonshowcase.org/images/userfiles/Image/resources/slide_toledo_200px_-_2.jpg

Damaged Oregon highway

http://www.oregongeology.org/sub/Landslide/Landslidehome.htm

THE NATURE OF THE PROPOSAL IS DESCRIBED

This Conceptual and Detailed Development Plan would retain over 1.6 acres of the 2.44 acre tract (following required dedication for public right of way) in natural resource protection to perpetuity. That amounts to over sixty six percent of the parent parcel which must be reserved from development or encroachment, in order to protect the substantial number of trees, the soils and other resources associated with the "highly-protected riparian corridor" that claims the southerly two thirds of this tract of land.

The remaining approximately .8 acres would be developed in infrastructure and improvements to facilitate single-family, attached residential development in a manner that is entirely consistent with the density standards of both the Comprehensive Plan and CLDC. In fact, the proposed density only represents about sixty percent of the maximum which is allowed by the Comprehensive Plan (as discussed in the applicants' narrative).

The staff report recognizes that this portion of the subject property which is not subject to riparian corridor protection status has been recognized as generally buildable, within identified parameters such as the City's development standards relating to sloped areas, and protection of significant vegetation, etc., since it's annexation in 1984. This was further reinforced with the City's PD approval for a single family dwelling in 1993.

What makes this development plan unique, and therefore the circumstance which ultimately drives the need for the most substantial of the applicants' requested modifications to standards, as provided under the PD process, is the need to comply with the City's requirements for providing a "high level" of protection of the expansive riparian corridor and significant vegetation both publicly and privately inventoried on this site. In placing vehicle circulation and limited parking spaces in front of the structures rather than behind them, as would normally be required under the City's relatively new Pedestrian Oriented Design Standards (POD's), the applicants were able to keep significant earth moving activities associated with construction an average of twenty five to forty feet away from the riparian boundary. Please compare illustrations at the applicants' Exhibits C.3. and C.4., and please also see pertinent sections of the applicants' narrative.

Placing parking and driveways behind the buildings would require significantly greater deviations from City codes and standards, including substantially greater than eight feet of fill materials being placed adjacent to the riparian corridor, over a very expansive area in order to facilitate the parking and circulation area there, and significantly greater impacts to riparian trees and their circles of protection. This second fact, coupled with the likelihood of a greater disruption to the existing, natural drainage patterns on the site, proved the most compelling reasons for the applicants' arrival at the proposed Conceptual and Detailed Development Plan. Impacts to trees, soils, and hydrology appeared much greater with parking and circulation located placed behind the buildings than under the applicants' proposed configuration.

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In discussing the merits of this request, one Planning Commissioner questioned, in effect "Isn't adherence to the riparian setback standards adequate, and why is it desirable to make additional provisions for protecting resources in the corridor beyond placing tract and easement lines as prescribed by the code?"

In fact what we found, as we considered many various possible designs for single family residences on the subject site, was that if development were to occur abutting or very close to the riparian corridor, this could not only have the negative effect of severely impacting the circles of protection of some riparian trees which are near the boundary, but would also require construction of a substantial retaining wall immediately abutting the riparian corridor's terminus. Construction of this wall would in turn have increased impacts on surveyed trees in the protected corridor, and also further exacerbated Staff's and the applicants' concerns regarding subsurface hydrological impacts. This would also require another modification, to the City's four foot minimum setback standard for construction of retaining walls. We found this scenario neither desirable nor likely to gain approval from the Corvallis Planning Commission.

The applicants' proposal permits the structures to be built into the hillside, greatly minimizing the amount of ground disturbing activity over that which would be necessary with parking and circulation located behind the buildings, and if observing the maximum (25') front yard setback standard of the subject, PD RS-6, zone. Aside from being generally consistent with plan policy specifically discussed in the applicants' narrative, this approach of building with the lay of the land is further expected to facilitate the continuation of existing, subsurface drainage patterns to an extent which could not be accommodated if the buildings were located within twenty five feet of the front property line, and parking and circulation were placed behind the structures.

We were advised by Staff that the City has established some prior precedence for relocating transportation facilities away from a riparian corridor in order to minimize potential impacts upon the natural resources therein (i.e., *Evanite Willamette River Greenway application (WRG08-00001)*). We understand that in the cited case, the relocated facility was a bike and pedestrian path. In our discussions with the project engineer and City Staff, we concurred that not only does the construction of a paved vehicle parking and circulation area adjacent to a natural resource appear to have much greater potential for impacts relative to soil and water quality than does installing a bike / pedestrian path, but the ongoing utilization of a vehicle parking and circulation drive, similarly, appears to have far greater potential for creating adverse impacts than do standard activities associated with bike / pedestrian paths.

Heavy metals and other pollutants associated with motor vehicles pose a greater potential health risk than do impacts normally associated with biking and walking. While it is true that storm water from the site will be treated to standard, it appears prudent to take additional measures which may be available to further ensure against adverse impacts to the riparian soils and water quality.

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For the above reasons, and because, as stated, the current plan permits significant fill activities associated with construction to maintain a safe harbor separation, averaging between 25-40 feet, from the 75' wide riparian corridor, the applicants and Staff determined that this current proposal represents the best means of developing the useable portion of this site, with the least potential for adverse impacts, and the lowest number and slightest feasible extent of deviations to code.

As testified to in the prior public record, the applicants have submitted three prior proposals for formal review and comment by City Staff, in order to arrive at the best possible plan which represents the closest possible fit with the Land Development Code.

THE EXACT EXTENT OF DEVIATIONS TO CITY CODE IS DISCUSSED

As a result of the above joint efforts of the applicants and City Staff, the current application seeks approval of eight modifications to City development standards, and strives to minimize the extent of those modifications to the greatest extent feasible. The plan before you therefore substantially complies with the City's RS-6 development standards; the hillside development standards; the POD's; and lot development requirements of the subdivision ordinance. Where it is necessary to deviate from a given standard, we have sought to keep the extent of the deviation to the absolute minimum feasible, both in terms of the degree to which the standard is compromised and the relative amount of land area affected. Through a very lengthy and costly process, we are pleased to have arrived at the current, substantially-compliant proposal.

Notably, the deviations from collector street standards have been specifically dictated by the City Engineer, upon intensive and multiple reviews of the applicants' prior proposed right of way improvements plan. The specifications for these improvements were provided the applicants by City Planning staff via email in August 2008. Please also refer to two pieces of correspondence from the applicants to the City dated August 6th, 2008 for more details.

As discussed in the first section of this narrative, the request to exceed the twenty five foot maximum front yard setback is driven by the need for ensuring high protection status for the riparian corridor, and maximizing a safe harbor setback for significant ground disturbing development activities from that resource. Similarly, the need for placing parking and circulation in front of rather than behind the buildings is also driven by this desire to protect the riparian resources to the greatest extent feasible from impacts of construction and ongoing residential activities.

In summary, none of the requested deviations appears to ask for the moon, or seek an in-exorbitant degree of modification over the normal standard. Four percent less green area for one parcel, while others far exceed the standard; just two percent of the development area exceeding 8' fill (much of which is associated with the drastic grade of the improved right of way relative to that of the subject site); a three foot reduction in planting strip width; these represent the minimum modifications feasible while achieving the objective of making reasonable residential use of the subject property. Please see following Table 1.

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APPELLANTS' APPEAL ITEMS ARE BRIEFLY ADDRESSED

"Geo-technical Engineer's Submittal" - The record reflects that the applicants' geo-technical engineering consultant has demonstrated full compliance with all requirements of the Code relative to this issue. The applicants' written testimony to the Planning Commission of 12/2/08, "Final Talking Points", excerpts the most pertinent section of the code, also cited by appellant Mr. Papadopolous, *CLDC Section 4.5.70*, and, along with the other application materials, demonstrates how this section is satisfied. The applicants' geo-technical engineer has indicated he will be available at the public hearing for this appeal to answer any additional questions regarding this matter.

"Grading Standards - 6,500 sq. ft. limit on cuts and fills" - No variation to this standard is necessary or requested.

"Pedestrian Standards" - the cited section, 4.2.30.a.3., requires a five foot wide planting strip along sidewalks and multi use paths not located along streets, such as "*pedestrian and bicycle connections between cul-de-sacs or between residential areas and neighborhood centers, etc.*" If this section indeed applies to the subject sidewalks, which are located adjacent to private driveways and a vehicle circulation area, the applicants have demonstrated an effort to meet the intent of the standard by seeking to reduce, rather than remove, the planting strip. The proposed width is adequate to support shrub plantings consistent with the intent of the standard, and maintains a very green appearance for the development overall.

"Useable Yards" - The Planning Commission specifically found that the increased protections provided for the riparian resources by the applicants' plan justified what may be viewed as a decrease in what may normally be considered "useable yard", though that term remains un-defined by City code. More specifically, while the Commission's decision did not specify whether they interpreted the applicants' plan to actually provide adequate useable yard sufficient to meet the standard, or if they had in effect granted a variation to the 15 foot minimum useable yard standard of the subject zone, the Commission's in-specificity more importantly established that either scenario appears to be acceptable in this case, in order to establish the increased protection for natural resources which is provided by the applicants' integrated natural resource protection and development plans.

Please refer to the applicants' substantial written and verbal testimony of record, and the Planning Commission's specific findings of fact relative to this matter, for additional details.

"Excessive Modifications Required" - Appellants have also suggested that the number and extent of modifications to City development standards associated with this request is excessive and warrants denial of the application. As discussed, the applicants are pleased with the success of their efforts at substantial compliance with applicable codes and regulations, and feel the current proposal represents a relatively spare scope of deviations to standards. Please see the following Table.

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TABLE 1

VARIATIONS TO STANDARDS ASSOCIATED WITH DEER RUN PARK PD AND SUBDIVISION

THE APPLICANTS HAVE SUCCEEDED IN MINIMIZING EXCEPTIONS TO CODE, LIMITING THOSE TO THE FOLLOWING:

STANDARD REQUIRES:	DISCUSSION
≤25' Front Yard Setback	**Greatly reduces impacts to riparian zone vs. compliance** Reduces Visual Impacts from neighboring properties, ROW
No Parking, Circulation Between Bldgs / Street	**Driveways for single family dwellings are exempt** **Greatly reduces impacts to riparian zone vs. compliance** Only three spaces (at NE corner) actually BETWEEN building and street
Max. 8' Fill Material May Be Placed	**Just Two Percent (.02) of the development area would exceed std.**
5' Landscaping Strip Adjacent to Private Sidewalk	**Reduction to two foot width meets intent**, utilizes limited available space for compliance with parking, vehicle circulation standards **Maintains very green appearance of development overall.**
Full Collector Standard Improvements, Dedication	The **proposed improvements** for Ponderosa Avenue public right of way **were specifically mandated by the City Engineer**, following extensive coordination and more than one formal evaluation of this same plan. Please refer to applicants' representative's letter to Ken Gibb, Aug. 6th 2008, and Memorandum to Fred Towne of the same date, for details.
40% Green Area for All Parcels	Lot 6 exhibits only 36% green area due to the location of the common driveway All 8 of the other proposed parcels comply, and many greatly exceed the std. **Deviation of only four percent (4%) is requested**.

15' Useable Yards on Side or Rear	**Applicants seek a reduction for all parcels or, alternatively, an interpretation to permit** 25' deep **riparian** easement **portions of the rear yards to contribute to this requirement**, along with those unrestricted portions of rear and side Yards which are located outside of the riparian zone.
No Impacts to Circles of Protection of Trees	No excavation of riparian soil, disturbance of root systems, crowns, or canopies is proposed. The **very minor impacts associated with placing berms atop the surface of the soil**, within the circles of protection of some trees, to facilitate the storm system **in the riparian area is not anticipated by the project arborist to have any impact whatsoever. Cuts and fills** associated with the driveway **are anticipated to invigorate rather than degenerate protected trees in Lots 7-9**

The above are considered relatively minor deviations in comparison to the excessive amounts of fill materials which would be associated with alternative development scenarios, or with a proposal to remove the hallmark trees which the applicants are proposing to protect, located at the northeast corner of the subject property; or compared with a site layout which does not reflect sensitivity to the needs of most residents for some enjoyable, private yard areas, or perhaps a plan which does not seek to maintain the existing lay of the land and associated drainage patterns to the greatest extent feasible.

Only three parking spaces are viewed as actually being proposed between a building and the public street; lot 6 deviates from the minimum green area by ***just four percent (4%)***; over eight feet of fill materials are required to be placed in ***just two percent (2%)*** of the total proposed development area; and so forth. In no case does this proposal seek to ignore a given standard, but in all cases it seeks first to comply to the maximum extent feasible, and then works to address and satisfy the intent of the regulation or code requirement, while providing compensating benefit(s) for any requested modifications.

A MINOR POINT OF CLARIFICATION

As we attempted to make clear in both our verbal testimony to the Planning Commission and in pages 2-6 of the applicants' narrative, the Background Section, this application is not the result of Development Services' issuance of violation notice(s), or of any unauthorized fill activities on the site. The current staff report illustrates that most of the unauthorized fill activities in fact took place prior to the Kents' acquiring the property.

More importantly, the above cited pages of the application narrative describe that this consolidated Subdivision and Planned Development request is the result of the City's decision, in 1984, to require PD approval for *any activity* on this property. Even more to the point, the applicants have previously described that this request for development plan approval comes after repeated unsuccessful attempts to market the property prior to such necessary approval being secured.

The PD overlay and it's associated requirements, along with natural hazard and resource designations applied to this site, have intimidated more than one potential purchaser of the subject property, and effectively foiled those prior negotiations. The applicants / owners were in no way prodded, by the City or any other party, to prepare and submit this application; it comes only after the Kents' long and frustrated attempts to convince someone else, *anyone else*, to assume the hefty burden of requesting development approval, have proven unsuccessful.

Once the property owners contacted their land use consultant, they began to sift through the record and code to determine how to best proceed with the Community Development Department in order to increase the marketability of the site. It appearing that removing the PD Overlay altogether would not be an option available to these owners, we determined that a combined Conceptual and Detailed Development Plan, consolidated with a Tentative Subdivision Plat request, was the appropriate and necessary avenue to pursue.

The City's sense of a violation having occurred was in large part a result of the presence of the PD Overlay; the circular argument is not true, however, that this application for PD approval is in any way a result of the owners' discussions with the City regarding placement of fill materials on the site. Since the applicants had never intended to become developers, merely seeking success in selling the subject as an investment property for themselves, this application appeared a matter of necessity, regardless of the placement or not of unauthorized fill materials on the site.

At the risk of belaboring the point in the above paragraphs, the applicants / owners do feel it is important that their motivations for this application, and their specific history with this property, be as clearly understood as possible.

SUMMARY

The applicants / owners thank the Council for their time, and for their consideration of the above evidence and the additional testimony which will be provided prior to the close of the record.