STAFF REPORT
TO THE DONALD CITY COUNCIL

Harvest Gardens Agrihood Community

REPORT DATE: July 7, 2020

MEETING DATE: July 14, 2020

FILES: Planned Unit Development file #PUD 2020-01, Subdivision file #SUB 2020-01

APPLICANT: GRC Land Holdings, LLC.

REQUESTS: Two concurrent applications:

1) Develop a 299-lot subdivision.

2) PUD approval to develop a 299-lot "agrihood community" composed of 297 single-family homes, one multi-family pad for 49-133 units, and 1 commercial pad limited to 2 acres. Amenities include open space, community gardens, park, walking paths, community center, event space, etc. As is allowed in the PUD code, modifications to the Donald Development Ord. (DDO) standards are requested.

NOTE: Concurrent annexation and zone change applications were reviewed in a prior separate staff report and public hearing agenda items before the Planning Commission on May 28, 2020 and City Council on June 9, 2020. The first reading of enacting Ordinance 177-2020 occurred on June 9, 2020, and the second will occur on July 14, 2020.

EXHIBITS: A- Combined RFC Responses

PC DECISION: The Planning Commission voted 4-0-1 to recommend that the City Council APPROVE the concurrent SUB and PUD applications and adopt the findings and recommended conditions of approval contained in this staff report, which reflect revisions stated in the Planning Commission's motion.

CRITERIA: Donald Development Ordinance (DDO): 2.103 R7 Zone, 2.104 RM Zone, Subchapter 2.3 General Development Standards, 2.307 Development Standards for Land Divisions, 3.109 Subdivisions, 3.113 Planned Unit Developments.

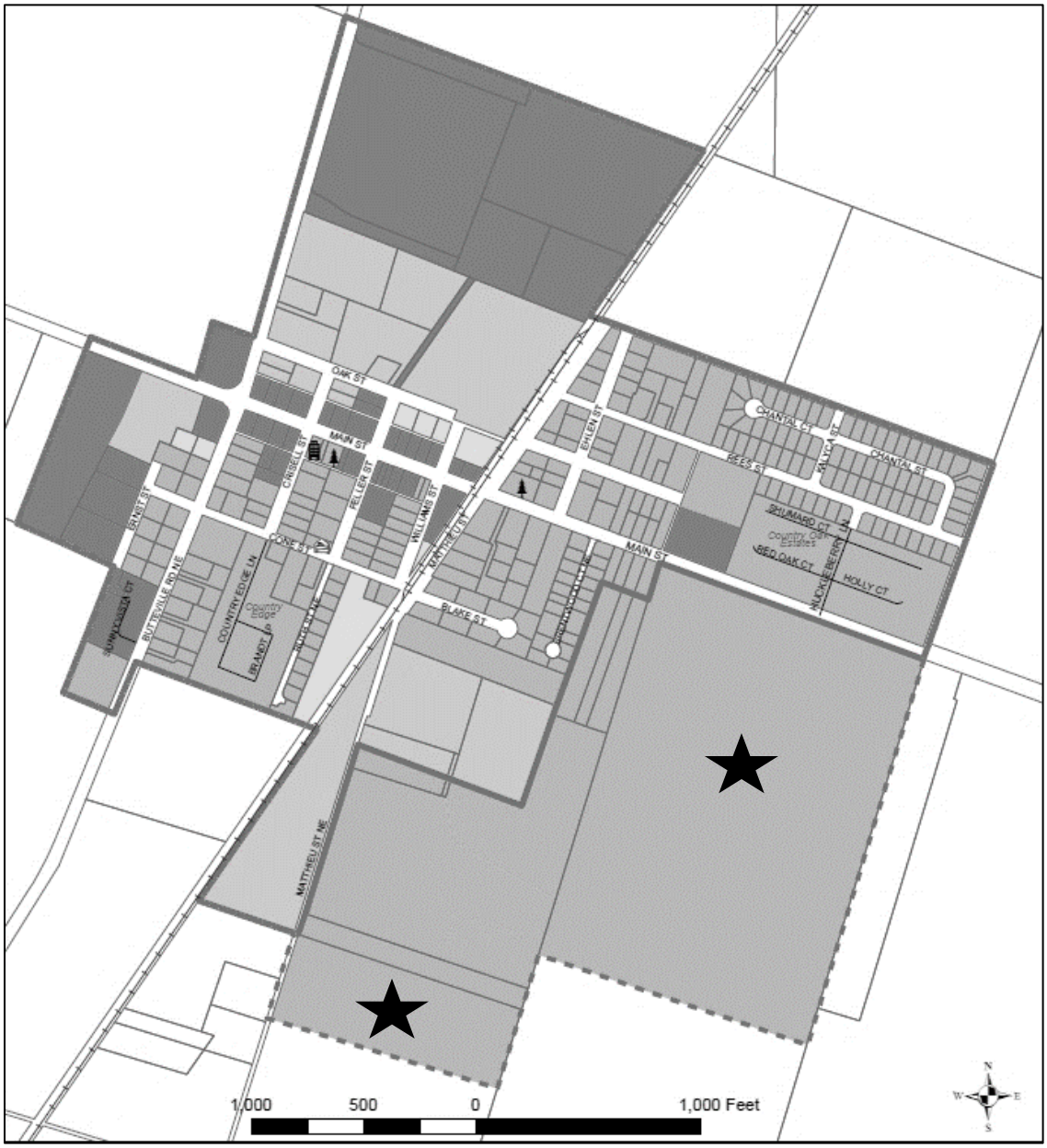
PROCEDURES: A Subdivision is a type II action. A Planned Unit Development (PUD) is a Type III Action. DDO 3.201.01 and 3.201.02 allow combining concurrent applications for public hearings, by the procedures of the higher processing type. Type III Actions require public notice and public hearings by both the Planning Commission and City Council. The Planning Commission makes a recommendation to the City Council for a final decision. Appeals are to LUBA.

I. BACKGROUND:

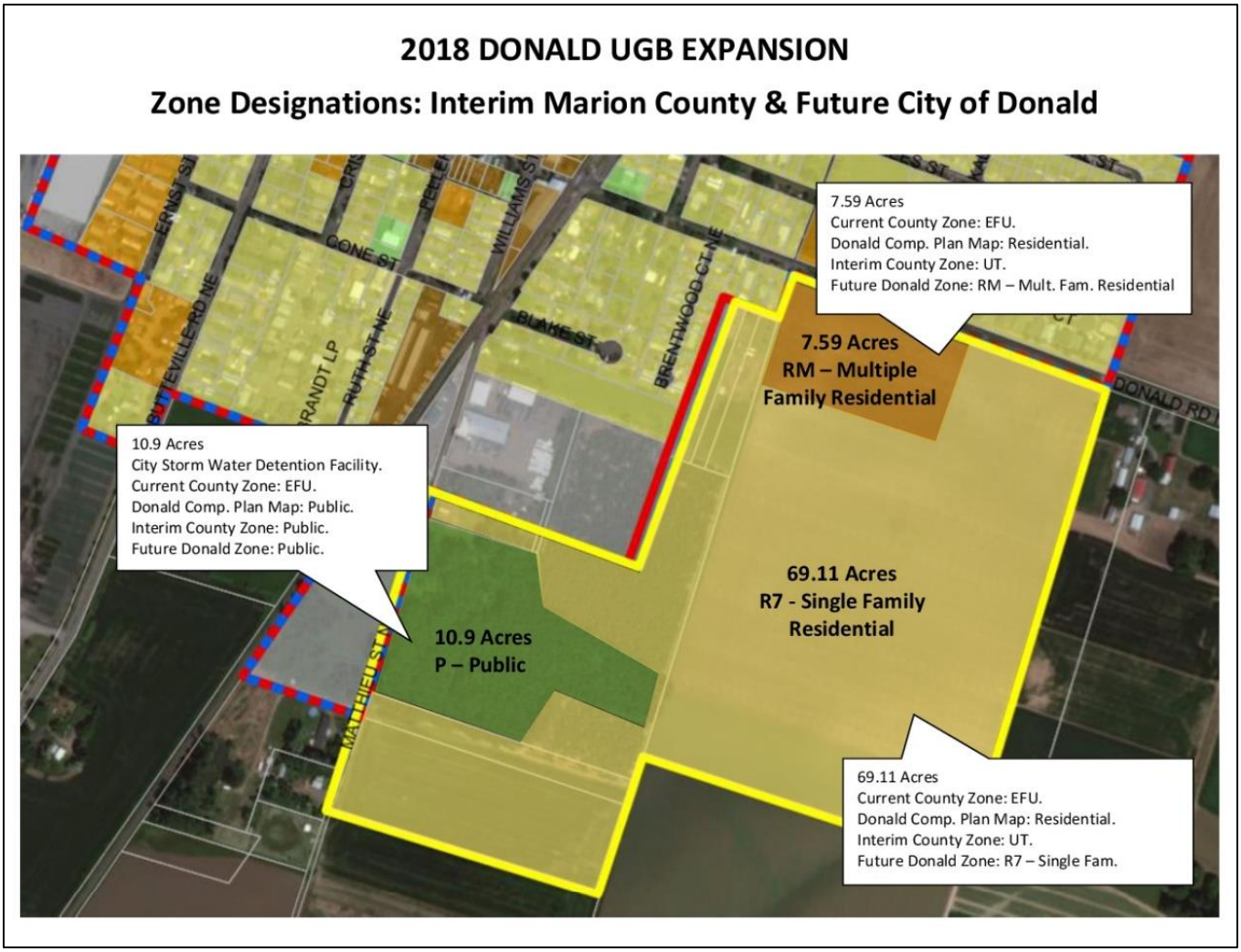
A. LOCATION:

ADDRESS	TAX LOT	SIZE ACRES	ZONING
Unaddressed Main Street / Donald Road NE	041W1702600	52 ±	R7-Single Family Res. & RM-Multi-Family Residential
Unaddressed Matthieu Street NE	041W2000300	9 ±	R7- Single Family Residential

MAP 1: VICINITY MAP, CITY OF DONALD



MAP 2: FUTURE ZONING FOR THE UGB EXPANSION AREA (EXHIBIT TO ORD. 171-2018).



B. SITE DESCRIPTION (Provided by applicant)

This property is located west of Interstate 5, southeast of the Donald City Limits. More specifically, the subject site is north of Feller Road NE, south of Donald Road NE, and east of Matthieu Street NE. The property is currently within Marion County jurisdiction and has an Urban Transition-20 acre (UT-20) interim County zone designation. The site is designated as Residential on the Donald Comprehensive Plan and is planned for both R-7 – Single-Family (R-7) and RM – Multi-Family (RM) zoning.

This property is located within the area that was added to the Urban Growth Boundary (UGB) by Marion County in 2018. In conjunction with jurisdictions adding this area to the UGB, the City of Donald undertook extensive transportation and infrastructure planning of the area and requested workforce housing initiative funding to plan consistent growth in the area. Annexation of this parcel into the City of Donald is the next step in progression and helps facilitate the City's vision of this area.

C. SUMMARY OF OREGON LAND USE:

The Oregon Revised Statutes (ORS) require Oregon Cities to maintain a 20-year land supply for projected residential and employment (commercial and industrial) growth. Population projections are produced by the Population Research Center (PRC) at Portland State University for all cities and counties in the state of Oregon. The tools by which cities calculate and adopt their 20-year land need are called a Buildable Land Inventory (BLI), a Housing Needs Analysis (HNA), and an Employment Opportunities Analysis (EOA). The Oregon land use system is based on a two-map system which includes a Comprehensive Plan Map to document general land use categories (i.e. "Residential" broadly) as a foundation, as well as a Zone Map to document detailed zone districts (i.e. "R7-Single Family Residential"). The two maps are required to be consistent with each other, and acknowledged by the State. Changes to the Zone or Designation of a property must be approved by the local jurisdiction as well as by the Oregon Department of Land Conservation and Development (DLCD). Oregon cities function on a two-boundary system where the City Limits boundary represents the extent of the incorporated service districts of the local government, and the Urban Growth Boundary (UGB) identifies areas designated for future growth, known as the Urban Growth Area (UGA). Properties in the UGA are designated as the next place the City will grow outward. An annexation is the formal process by which a property is brought from the UGB into the City Limits, often by petition of the property owner. It is necessary at the time of annexation to also conduct a zone change in order to change the property from county zoning to city zoning.

D. SUMMARY OF DONALD'S PLAN FOR GROWTH:

In 2015, the City of Donald produced an updated HNA, BLI, and EOA. Those results were adopted into the City's Comprehensive Plan. Together, they documented that the City of Donald was lacking sufficient residential land supply to support the community's projected 20-year residential growth. The 2034 population projection for Donald is 2,085 persons. This population projection was adopted by Marion County and the City of Donald through a coordinated process required under state law (ORS 195.036). The proposed UGB expansion was initiated prior to July of 2017, which was the effective date of the new certified population forecasts produced by the Population Research Center (PRC). For this reason, the proposed amendment is based upon the population forecasts, BLI, and HNA, as adopted in the City's 2015 Revised Comprehensive Plan. The forecasted housing need includes a 25% assumption of land for public facilities such as streets, schools, parks and open space over the 20-year planning period. The HNA determined that 76.7 acres of additional land was needed within the City's UGB to meet the community's need for residential development over the next 20 years. The 76.7 acres figure was the resulting balance after taking into account all buildable and redevelopable properties already within city limits, which was about 9.93 acres.

In 2017-2018, the City of Donald underwent a UGB study and resulting UGB expansion which identified the preferred expansion area adjacent to the City Limits, based upon a number of factors including soil type, ability to serve with City utilities, barriers to development, etc. The subject properties were both included in the 2018 UGB expansion area, which was formally adopted in City Ordinance #171-2018 and Marion County Ordinance #1392. The total UGB expansion in 2018 was 87.6 acres because an additional 10.9 acres of public designated property containing the stormwater detention area on Matthieu Road was also brought into the UGB.

E. SUMMARY OF PLANNING COMMISSION PUBLIC HEARING:

On Thursday, June 18, 2020, the Donald Planning Commission held a duly-noticed continued public hearing on the concurrent Subdivision and PUD applications. The public hearing was noticed for May 28, 2020. On that noticed date, the Planning Commission opened the public hearing, and continued it by motion to the date certain of June 18, 2020 without taking a staff report or any public testimony on the matter. The public hearing was held at the City Wastewater Treatment Plant in a format accessible to public participation either in-person, by phone, or by video call through a Webex remote meeting platform. Due to COVID-19 public health advisories and rules, the overall attendance of the meeting was limited to 25 people, although a couple empty seats remained. Consistent with health advisories, meeting participants were seated a minimum of 6 feet apart from each other, and all attendees wore face coverings when not speaking for long periods of time.

During the public hearing, testimony was received in writing and in person. The Planning Commission heard from representatives from local businesses Bear Electric and Wilco in support of this opportunity for the Donald community. Having affordable local housing in Donald is important to their employees, to eliminate commuting from outside of the community. The Planning Commission also received testimony from Superintendent Redlinger of the North Marion School District. She referenced the positive impacts to school funding, regional economy through affordable housing, and the District's ability to recruit teachers to the area for its livability.

Some of the questions and discussions included:

- In response to discussions about relocating the intersection of Street 2 with Main Street/Donald Rd 50 feet to the east in order to achieve 150-foot spacing from the intersection of Huckleberry Lane, the applicant team stated that this would be feasible.

- In response to the City's concern about a lack of pedestrian (work force) connectivity from Phase 1 residential lots development into town, the applicant has proposed to develop an off-street ADA-compliant paved path paralleling Main Street/Donald Road NE, to make the connection until later phases of the project frontage develop. In response to discussions about

- In response to discussions about density of development on site, the Planning Commission determined that meeting the base density of the sum of the R7 and RM zones was sufficient to meet the intent of the Comprehensive Plan and Development Code; further requirements of the applicant to meet minimum number of unit type (multi-family) was not necessary. The applicant should therefore only provide a minimum of 49 multi-family units, as opposed to 67 multi-family units, as indicated in the motion.

- In response to discussions about whether sidewalks should be required in the loop streets, the applicant stated that the loop streets would function more like alleyways with low speed and low traffic. The Planning Commisison expressed no further concern about no sidewalks with parking on one side.

- City Manager Heidi Bell is already working the ODOT regional representative to petition to reduce the speed limit along the subject property's frontage.

- Regarding existing wells on the subject property, the City and applicant have ongoing discussions about water usage and future capacity needs for municipal supply.

- The applicant's transportation engineer reviewed the methodology used in the traffic counts.

- The applicant team stated that most of the farming would occur on property south of the project site, and the market is moving toward organic produce.

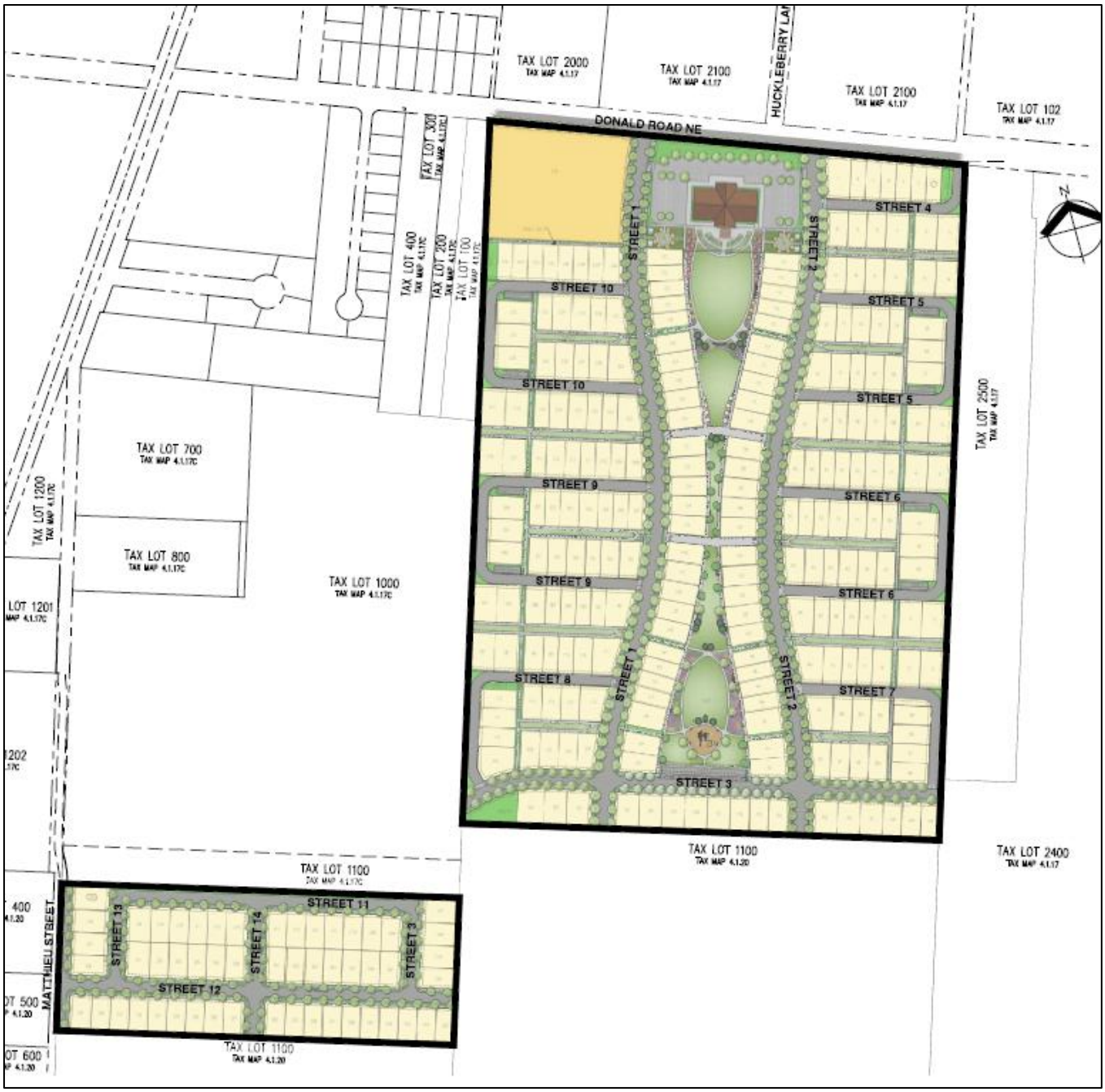
- The private amenities within the semi-public courtyards would be designated through design and tasteful fencing, and no dog park was proposed.

All written testimonies received are included in the legal record of these concurrent land use files, and are on file with the City of Donald.

Following deliberation, the Planning Commission voted 4-0-1, with one Planning Commissioner having recused himself due to an actual conflict of interest and the Chair abstaining, to recommend that the City Council approve the two concurrent land use applications, SUB 2020-01 and PUD 2020-01, adopting the recommended findings and conditions of approval contained in the original staff report dated June 11, 2020, as revised by the staff memo dated June 18, 2020, except for the revision to condition of approval #31 'Density.' The original wording of that condition should be used.

II. PROPOSED HARVEST GARDENS DEVELOPMENT

MAP 3: HARVEST GARDENS PLANNED UNIT DEVELOPMENT (PUD)



MAP 4: PROPOSED PUD PHASING OVER 12 YEARS (SEE FULL PLAN SET)

SUMMARY OF PROPOSAL (abbreviated from applicant's application package summary)

The Harvest Gardens Planned Unit Development (PUD) application represents an "Agrihood" community planned on approximately ±61.81 acres. A variety of lot sizes and housing types are provided that are intended to accommodate a mix of home sizes and plans, appealing to a broad range of future residents and the local workforce. The defining feature of an Agrihood is the communal proximity and access to active, functioning farmland. The community is planned with open space and agricultural land as the centerpiece with the intent to promote educational opportunities, foster community social ties, provide residents with access to fresh and local goods, and advocate for healthy lifestyles. Clustering development around farmland creates a desirable place to live while supporting local farmers and Donald's rural character.

The PUD contains a commercial component to serve as an activity center and farm service corridor for the community. This element allows planned space for food production, events, farm stand/market areas, a farm-to-table restaurant, and permits the sale of farm products. A future agricultural center building will include flexible space to accommodate a variety of retail, classroom, event rental, and restaurant space.

• Mixed Use Community: Harvest Gardens incorporates residential, commercial, and agricultural amenities that leverage the advantages of farm-adjacent locations, implement an activity center for commercial farm services, and promote community interaction.

• Open Space: The PUD includes approximately 9 acres of open space (15 percent of the overall site) featuring natural areas, off-street trails, passive and active recreational opportunities, interpretive signage, benches, and other amenities.

• Interconnected Pedestrian Circulation System: The site is planned to include an extensive system of pedestrian trails, connections, and pathways which create a walkable community and encourage active lives. These accessways span throughout the site and bisect the main thoroughfare streets, which emphasize the central courtyard and accentuate open space.

• Variety of Housing Lots: This project includes an array of lot sizes for single-family detached homes, and future single-family attached and/or multi-family housing units, to be completed in appropriately scaled phases.

• Interconnected Transportation Network: The site will be served by a comprehensive transportation network that includes northerly access from Donald Road NE and a centralized thoroughfare street pattern with looped, local street connections.

• Infrastructure: Harvest Gardens will work with the City on expansion of public infrastructure to accommodate the additional residential homes. Donald's water and wastewater treatment facilities and resources are currently close to capacity and must be upgraded to accommodate the proposed workforce housing project.

III. ANALYSIS OF APPLICABLE DECISION CRITERIA: PLANNED UNIT DEVELOPMENT

Note: Planned Unit Developments (PUD) are not common. The City of Donald adopted PUD provisions into the DDO in 2018, specifically for the UGB expansion area. PUDs provide a unique and powerful opportunity for the local community and applicant to negotiate a development plan which provides a limited flexible standards [variances] in exchange for community benefits and amenities.

A. DDO 3.113 PLANNED UNIT DEVELOPMENTS.

3.113.01 Purpose. The purposes of the Planned Unit Development (PUD) provisions are to:

A. Implement the Comprehensive Plan by providing a means for planning larger development sites as an alternative to piecemeal subdivision development;

B. Encourage innovative planning that results in projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices;

C. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;

D. Preserve existing landscape features and natural resources, and better integrate such features and resources into site design;

E. Provide usable and suitably sited public and common facilities;

F. Allow for increased residential densities and encourage greater variety of housing types; and

G. Provide flexibility in development standards, consistent with the above purposes.

STAFF NOTE: The applicant addresses each of these purpose statements in the decision criteria listed below in DDO 3.113.06.

3.113.02 Applicability and allowed uses.

A. A PUD may be requested for any Residentially-Zoned property (R-7 or RM) that is at least two acres in size.

APPLICANT RESPONSE: …Most of the subject site, approximately ±53.5 acres are designated R-7. Approximately ±7.5 acres are designated RM, located in the northwestern most corner of the site.

B. PUD approval allows development of a site with a mixture of uses. The following uses are allowed with PUD approval:

1. All uses allowed in the underlying Zone.

2. Housing types not otherwise permitted in the underlying Zone, including cottage clusters and zero lot line development.

3. Neighborhood-scale commercial retail uses, consistent with the standards in § 3.113.06.

APPLICANT RESPONSE: Harvest Gardens incorporates a variety of housing types, though cottage clusters and zero lot line development are not proposed in this application. The PUD provides for uses allowed in the R-7 and RM zoning designations and includes up to two acres of commercial use as detailed in §3.113.06. The approval criteria above are met.

3.113.03 Review and approval process. A PUD shall be reviewed through a two-step process, as follows:

A. Preliminary plan. The preliminary plan is reviewed under a Type III procedure. The preliminary plan review examines the PUD plan with respect to items such as density, including the number, type, and location of dwelling units; parking; impacts on surrounding areas; adequacy of services; and conceptual plan for service improvements. Preliminary plan approval will only be granted when there is a reasonable certainty that the PUD will fulfill all applicable requirements of the City Codes.

1. The Planning Commission may require a second hearing to review the preliminary plan if modifications are needed to satisfy applicable standards and criteria for approval.

B. Final plan. The final plan for the PUD is reviewed under Type I administrative procedures. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable City standards, requirements, and conditions have been met. Approval will only be granted if the final plan is in substantial conformance with the preliminary plan.

1. If City staff finds that the final plan is not substantially in conformance with the preliminary plan, staff may require a second Planning Commission hearing to review the final plan prior to approval.

APPLICANT RESPONSE: The above two-step process is understood. The criteria can be met.

C. Concurrent land division. A PUD may be filed and processed concurrently with a partition or subdivision Application. All submittal requirements and review standards of §§3.105 and 3.109 will apply to a concurrent PUD/land division request. The tentative plat will be combined with the preliminary PUD review and the final plat will be combined with the final PUD review.

APPLICANT RESPONSE: This application involves a PUD and concurrent land division. The review standards of DDC Section §3.105 and §3.109 are addressed within this written narrative and the submittal contains the required materials. The criteria are met.

D. Site Development Review. The PUD approval may remove the requirement for subsequent Site Development Review, if the PUD includes building elevations and sufficient information to

demonstrate compliance with the applicable Site Development Review standards. The PUD decision shall expressly state whether individual buildings within the PUD (such as commercial or multi-family buildings) require additional Site Development Review approval.

APPLICANT RESPONSE: It is understood that the PUD decision may expressly require additional Site Development Review approval for individual buildings. A future application submittal will include building elevations and sufficient information to demonstrate compliance with the applicable Site Development Review standards.

STAFF NOTE: Staff is recommending a condition of approval which requires Site Development Review applications for the development of the Multi-family housing, the Commercial pad site, and the community park if sufficient detail is not provided prior to platting.

E. Modifications to an approved PUD. Once a final PUD plan has been approved, the PUD may be modified as follows:

1. Minor modifications to an approved PUD will require a Type I administrative review.

2. Major modifications to an approved PUD will require a Type III quasi-judicial review by the Planning Commission.

3. Determination of the appropriate review type for a PUD modification will be made by City planning staff.

APPLICANT RESPONSE: The process for modifications to an approved PUD is understood. No additional response is necessary.

STAFF NOTE: It is reasonable to expect some minor modifications to a preliminary plan approved by the City Council, in particular because of the extended development timeline. The applicant's plan set emphasizes that the proposed phasing boundaries are subject to change. Staff is prepared to send major modifications to the Planning Commission for consideration, should the situation arise throughout the approval timeline.

3.113.04 Modifications to development standards. The development standards of the Donald Development Code may be modified through the PUD process without the need for variance if the City finds that the proposal, on balance, exceeds the City's minimum requirements and provides greater community benefits than would otherwise occur under the base Development Code requirements. In evaluating community benefits, the City shall apply the approval criteria in § 3.113.05. New homes within PUDs are subject to the residential design standards in § 2.312 and will be reviewed for conformance during the building permit process.

APPLICANT RESPONSE: Harvest Gardens proposes to comply with the purpose and goals of the underlying zoning districts through alternate means. The Harvest Gardens modifications to development standards enable the project to be innovative, desirable, include diversity in location and design, and

incorporate public benefits consistent with the Comprehensive Plan. The application seeks the following adjustments:

Harvest Gardens Planned Unit Development Requested Design Alternatives to Development Standards		
Code Section	**Development Standard**	**Design Alternative**
Section 2.103.05 – R-7 Dimensional Standards	7,000 square foot minimum lot size	4,000 square foot minimum lot size
	8-foot interior side setback	5-foot interior side setback
	15-foot rear setback for 1-story house; 20-foot rear setback for 2-story house	15-foot rear setback for all homes
Section 2.303.11.G.1 – Parking and Loading Areas	Parking facilities containing more than four spaces shall be accessed by a driveway	Several public off-street parking areas (Tracts C, E, G, I, J, M, S, W, Y) contain more than four spaces and back onto a public street right-of-way. Similarly, backing movements for parked cars onto public right-of-way is currently allowed from driveways for up to two cars. Additionally, removal of the requirement for a parking aisle driveway at the rear of the stalls reduces unnecessary impervious surfaces and enhances the rural character of the community.
Section 2.307.04.A – Block Length	600-foot maximum length	The central park in Tract N results in blocks that exceed 600 feet in length. The provision of pedestrian and bicycle accessways at approximately 100-foot intervals on Streets 1 and 2, essentially creates "pedestrian blocks" which meet the 600-foot length and encourage safe and convenient pedestrian trips.
Section 2.307.04.D.1 – Pedestrian Accessways	15-foot minimum dedicated tract width	The pedestrian and bicycle accessways are largely designed to be dedicated in 15-foot-wide tracts. There are three exceptions: the tracts located between looped local streets (Streets 5, 6, and 7) are decreased (but still improved) to 10-foot widths to incorporate an access easement and stormwater facilities on the eastern portion of the PUD.

Section 2.307.06.H – Sidewalks	Sidewalks on both sides of streets	The secondary residential "loop streets" have been designed with a rural/agricultural cross section. This is a 28-foot wide roadway with two travel lanes and parking on one side. Pedestrian access to the homes is provided through the central courtyards and the perimeter looped trail system that connects all the courtyards together.
Section 3.109.03.B – Time Limit	The approvals of any preliminary plans for a subdivision shall be valid for one year after the date of the written decision	This application requests approvals of any preliminary plans for PUD and tentative subdivision be valid for three years after the date of the written decision.
Section 3.113.06.I – Phased Development	The timeframe for all phases combined shall not exceed seven years	This application requests a 12-year phasing schedule to allow anticipated market absorption and proper scalability of the site as phases progress.
Section 2.302.05 – Street Standards	Modification of right-of-way and improvement width	All proposed streets allow for two travel lanes that are appropriate for traffic volumes project for this development. Street improvements are intended to be completed in accordance with the Section 2.302.05 narrative response and the modified typical sections shown on the plans and described below.

Street Design and Construction Standards – Core Area Local	40-foot curb to curb with 8-foot parking; 60-foot right-of-way	Planned L1 Typical Section 38-foot curb to curb with 8-foot parking (both sides), 5-foot landscape strip, and 5-foot sidewalk; 60-foot right-of-way
Street Design and Construction Standards – Rural Local Street	34-foot curb to curb with 7-foot parking; 50-foot right-of-way	Planned L2 Typical Section 28-foot curb to curb with 8-foot parking (one side), 5-foot landscape strip, 5-foot sidewalk; 50-foot right-of-way Planned L3 Typical Section 28-foot curb to curb with 8-foot parking (one side); 28-foot right-of-way
Street Design and Construction Standards – Public Utility Easement (PUE)	12-foot minimum PUE on all lots fronting onto a public right-of-way	8-foot PUE on all lots fronting onto a public-right-of-way and 15-foot septic tank bump out where needed for each lot

Harvest Gardens Planned Unit Development Community Benefits and Improvements to City of Donald	
Nature of Development	**Public Benefit Provided**
Planned Unit Development – provides a means for innovative planning for larger development sites	• This application involves annexation of a ±61.8-acre site. • The PUD provisions allow consistent and comprehensive planning for the subject site wholly to create a complete and sustainable community as an alternative to piecemeal subdivision development. • Harvest Gardens is planned as a "Agrihood". This is an innovative community concept that provides clustered residential development around open space and adjacent working farms which allows the community to celebrate productive farmland. The community concept and its benefits are described in detail in Exhibit L.
Provides needed workforce housing	• As described with the expansion of the Urban Growth Boundary, Donald has a significant need for workforce housing. Harvest Gardens provides a variety of housing types to meet the needs of Donald employees and their families including single-family homes, attached townhomes, and apartments units.
Open Space	• Harvest Gardens is designed around a central hourglass shaped park. Homes all front shared courtyards. Overall, the project includes ±9 acres of shared open space (15 percent of the overall site) featuring natural areas, off-street trails, interpretive signage, benches, and other amenities
	such as opportunities for composting organic material and water reuse. • Spans throughout the site and connects to a majority of the planned residential lots. • At least 75 percent of the required open space is available for public use. • The PUD encourages physical fitness and recreation use with the inclusion of a perimeter trail system. • Open space will be phased for construction as shown on the preliminary phasing plan. • The future multi-family site and commercial site will also provide landscaping in addition to the PUD open space. • The clustered design reduces the amount of impervious surface per dwelling unit

Greater variety of housing types and lot sizes than would be achieved under the base Donald Development Code standards	• Harvest Gardens PUD is associated with a workforce housing initiative funded by the State of Oregon. • To meet a wide range of housing needs in Donald, a variety of single-family and multi-family options must be provided in the community. This is directly related to the lot size design flexibility requested by the PUD. • Harvest Gardens includes a range of housing options so that families at a variety of household income levels can live in the same community. • The City of Donald will be able to ease issues which stem from a lack of housing, reduce commuting, and embrace a high local employment rate. • Local businesses will have the opportunity to attract and retain employees and the ability to take advantage of business investments, market opportunities, growth and expansion, etc.
Mixed-use development	• Harvest Gardens includes two acres of planned future commercial use to incorporate a farm service center, which is less than five percent of the total site area. • The commercial component will serve as an activity center for the community, create an event and market space, permit the sale of farm products, and promote other farm-to-table initiatives. • Leverages the advantages of a farm-adjacent location • This use will be subject to a future land use application outlining the details of the design. This center will be a phased improvement as the new homes create demand. It will start with a small outdoor flex space to accommodate events like a farmers market, and then expand to a permanent structure as the market allows.
Ample Parking	• 424 public parking spaces provided (on-street) • 89 public off-street parking spaces provided (within tracts) • 1,188 private parking spaces provided (within individual lots in garages and driveways)

Improved transportation connectivity, such as the provision of pathways, that would not otherwise be provided under the base Donald Development Code requirements	• The site will be served by a comprehensive transportation network that includes northerly access from Donald Road NE and a centralized, hourglass-shaped street pattern with looped, local street connections. • Harvest Gardens generally has two types of streets. Primary public streets form the transportation framework. These are traditional streets with two travel lanes, parking on both sides, sidewalks, and planter strips. Two of these primary streets run north south on either side of the central greenspace, and then an east-west street at the southern end connecting to the separate parcel to the southwest. The second street type is the looped residential streets. These provide limited access to the residential courtyards. They are rural in character with only 28-feet of asphalt. There is room for two travel lanes and parking on one side. Sidewalks are located in the central courtyards for primary pedestrian access. This design slows traffic, reduces impervious surfaces, and supports the agricultural character of the community. • A trail system loops around the perimeter of the project for connectivity and recreational opportunities. • This extensive system of pedestrian trails, connections, and pathways creates a walkable community and encourages active lifestyles
Greater efficiency in land use	• Harvest Gardens is designed with open space and agricultural land as the centerpiece of the community to foster social ties, provide residents with access to fresh and local goods, and promote educational opportunities. The Agrihood provides a clustered residential design which allows the community to conserve productive farmland and natural areas. This concept mitigates increases in impervious surfaces and lowers infrastructure expenditures and maintenance costs. The interconnected transportation network and inclusion of multi-use trail system is intended to encourage physical fitness and recreation uses for healthy living. The open courtyard areas provide opportunities for passive recreation and relaxation. This PUD application uses innovative planning that will provide a variety of needed workforce housing and ultimately benefit the City of Donald

	by bringing a live/work concept to fruition and allow controlled, logical growth in an area characterized by high employment and low housing.
Greater reduction of impervious surfaces	• This application introduces a clustered residential design which generally results in less pavement per dwelling unit and reduced maintenance costs for local jurisdictions. As described in this written narrative and illustrated on the Preliminary Plans (Exhibit A), Harvest Gardens is arranged to provide a complete and sustainable community.
Future Street Connections	• The intent of the PUD layout and design considers the prospect of future residential development and allows logical infrastructure connectivity. • The two main thoroughfares (Street 1 and 2) are stubbed at the south property boundary of Tax Lot 2600 for future connection. • Street 3 is stubbed to the west property boundary of Tax Lot 2600 and north property boundary of Tax Lot 300. Streets 12, 13, and 14 within Tax Lot 300 are stubbed to the property boundaries for future connectivity. • Additionally, the looped local street sections are designed to construct right-of-way up to the edge of the east and west property lines.

STAFF NOTE: Typically local land use application reviews are based upon clear and objective criteria, with very little discretion involved. A PUD application is unlike any other land use process in that the review allows for multiple concurrent variances to the adopted code language in the DDO, IF AND ONLY IF the local decision makers find that the requested modifications to the standards are acceptable to the community, and are proportional to the benefits and amenities received from the project. These two tables are arguably the most important pages of the staff report for discussion and consideration public hearings held by the Planning Commission and City Council.

3.113.06 Preliminary PUD plan approval criteria. In evaluating a preliminary PUD plan, the City shall apply the following criteria; the City may deny an Application for PUD approval that does not meet all the following criteria:

PUD CRITERIA A. The proposal is consistent with the PUD purpose statements listed in § 3.113.01.

APPLICANT RESPONSE: This application [below] addresses and is consistent with the purpose statements of the PUD, in addition to the underlying zones. The above approval criteria are met.

3.113.01 Purpose. The purposes of the Planned Unit Development (PUD) provisions are to:

3.113.01 A. Implement the Comprehensive Plan by providing a means for planning larger development sites as an alternative to piecemeal subdivision development;

APPLICANT RESPONSE: This application involves annexation of a ±61.8-acre site. The PUD provisions allow consistent and comprehensive planning for the subject site as a whole to create a complete and sustainable community. Please see the responses addressing compliance with the Donald Comprehensive Plan goals and policies.

FINDINGS: The applicant addressed Donald Comprehensive Plan Goals and Policies in their narrative. It is provided later in this staff report for reference. Staff generally supports the statement that the proposed PUD supports the goals and policies of the city's Comprehensive Plan goals and policies for the efficient development of a community which provides a range of housing options, appropriate infrastructure to serve the development, recreation access for the public, and reliable transportation facilities. Further details are provided below. Staff finds this purpose statement is met.

3.113.01 B. Encourage innovative planning that results in projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices;

APPLICANT RESPONSE: Harvest Gardens is designed with open space and agricultural land as the centerpiece of the community to foster social ties, provide residents with access to fresh and local goods, and promote educational opportunities. The Agrihood provides a clustered residential design which allows the community to conserve productive farmland and natural areas. This concept mitigates increases in impervious surfaces and lowers infrastructure expenditures and maintenance costs. The interconnected transportation network and inclusion of multi-use trail system is intended to encourage physical fitness and recreation uses for healthy living. The open courtyard areas provide opportunities for passive recreation and relaxation. This PUD application uses innovative planning that will provide a variety of needed workforce housing and ultimately benefit the City of Donald by bringing a live/work concept to fruition and allow controlled, logical growth in an area characterized by high employment and low housing.

FINDINGS: While there are available examples of other PUD neighborhoods utilizing clustered housing to preserve open space and amenities, the agrihood concept is relatively unique. The applicant's innovative design shrinks the individual private property lot size in order to provide the common open space at the center of the proposed development, allowing for a focus on agriculture through proximity to active agriculture as well as demonstration and community gardens, community center, themed playground, and farm stand, etc. Smaller lot sizes and the future multi-family housing provide a range of housing options in demand for workforce housing throughout the region. Staff finds this purpose statement is met.

3.113.01 C. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;

APPLICANT RESPONSE: This application introduces a clustered residential design which generally results in lower infrastructure capital expenditures and reduced maintenance costs for local jurisdictions.

As described in this written narrative and illustrated on the Preliminary Plans (Exhibit A), Harvest Gardens is arranged to provide a complete and sustainable community.

FINDINGS; Staff does not agree with the applicant's assertion of providing a complete and sustainable community, as the application does not address any of the sustainability measures included in the City of Donald PUD code, however staff does agree that the submitted design does result in efficient use of land through clustered development, preservation of nearby working lands and open space, and reduced impervious surface through modified street right-of-way design. Staff finds this purpose statement is met.

> *3.113.01 D. Preserve existing landscape features and natural resources, and better integrate such features and resources into site design;*

APPLICANT RESPONSE: Harvest Gardens provides a clustered residential design around open space and adjacent working farms which allows the community to conserve productive farmland and natural areas and to mitigate increases in impervious services. The layout adapts to the property's existing topography to create views and points of interest, while creating centrally located open space areas for residents and visitors. The community design ultimately creates a vibrant sense of place that people desire to live in while supporting the local workforce and the community's rural character.

FINDINGS: Staff concurs with the applicant's response to this purpose statement.

> *3.113.01 E. Provide usable and suitably sited public and common facilities;*

APPLICANT RESPONSE: As shown on the Preliminary Plans (Exhibit A), public facilities as available will be provided to serve the site, including but not limited to stormwater management, sanitary sewer facilities, municipal water, and franchise utilities. Infrastructure is planned to be completed with the build out of the associated phase. Additionally, this narrative contains statements which delve into the regional infrastructure upgrades, associated costs, and system development charges associated with this project.

FINDINGS: Staff concurs with the applicant's response to this purpose statement.

> *3.113.01 F. Allow for increased residential densities and encourage greater variety of housing types; and*

APPLICANT RESPONSE: The PUD provisions provide flexibility in lot design standards which allow a variety of lot sizes and housing types including single-family detached homes, townhomes, and multifamily units. This variety of housing types is important to meet the needs of employees and their families – directly addressing the workforce housing initiative associated with this application. Harvest Gardens includes a range of housing options so that families at a variety of household income levels can live in the same community. The City of Donald will be able to ease issues which stem from a lack of housing, reduce commuting, and embrace a high local employment rate. In turn, local businesses like GK Machine will have the opportunity to attract and retain employees and the ability to take advantage of business investments, market opportunities, growth and expansion, etc.

FINDINGS: Staff concurs with the applicant's response to this purpose statement.

3.113.01 G. Provide flexibility in development standards, consistent with the above purposes.

APPLICANT RESPONSE: Harvest Gardens proposes to comply with the purpose of the PUD provisions by applying flexibility in design standards consistent with the goals above. Please see the narrative section for §3.113.04 and responses addressing the specific modifications to development standards Harvest Gardens seeks to achieve through the PUD provisions, as described above.

FINDINGS: Staff concurs with the applicant's response to this purpose statement.

PUD Criterion A is met.

PUD CRITERIA B. The proposal meets the submittal requirements of § 3.113.04.

APPLICANT RESPONSE: This application includes modifications to development standards permitted through the PUD process without the need for variance pursuant to §3.113.04. The submittal requirements of §3.113.04 and §3.113.05 are met.

FINDINGS: Staff concurs with the applicant's response.

PUD CRITERIA C. Adequate public services exist or can be provided to serve the proposed PUD.

APPLICANT RESPONSE: As shown on the Preliminary Plans (Exhibit A), public services are planned to be provided to serve the proposed PUD. The phasing plan is designed to be carried out in a manner that provides necessary public improvements for each phase as the project moves forward. The above approval criterion is met.

FINDINGS: Water, wastewater, and stormwater services are provided by the City of Donald to incorporated properties. The Donald City Council adopted updated Wastewater and Water Master Plans in July and August of 2019 respectively. The plans were funded in part by Business Oregon IFA Grants. The plans identify system limitations and potential phased improvements to improve redundancy, looping, and expanded capacity. The City has contracted with a new engineering firm since that time. The City Engineer is currently drafting proposed amendments to the Master Plans. The City and the applicant have had multiple discussions about the limitations of the current systems. Both parties are committed to cooperating to identify and share in the incremental system improvements necessary to support phased development of the subject properties.

Police and fire/emergency services are provided by Marion County and the Aurora Rural Fire District. No comments were received from Marion County Sheriff. The Aurora Rural Fire provided their full code book to staff as well as a detailed list of locations where the applicant needs to place fire hydrants. The applicant provided additional turning radius diagrams demonstrating a 36-foot fire truck navigating the proposed loop street dimensions.

Staff reached out to North Marion School District. Superintendent Ginger Redlinger responded with generally supportive comments for the development package, and emphasized the importance of an extended timeline for development phasing, allowing the district sufficient time to absorb the anticipated increase of school age children. What this means is that the district would prefer the proposed 12-year development timeline over the standard 7-year timeline provided in the PUD code.

Staff reached out to PGE for comments. The utility responded with comments applicable to the dimensions of the public utility easement (PUE) at the front of all residential lots. They requested that the septic tanks be relocated out of that 8-foot PUE. The applicant has submitted a revised PUE diagram which should satisfy PGE comments.

There is a pressurized natural gas pipeline which runs north-south within the railroad corridor through Donald. Staff reached out to Kinder Morgan corporation, the pipeline owner and manager, for comments. KM staff responded simply with a map of the project area, identifying the pipeline running in the railroad corridor. When previous comments were received from Kinder Morgan during the UGB expansion, their concerns were about construction activities along Matthieu Street. Because the construction activities on Matthieu Street associated with the PUD will begin where the existing street pavement, water, and sewer lines terminate, construction is not expected to impact the pipeline.

No comments had been received from NW Natural by the date of this staff report.

The developer is responsible for constructing water, wastewater, and stormwater utility connections to and through the subject property at developer's expense. The applicant understands that current water and wastewater systems do not have sufficient capacity to serve the entire development. There are 13 proposed phases of development for the PUD. The applicant is working closely with the City to ensure that phased utility system capacity improvements are available in conjunction with each phase of development. Availability of phased infrastructure is included as a recommended condition of approval, unless the applicant satisfies the City Engineer's requirements for bonding and/or other financial assurances with development agreement. Both parties are committed to working together to expand the capacity of the City's existing infrastructure to benefit this PUD and the greater Donald community overall.

All related comments are included in Exhibit A. Staff finds that this criterion can be met through compliance with the recommended conditions of approval.

> *PUD CRITERIA D. Except as may be modified under this section, all the requirements for land divisions under subchapter 3.1 are met;*

APPLICANT RESPONSE: The applicable requirements for land divisions are met or modified by the PUD provisions; see the narrative under subchapter §3.1. The above approval criterion is met.

<u>FINDINGS:</u> The applicant has submitted a concurrent subdivision application. It is reviewed later in this staff report. The applicant is requesting to modify standards of the land divisions subchapter. Those modifications are discussed in this staff report. Modifications requested include but are not limited to minimum lot size, setbacks, road cross sections, block length, etc. The Subdivision application can only

be approved with PUD modifications approval. Staff finds this criterion can be met through PUD approval.

PUD CRITERIA E. Usable open space is provided consistent with § 3.113.08.

APPLICANT RESPONSE: As illustrated on the Preliminary Plans (Exhibit A), usable open space is provided and connected to the majority of the residential lots in the PUD. Additionally, see the narrative describing specific open space characteristics under §3.113.08. The above approval criterion is met.

FINDINGS: Donald's PUD code *§ 3.113.08* requires a minimum of 15% of gross site area to be open space. A minimum of 75% of the open space is required to be accessible to the public. The applicant states that the submitted PUD plans meet that standard with a total of approximately 9 acres of open space. Staff requested a detailed map demonstrating all areas of the PUD accessible to the public, the resulting map is on file, and depicts the entire central green hourglass shape which includes both passive and active recreation areas, plus all the north-south pedestrian pathways. In discussion with the applicant, it was determined that the public will be permitted to access the interior courtyards between homes, but not the amenities in those spaces (gazebos, fire pits, etc). It is not known how many events will be held at the proposed commercial Community Center and associated garden/lawn space, and how those events might impact public access to the gardens and lawns calculated to meet the minimum publicly-accessible area. The City Council may want to recommend reasonable guarantee of public access to those areas. Staff finds that this criterion can be met by the applicant.

PUD CRITERIA F. The proposal provides a public benefit by incorporating one or more of the following:

1. *Greater variety of housing types or lot sizes than would be achieved under the base Development Code standards;*

APPLICANT RESPONSE: As described in this written document, Harvest Gardens PUD is associated with a workforce housing initiative funded by the State of Oregon. To meet a wide range of housing needs in Donald, a variety of single-family and multi-family options must be provided in the community. As shown on the Preliminary Plans (Exhibit A), Harvest Gardens is planned to include a variety of lot sizes for detached single-family housing, as well as multi-family unit options to meet the needs of employees and their families. The lot size design flexibility is achievable through the PUD where components of the underlying base zones do not allow; additionally, the underlying residential base zone boundaries, R-7 and RM, may be blended throughout the site per §3.113.07. The approval criterion is met.

FINDINGS: The applicant's statement is accurate. Many of the proposed detached single family dwelling lot sizes would not be approved through a standard Subdivision land division review in the underlying base zones due to minimum lot size requirements of 7,000 SF for the R7 zone and 5,000 SF for the RM zone. The flexibility of the PUD code allows for a variation in lot sizes, in addition to the proposed future attached multi-family development pad in the NW corner of TL 2600. Staff finds that the proposed PUD does provide a greater variety of housing types and lot sizes than would be achieved under base Development Code standards.

2. Greater protection of natural features than would be required under the base Development Code standards;

APPLICANT RESPONSE: The Harvest Gardens property does not contain any protected natural features; it is actively farmed. This approval criterion does not apply.

FINDINGS: Staff concurs with the applicant. No natural features are present or preserved. The wetlands review by the Oregon Department of State Lands (DSL) concurred with the applicant's wetland delineation, in that there is one mapped feature on TL 2600, which is the drainage running west to east across the southern end of the property. The identified drainage relays stormwater from the city's stormwater detention basin located on Matthieu Road east through a series of easements across private property. DSL comments on the application require the applicant to secure DSL and potentially Army Corps of Engineers permitting when removing or relocating a mapped feature. The applicant does plan to relocate the drainage when piping the drainage to route under proposed Street 3. Staff is recommending a condition of approval for compliance with DSL permitting. This level of protection of natural features would also be required under a standard subdivision review. Staff finds this criterion is met.

3. Improved transportation connectivity, such as the provision of pathways and/or other transportation facilities, that would not otherwise be provided pursuant to base Development Code requirements.

APPLICANT RESPONSE: The site will be served by a comprehensive transportation network that includes northerly access from Donald Road NE and a centralized, hourglass-shaped street pattern with looped, local street connections. Between each street connection there is a greenway pedestrian connection including grassy areas, landscaping, and sidewalks on both sides. Said multi-use connections are provided at five intervals along Street 1 and six intervals along Street 2 to allow convenient, safe, and direct bicycle and pedestrian access. This extensive system of pedestrian trails, connections, and pathways creates a walkable community and encourages active lifestyles. Additionally, this design provides access throughout the site and stubs street and multi-use connectivity sections at the property boundaries for future connectivity, where appropriate. Generally, pedestrians and bicyclists "nearby," or within a quarter mile of the site, will be traveling west toward the City of Donald or east toward Interstate 5. The criteria above are satisfied.

FINDINGS: While pedestrian connectivity is a requirement of a standard land division in the underlying residential zones, the applicant is providing extensive looped walking paths, with proposed access easements available to the public. The scale of the development provides unique connectivity upon full build-out of the 13 phases that may not be available otherwise in the base zone development. Staff finds this criterion is met.

4. Sustainable building and site design elements, consistent with § 3.113.09.

APPLICANT RESPONSE: This application does not propose specific sustainable building and site design elements; the criterion is not required. It should be noted that stormwater will be treated as outlined in the Preliminary Stormwater Report (Exhibit H). The application provides for other public benefits as demonstrated above.

FINDINGS: The applicant does not propose sustainable building and site design elements. This criterion does not apply.

Criterion F is met.

> *PUD CRITERIA G. If the proposal includes commercial development, the land area devoted to commercial development shall not exceed five percent of the total land area of the PUD site, or two acres, whichever is less.*
>
> 1. *Individual commercial buildings shall not exceed a gross floor area of 25,000 square feet to ensure neighborhood-scaled development.*

APPLICANT RESPONSE: Harvest Gardens includes two acres of planned future commercial use to incorporate a farm service corridor, which is less than five percent of the total site area. The commercial component will serve as an activity center for the community, create an event and market space, permit the sale of farm products, and promote other farm-to-table initiatives. Individual commercial buildings are not proposed at this time and will be reviewed through the future Site Development Review process (if required by §3.113.03.D) and subsequent building permit submittal. This complex is expected to evolve over time with phases as the population of Donald increases and the center attracts a customer base. The approval criteria are met.

FINDINGS: The applicant proposes to develop a two-acre commercial pad in phase 3 of the PUD, which is less than 15% of the gross site area. Staff is recommending a condition of approval requiring the applicant to submit application(s) for future Site Development Review of the proposed commercial development on TL 2600. A detailed review of the proposed commercial uses will occur at that time, prior to building permits. This criterion is met.

> *PUD CRITERIA H. The proposal is consistent with the density standards of the underlying Zone, except where a density bonus is proposed per § 3.113.07.*

APPLICANT RESPONSE: Harvest Gardens is a PUD comprised of more than one residential zone (i.e. R-7 and RM). As shown on the Density Calculation Table within the Preliminary Plat (Exhibit A), the overall minimum and maximum densities are calculated separately for each zone, then totaled, as detailed in §3.113.07 below. The densities planned are consistent with the requirements of the underlying zones. The approval criterion is met.

DENSITY CALCULATIONS:

	SQUARE FEET	ACRES		
GROSS SITE AREA	2,684,287	61.6		

R-7 ZONE	SQUARE FEET	ACRES		
GROSS AREA	2,353,667	54.0		
MINIMUM DENSITY (5 DENSITY UNITS/GROSS AC)	270.2	=	270	UNITS
MAXIMUM DENSITY (6 DENSITY UNITS/GROSS AC)	324.2	=	324	UNITS

RM ZONE	SQUARE FEET	ACRES		
GROSS AREA	330,620	7.6		
MINIMUM DENSITY (10 DENSITY UNITS/GROSS AC)	75.9	=	76	UNITS
MAXIMUM DENSITY (14 DENSITY UNITS/GROSS AC)	106.3	=	106	UNITS
TOTAL MINIMUM UNITS		=	346	UNITS
TOTAL MAXIMUM UNITS		=	430	UNITS
TOTAL PROVIDED UNITS R-7 ZONE		=	297	UNITS
TOTAL FUTURE UNITS RM ZONE		=	49 - 133	UNITS
TOTAL PROVIDED UNITS		=	**346 - 430**	**UNITS**

OPEN SPACE	SQUARE FEET	ACRES		
GROSS AREA	2,684,287	61.6		
PROVIDED PUBLIC OPEN SPACE	292,925	6.7		
PROVIDED PRIVATE OPEN SPACE	103,235	2.4		
TOTAL PROVIDED OPEN SPACE (15% MINIMUM)	396,160	9.1	=	**15%**

NOTE: THE PUD IS COMPRISED OF MULTIPLE RESIDENTIAL ZONES. PER DDC 3.113.07, THE MINIMUM AND MAXIMUM DENSITIES ARE CALCULATED SEPERATELY FOR EACH ZONE, THEN TOTALED.

FINDINGS: The DDO applies special density standards to the south UGB expansion area. For the R7 zone the minimum density is 5 units per gross acre. For the RM zone the minimum density is 10 units per gross acre. The 76.7 acres of residential land needed and satisfied by the UGB expansion was

projected to provide 414 of the 465 additional residential units needed in the 20-year horizon, assuming an estimated 51 units would be developed within the existing City Limits. Of the 76.7 acres added to the UGB, this project comprises 61.6 acres of residential land, which breaks out to 7.6 acres of of RM zone at 10 units per acre equals a minimum of 76 RM units, and 54 acres of R7 zone at 5 units per acre equals a minimum of 270 units. In sum, the PUD needs to provide a minimum of 346 units. There are 297 detached single family lots proposed. That leaves a balance of 49 units needed within the boundary of the PUD, to be satisfied through the development of the multi-family development. The maximum density of the RM zone is 14 units per acre. Lot #246 is labeled to be 107,055 SF, or 2.46 acres. Developing 49 dwelling units on 2.46 acres of land would result in a gross density of approximately 20 units/acre. The PUD code allows the total densities of each zone to be added and applied fluidly across the entire plan. The PUD code also allows modifications to the base zone standards.

During the June 18, 2020 public hearing, the Planning Commission found that the applicant meets the density standards of the Donald Development Ordinance which implements the adopted Donald Comprehensive Plan and HNA. The Planning Commission did not determine it was appropriate to further require the applicant to meet a minimum number of units by housing type (multi-family units) as requested by the Fair Housing Council of Oregon and Housing Land Advocates, and as recommended by staff in an addendum Staff Report dated June 18, 2020. The density criterion is met.

> *I. If phased development is proposed, the applicant shall provide a time schedule for developing the site in phases, but in no case, shall the time period for all phases combined be greater than seven years, unless otherwise approved by the Planning Commission. For all phases, the applicant shall demonstrate that all necessary Public facilities will be constructed as part of each phase.*

APPLICANT RESPONSE: Harvest Gardens is being submitted as a phased project. Please see the Preliminary Plat Overview and Phasing Plan (Exhibit A) that illustrates the scheduled timeline for the project. The configuration and order of phasing is intended to be flexible and will be subject to change based on a variety of factors, including jurisdictional limitations regarding various infrastructure and capacity constraints which may affect the project timeline. The Preliminary Plans (Exhibit A) demonstrate that all necessary public facilities will be constructed as part of each associated phase. Due to the scale of the project, phasing is anticipated to exceed seven years, upon approval by the Planning Commission. This application requests a 12-year phasing schedule as generally shown in the Preliminary Plans (Exhibit A), allowing anticipated market absorption and proper scalability of the site as phases progress. This standard is satisfied.

<u>FINDINGS:</u> Plan sheet P08 shows the proposed phasing with the disclaimer that phasing boundaries may be adjusted. Staff supports the applicant's request to modify the PUD standard 7-year timeline to allow the requested 12-year timeline, based upon the scale of the project and the capital projects which must be completed to provide sufficient capacity. Staff anticipates that the full subdivision will be approved at this time, allowing for the final plat review to occur with the final PUD review, however, the applicant would then record separate plats for each phase of the project as infrastructure becomes available to support the development. The Subdivision code DDO 3.109.03 requires recording a plat within one (1) year of approval, but the applicant is requesting three (3) years for the first plat recording (Phase 1). Staff supports this request as well.

There is an applicable section of the Oregon Revised Statutes (ORS 92.040) which allows local jurisdictions to approve a subdivision under the version of the development code standards adopted in place at the time of the application, however that is limited to ten (10) years. At which time, a review should be performed to identify whether any new development code language has been adopted in the interim which might alter the design of the subsequent phases. Staff finds that the PUD code language grants authority to staff (City Manager) to approve minor modifications to an approved PUD, but major modifications would need to go through a Type III process. Staff recommends a condition of approval for a 10-year review to determine whether any changes to the PUD are required or necessary to comply with this ORS provision. This would be a Type I staff-level review.

> ***92.040 Application for approval of subdivision or partition; tentative plan; applicability of local government laws.*** *(1) Before a plat of any subdivision or partition subject to review under ORS 92.044 may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been approved by the city or county. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording. However, approval by a city or county of such tentative plan shall be binding upon the city or county for the purposes of the preparation of the subdivision or partition plat, and the city or county may require only such changes in the subdivision or partition plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or partition.*
>
> *(2) After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.*
>
> *(3) A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government. [Amended by 1955 c.756 §7; 1973 c.696 §7; 1983 c.826 §8; 1989 c.772 §5; 1995 c.812 §9; 2005 c.22 §71]*

Staff finds this criterion is met.

> *3.113.07 Residential density bonus.*
>
> > *A. For PUD proposals that are comprised of more than one Residential Zone, the overall minimum and maximum densities shall be calculated separately for each Zone, then*

totaled. The total minimum and maximum densities shall apply to the PUD as a whole; Residential Zone boundaries may be blended within the PUD site.

B. Maximum allowed density for a PUD may be increased by up to 20%.

APPLICANT RESPONSE: Harvest Gardens is a PUD comprised of more than one residential zone (i.e. R-7 and RM). As shown on the density calculations (Exhibit A), the overall minimum and maximum densities are calculated separately for each zone, then totaled, as detailed in §3.113.07 below. The densities planned are consistent with the requirements of the underlying zones and zone boundaries are blended throughout the site. This application does not seek a density bonus up to 20 percent. The approval criteria are met.

FINDINGS: Staff concurs with the applicant's response. Density was previously addressed and met. No density bonus is requested.

3.113.08 Usable open space. Residential PUDs shall comply with the following usable open space requirements:

A. PUDs shall contain a minimum of 15% usable open space, consistent with the following:

1. Required open space shall be calculated based on the total gross square footage of the PUD.

2. At least 75% of the required open space shall be open and available for public use.

3. Open space shall be integral to the PUD plan and connect to a majority of the proposed residential lots.

4. Plans shall provide space for both active and passive recreational uses, and may include, but are not limited to, neighborhood parks, dog parks, community recreation centers, pathways/trails, natural areas, plazas, and play fields.

APPLICANT RESPONSE: As shown on the Preliminary Plans (Exhibit A) the open space configuration spans throughout the site and connects to a majority of the planned residential lots. Harvest Gardens includes ±9 acres of open space (over 15 percent of the overall site) featuring natural areas, off-street trails, interpretive signage, benches, and other amenities such as opportunities for composting organic material and water reuse. At least 75 percent of the required open space is available for public use. The PUD encourages physical fitness and recreation use with the inclusion of a trail system.

FINDINGS: Staff requested a detailed map demonstrating all areas of the PUD accessible to the public, the resulting map is on file, and depicts the entire central green hourglass shape which includes both passive and active recreation areas, plus all the north-south pedestrian pathways. In discussion with the applicant, it was determined that the public will be permitted to access the interior courtyards between homes, but not the amenities in those spaces (gazebos, fire pits, etc). It is not known how many events

will be held at the proposed commercial Community Center and associated garden/lawn space, and how those events might impact public access to the gardens and lawns calculated to meet the minimum publicly-accessible area. The City Council may want to recommend reasonable guarantee of public access to those areas. Staff finds that this criterion can be met by the applicant.

> *5. Open space areas shall be shown on the final plan and recorded with the final plat or separate instrument; the open space shall be conveyed in accordance with one of the following methods:*
>
> > *a. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the Planning Commission with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or*
> >
> > *b. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the City. The City, through conditions of approval, may also require public access be provided, where the open space is deemed necessary, based on impacts of the development and to meet public recreational needs pursuant to the Comprehensive Plan.*
> >
> > *c. By some other written agreement between the applicant and the City.*

APPLICANT RESPONSE: As shown on the Preliminary Plans (Exhibit A) the open space configuration spans throughout the site and connects to a majority of the planned residential lots. Harvest Gardens includes ±9 acres of open space (over 15 percent of the overall site) featuring natural areas, off-street trails, interpretive signage, benches, and other amenities such as opportunities for composting organic material and water reuse. At least 75 percent of the required open space is available for public use. The PUD encourages physical fitness and recreation use with the inclusion of a trail system.

<u>FINDINGS:</u> The applicant states that all provided open space will be maintained in Homeowner Association (HOA) ownership and management. The applicant does not intend to dedicate any tracts to the City of Donald beyond the public street right-of-ways. Staff recommends a condition of approval requiring the ongoing maintenance of open space areas, pathways, courtyards, parks, and gardens by the HOA. This criterion can be met.

> *3.113.09 Sustainable site and building design standards. When an applicant proposes to provide sustainable building and site design per § 113.06.F.4., the following requirements apply:*
>
> > *A. The PUD shall include at least one of the elements from the list below.*
> > > *1. Use of pervious paving materials on at least 25% of the total paved area within the PUD.*

2. Use of eco-roofs or rooftop gardens on at least 25% of the total roof area (dwellings and commercial buildings, if applicable) within the PUD.

3. Parking integrated within the building footprint (e.g., tuck-under parking) for at least 25% of the dwellings within the PUD.

4. Provision of rain gardens or bioretention areas to collect and treat at least 50% of stormwater runoff generated by the PUD.

5. Energy Star certified homes for at least 50% of the dwellings within the PUD.

6. Development of the PUD with LEED ND certification.

APPLICANT RESPONSE: Sustainable site and building design elements consistent with §3113.06.F.4. are not included within this application; the criterion is not required per §3113.09 and the list has been omitted for brevity purposes. The application provides for other public benefits as demonstrated in §3113.06.F.

FINDINGS: The applicant does not propose to use sustainable site and building design elements. This criterion does not apply.

B. CITY OF DONALD COMPREHENSIVE PLAN

DONALD COMMUNITY GOALS

Physical Development

1. The creation of a pleasing, safe, efficient rural community environment.

2. Encourage the proper use and management of lands within the Urban Growth Boundary.

3. Encourage the orderly and efficient growth of the community based on social, physical and economic needs and factors

4. Develop a land use pattern consistent with local and state goals.

APPLICANT RESPONSE: Harvest Gardens is a PUD intended to provide needed residential land, incorporate natural features, and arrange agricultural practices in close proximity to provide a pleasing, safe, and efficient rural community. The zone changes from Urban Transition (UT-20) to R-7 and RM will allow residential uses and establish needed housing as described in this narrative. Site improvements in conformance with an approved comprehensive plan, as is the case here, results in an orderly land use pattern and efficient growth. Donald's community goals related to physical development are met.

Residential Development

1. Encourage the development and maintenance of an adequate quantity, quality and variety of housing facilities to satisfy the desired lifestyles and financial capabilities of the community.

2. Provide the necessary public facilities and services to maintain a safe, healthful, and pleasing living area.

APPLICANT RESPONSE: This application involves an increase in the supply of housing, specifically addresses workforce housing needs for the citizens of Donald and provides necessary public facilities to support the site. A variety of lot sizes and housing types are provided that are intended to accommodate a mix of home sizes and plans, appealing to a broad range of future residents to support the local workforce. The Donald Development Ordinance (DDO) provides the basis for decisions related to the use of land within Donald, including the PUD provisions which allow flexibility in design standards to arrive at the unique project design.

Transportation

1. Encourage a balanced system of transportation including such alternatives as public transit, bicycle, rail, and pedestrian facilities in addition to the private automobile.

2. Develop and maintain an efficient and reliable transportation system that encourages proper land development.

APPLICANT RESPONSE: As illustrated on the Preliminary Plans (Exhibit A), the intended local street pattern within the subdivision includes pedestrian and bicycle facilities and is connected throughout the site. Access from Donald Road NE provides a continuous network through and to the boundaries of the subdivision. The planned future road extension and connection to Tax Lot 300 will provide a secondary access and continuous network through the south portion of the subdivision by means of Matthieu Street NE. In the interim, secondary emergency access will be provided through gated connections to a farm road over Tax Lot 1100.

A Traffic Impact Study prepared by Lancaster Mobley Engineering is included as Exhibit I and demonstrates compliance with applicable State, County, and City transportation related requirements. Please refer to the TIS for further information. The street and connectivity improvements encourage a safe and convenient transportation system for pedestrians and motorists.

Public Facilities

1. Provide adequate park and recreation facilities for the resident and visitor.

APPLICANT RESPONSE: Harvest Gardens is intended to provide an open space network of trails, pedestrian facilities, and include passive and active recreation spaces for the community. As illustrated on the Preliminary Plans (Exhibit A), the open space configuration spans throughout the site to include ±9 acres of open space (over 15 percent of the overall site) to showcase natural features and encourage physical fitness and recreation. Harvest Gardens is designed with open space and agricultural land as the

centerpiece of the community to foster social ties, provide residents with access to fresh and local goods, and promote educational opportunities. The Agrihood provides a clustered residential design which allows the community to conserve productive farmland and natural areas. This concept mitigates increases in impervious surfaces and lowers infrastructure expenditures and maintenance costs. The interconnected transportation network and inclusion of multi-use trail system is intended to encourage physical fitness and recreation uses for healthy living. The open courtyard areas provide opportunities for passive recreation and relaxation. This PUD application uses innovative planning that will provide a variety of needed workforce housing and ultimately benefit the City of Donald by bringing a live/work concept to fruition and allow controlled, logical growth in an area characterized by high employment and low housing.

2. Encourage urban development in an orderly and economic manner.

APPLICANT RESPONSE: This application complies with the applicable requirements found in the DDO. Site improvement in conformance with an approved comprehensive plan and with relevant DDO standards, as is the case here, results in orderly and efficient arrangement of public facilities and services and ensures orderly growth. Therefore, the application is consistent with this Comprehensive Plan Policy.

…

6. Keep current and achievable water, wastewater system and storm water master plans.

APPLICANT RESPONSE: The City of Donald Public Works Design & Construction Standards are the current wastewater system and stormwater standards which guide the DDO. The Preliminary Plans (Exhibit A) conform to the water, wastewater, and stormwater plans. The policy is Met.

FINDINGS ON COMPREHENSIVE PLAN: Staff concurs with the applicant's statements that the proposed PUD supports Donald Comprehensive Plan Goals and Policies related to efficient and orderly development of the community, through a land use pattern consistent with local and state goals. The proposed development meets or exceeds the density goals set by the City and acknowledged by the state, as a means to achieve the City's 20-year needed housing land supply. The PUD tool allows the applicant to develop housing ranging from detached to attached units, on lot sizes not otherwise available in the base zone, so as to provide a variety of housing facilities. The plan was reviewed to ensure that the built environment would result in a safe area for residents and visitors. The preliminary plan submitted by the applicants show facilities available to vehicles, bicycles, and pedestrians alike, upon full build-out. Public transit servicing Donald is a matter of time, upon meeting population thresholds. The proximity of the higher density housing near Main Street and the commercial center of town supports access to future transit options for PUD residents. The applicant's TIS identifies future mitigation measures to ensure that local and regional transportation facilities are operating at reliable levels. The proposed PUD provides recreation opportunities to residents and the public through a linked system of walking paths, community gardens, and a park available to the community. The City and applicant will work together to ensure that development happens in coordination with available infrastructure capacity, based upon the City's Water and Wastewater Master Plans, and the pending updates.

During the related Annexation and Zone Change applications, staff generated Goal 10 findings for housing provision. They are included below for reference.

The 2015 Donald Comprehensive Plan states:

The mix of residential housing units within the city limits is determined from 2010 Census data. Of the 391 total residential units, 245 units, or 62.6 percent, are single-family residential units. Approximately 7 units, or 1.8 percent, are multi-family residences and the remaining 139 units, or 35.5 percent, are manufactured homes within manufactured housing parks… The 2034 population projection for Donald is 2,085 persons. This projection has been adopted by Marion County for the City of Donald through a coordinated process required under state law (ORS195.036). As shown in ***Table 8****, a total of 856 dwelling units will be needed to accommodate this population. This represents 465 additional housing units that will be needed for the period through 2034.*

Table 8
Projected Housing Needs
Donald, 2034

2034 Population (Projected)[1]	Persons Per House-hold	Total Housing Units[2]	Occupied Dwelling Units[3]	Projected Multi-Family Units	Projected Single Family Units	Vacant Units[4]	Multi-Family Units (Percent)	Single Family Units (Percent)
2,085	2.55	856	818	85	771	38	90.1%	9.9%

Source: MWVCOG, Memorandum to Donald Technical Advisory Committee, January 2015
[1] The 2034 population projection has been coordinated with the projections for Marion County as required by Oregon Revised Statutes 195.036.
[2] Total dwelling units do not include group quarters dwelling units.
[3] Occupied dwelling units do not include group quarters dwelling units.
[4] Based on an assumed vacancy rate of 4.6 percent

The 2015 Donald Comprehensive Plan states:

As shown in ***Table [12]****, the housing needs analysis identified 465 new residential units that will be needed to accommodate the projected 2034 population of 2,085 persons. Of the 465 new residential units, 16.8 percent, or about 78 units, are needed to meet projected need for multi-family units. With an assumed density of 11 units per acres for multi-family, 7.1 acres is required to meet the need for the new units. At a density of 5.07 single family units per acre, the additional 387 single family units require 76.3 acres. In total, the 465 new units can be built on 83.4 acres of land.*

Table 12
Projected Housing Mix and Residential Land Needs2034

Housing Type	Existing Units	Additional Units Needed 2034	Percent of New Units	Net Density (units/acre)	Acres Needed 2034
Single Family	384	387	83.2	6.22	62.2
Multi-Family	7	78	16.8	11	7.1
Total	391	465	100.0	-	69.3

Source: 2009-2013 American Community Survey

Looking back at the Buildable Lands Inventory, there is inadequate vacant, partially vacant, or redevelopable land available to accommodate future housing needs within the existing urban growth boundary. The buildable lands analysis found that approximately 9.93 acres are

available for residential development within the entire urban area. It is estimated that 76.7 acres will be needed to accommodate future residential growth. Oregon Administrative Rules (OAR) 660-024-0040(9) allow for a local government to estimate that the 20-year land need for streets and roads, parks, and school facilities will together require an additional amount of land equal to 25 percent of the net buildable acres determined for residential land needs.

When the UGB was expanded in 2018 through Ordinance No. 171-2018, the City satisfied the 20-year land need. The 76.7 acres of residential land were assigned the future City of Donald zoning designations of 7.59 acres of RM-Multiple Family Residential and 69.11 acres of R7-Single Family Residential Zone, effective upon annexation into the city. The UGB expansion assumed that there would be a total of 414 new units in the UGB expansion area because 51 units of the total 465 needed units would be accommodated within the existing city limits. The applicant states that Harvest Gardens will provide 297 detached units in the R7 district, and 49-133 multi-family units in the RM district, a total range of 346-430 units, demonstrating compliance within the required minimum and allowed maximum density.

There are only two residential zones in the City of Donald. They are the R7- Single Family Residential Zone and RM – Multi-Family Residential Zone. Pursuant to DDC 2.103.106.F, land divisions in the R7 district shall achieve a minimum density of 4 units per gross acre and in the Donald South Expansion Area, 5 units per gross acre. Similarly, DDC 2.104.06.F requires land divisions in the RM district achieve 8 units per gross acre and in the Donald South Expansion Area, 10 units per gross acre. The increase in required density for the UGB expansion area is higher than land currently within the City limits to specifically address the housing supply in the near future.

The Donald Comprehensive Plan states: "It is the purpose of the housing plan to provide opportunities for the development of a wide variety of housing types to meet the needs of the citizens of Donald. Adequate safe and sanitary housing should be available at varying prices and rent ranges to existing and future residents of the City."

The applicant states:

"This project and associated Zone Map Amendment (from UT to R7 and RM) will encourage housing diversity and provide affordable housing options to the local community. As noted by staff, high-density multi-family apartments are needed to help accommodate expected housing demand over the next 20 years and are permitted in the RM zone. Although single-family homes continue to be the preferred housing type for many households, to some extent this preference can be met with affordable ground-related units (e.g. townhouses, duplexes, ground-level apartments, etc.). This application provides for these types of housing opportunities.

As part of this application, the planned Annexation and Zone Map Amendments provide approximately ±61 acres for single-family detached, attached, and multi-family homes, needed housing elements the City's buildable land inventory currently lacks. As shown on the Preliminary Plans, the Annexation and Zone Map Amendments will increase the supply of land available for various housing types at the R7 and RM densities at the location preferred by the City, as recommended by Donald City Council in Ordinance No. 171-2018. Therefore, this application is consistent with Goal 10."

In May of 2020, City of Donald reported that five (5) new homes have been constructed since 2015. The City has few tools available to incentivize infill development on private properties, one at a time. While there remain opportunities for infill development within the existing city limits, no vacant or redevelopable parcels are available to support the scale of residential development made possible through the annexation of the subject property by a property owner proposing to develop significant workforce housing for the community and greater region. As discussed below, the applicant's concurrent Zone Change application is consistent with (matches) the boundaries of the adopted future zones for the UGB expansion area, a portion of which is proposed for annexation with these applications. Those future zone boundaries were based upon the city's 2015 adopted BLI and HNA. Staff finds the applications support Goal 10.

During the June 18, 2020 public hearing, the Planning Commission found that the applicant meets the density standards of the Donald Development Ordinance which implements the adopted Donald Comprehensive Plan and HNA. The Planning Commission did not determine it was appropriate to further require the applicant to meet a minimum number of units by housing type (multi-family units) as requested by the Fair Housing Council of Oregon and Housing Land Advocates, and as recommended by staff in an addendum Staff Report dated June 18, 2020.

Consistency with the adopted Donald Comprehensive Plan is met.

CONCLUSIONS ON PUD CRITERIA: The Planning Commission and Staff support the proposed PUD plan with requested modifications detailed in the tables above, using the extended timelines of three (3) years to plat Phase 1 and 12 years to complete platting of all phases 1-13, subject to the recommended conditions of approval.

IV. ANALYSIS OF APPLICABLE DECISION CRITERIA: SUBDIVISION

A. SUBCHAPTER 3.1: APPLICATION REQUIREMENTS AND REVIEW PROCEDURES

§3.109 SUBDIVISIONS.

3.109.01 Area of Application. A subdivision is required for any land division which creates more than three parcels in a calendar year.

APPLICANT RESPONSE: Harvest Gardens is a PUD with concurrent land division pursuant to §3.113.03.C. Therefore, the consolidated application will be reviewed through a Type III procedure. Additionally, the Applicant seeks to extend the approvals of the preliminary plans for PUD and tentative subdivision plat be valid for three years after the date of the written decision.

3.109.04 Review criteria. Approval of a subdivision shall require compliance with the following:

A. Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved.

APPLICANT RESPONSE: Harvest Gardens is a PUD with concurrent land division pursuant to §3.113.03.C. The dimensional standards for the lots within the site vary from the underlying zone districts, R-7 and RM, as allowed through the PUD's flexible design standards. Therefore, a variance from the above standard is not required. The density standards of the underlying zones are fulfilled per §3.113.07. To the extent applicable, the criteria are met.

FINDINGS: Many of the proposed detached single family lots do not meet the minimum lot size of the base zones. PUD approval is required to develop the subdivision plan submitted with this application. Staff generally supports the submitted PUD. If the PUD is approved, variances are not required. Staff finds the criterion is met through compliance with the recommended condition of approval.

> *B. Adequate Public facilities shall be available to serve the existing and newly created parcels.*

APPLICANT RESPONSE: Public facilities and services are planned to be provided to each lot concurrently with the associated phase of development of the property. The criterion is met.

FINDINGS: Public facilities were discussed previously in this staff report. There is not currently sufficient capacity in either the water or wastewater systems to service the proposed 299-lot subdivision, however, the applicant is committed to partnering with the City to increase system capacity to support the 13-phase development proposed. The City Engineer states that there are several alternatives available for consideration. The City adopted Wastewater and Water Master Plans in July and August of 2019, and is currently amending those documents, expected to be completed, reviewed, and adopted by fall of 2020. Staff is recommending a condition of approval requiring utilities to be available prior to the platting of each phase, unless the developer meets the provisions of the DDO 2.301.03 and 3.102.03. Staff finds this criterion can be met.

> *C. The proposal shall comply with the applicable development standards in §2.307.*

Response: As described in this written narrative, the development standards of §2.307 are met, as applicable. The PUD provisions of §3.113 override various subdivision provisions of §2.307.

FINDINGS: DDO 2.307 is reviewed below.

> *§ 2.307 DEVELOPMENT STANDARDS FOR LAND DIVISIONS*
>
> *2.307.01 Purpose. To provide for the orderly, safe, efficient and livable development of land within the City of Donald.*
>
> *2.307.02 Scope; Application. The provisions of this section shall apply to all subdivisions and partitions within the City of Donald.*

APPLICANT RESPONSE: Harvest Gardens is a PUD with concurrent land division pursuant to §3.113.03.C. Therefore, the following standards are applicable.

2.307.03 Standards for lots or parcels.

> *A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.*
>
> *B. Access. All lots and parcels created after the effective date of this Development Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying Zone. The following exceptions shall apply…*

APPLICANT RESPONSE: Harvest Gardens is a PUD with concurrent land division. Minimum lot area and lot frontage width conform to PUD standards, rather than the underlying zoning districts. As described in the narrative Section §2.302.08 and illustrated on the Preliminary Plans (Exhibit A), the lots created through this application will provide adequate lot area and frontage on the future public streets internal to the subdivision. Please refer to the list of modifications to development standards pursuant to the PUD. The above criteria are not directly applicable.

FINDINGS: Through the concurrent PUD application, the applicant is requesting a modify the minimum lot area standard of the R7 and RM zone. The applicant is not requesting to modify the access requirement. After reviewing the plan set, staff finds that all parcels in the preliminary subdivision plan provide the minimum lot access frontage of 20 feet on a public street, consistent with DDO 2.201.04 *Access to a Public Street*. Generally, the proposed residential lots range between 40-foot and 60-foot frontages. These criteria are met.

> *1. Residential lots or parcels may be accessed via a private street or partition access easement developed in accordance with the provisions of §2.302 when the City finds that public street is not necessary to provide for the future development of adjoining property.*
>
> *2. Commercial or Industrial uses located in a campus or park like development may be accessed via private streets when developed in accordance with §2.302.08.*
>
> *3. Cul-de-sac lots shall have a minimum frontage of 25 feet.*
>
> *4. Flag lots, as permitted in division 2.307.03.C.*

APPLICANT RESPONSE: Harvest Gardens does not incorporate private streets, partition access easements, cul-desacs, or flag lots to access residential lots. The above exceptions criteria are not applicable.

FINDINGS: These criteria do not apply, as none of these features are proposed.

> *C. Flag lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed. If a flag-lot is permitted, the following standards shall be met:*

APPLICANT RESPONSE: This application does not involve flag lots. The remainder of the subsection has been omitted for brevity.

FINDINGS: This criterion does not apply, as flag lots are not proposed.

> *D. Through lots. Through lots are discouraged unless essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific site disadvantages.*

APPLICANT RESPONSE: This application does not include through lots or interior lots having frontage on two streets. The criterion is not applicable.

FINDINGS: Staff disagrees with the applicant's response. The preliminary subdivision plans do propose through lots in Phase 12 of development. Lots #296-299 are proposed to be through lots with Matthieu Street on the west side and Street 13 on the east side. The criterion states that through lots are discouraged unless essential to overcome specific site disadvantages. The subject property, TL 300 is a long property. The applicant can resolve this through either reconfiguring the preliminary plat for TL 300 or requesting the City to include the code modification in the PUD approval.

> *E. Lot lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than half the dimension of the front lot line.*

APPLICANT RESPONSE: As shown on the Preliminary Plans (Exhibit A), the lot lines are arranged in right angles to the right-of-way lines of the fronting streets to the greatest extent practicable. The rear lot lines are not less than half of the dimension of the front lot lines. The criterion is met.

FINDINGS: Staff concurs with the applicant's response.

> *F. Utility easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities.*

APPLICANT RESPONSE: As shown on the Preliminary Plans (Exhibit A), utility easements are provided where necessary. The criterion is met.

FINDINGS: The applicant has provided utility easements on the preliminary plan, as well as a revised diagram demonstrating the septic tank pulled out of the front 8-foot PUE required as a minimum by PGE. The applicant can meet this criterion through compliance with the associated condition of approval.

> *2.307.04 Additional design standards for subdivisions.*
>
> *A. Standards for blocks. Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or*

topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.

APPLICANT RESPONSE: Harvest Gardens involves a PUD with concurrent land division by tentative subdivision plat. As shown on the Preliminary Plans (Exhibit A), the site includes an interconnected transportation network provided by Street 1 and Street 2, closely comparing to Core Area Local design standards. These two main streets run directionally north to south and access on Donald Road NE, a Minor Collector within Marion County jurisdiction. The internal street pattern includes looped, local streets which connect to the two thoroughfares (Streets 1 and 2). The block length of Streets 1 and 2 exceeds 600 feet, though flexible design standards permitted through a PUD allow for innovative design which will benefit the community.

The intent of Harvest Gardens is to provide a clustered residential design, conserving open space, natural features, and farmland. Through the use of pedestrian and bicycle accessways at approximately 100-foot intervals, the Street 1 and Street 2 blocks satisfy the maximum block length standard. The pedestrian accessways bisecting these blocks at approximately 100-foot intervals throughout the site are designed to encourage safe and convenient pedestrian trips and directly promote the objectives this standard intends to achieve. The planned street configuration, including block length, is justified in this unique residential design. Please see Section §3.113.01 for responses addressing flexibility in development standards allowed through the PUD provisions. The criterion above is not relevant to the application.

<u>FINDINGS</u>: Staff concurs with the applicant's response. The east side of Street 1 and the west side of Street 2 do not meet the 600-foot standard. The long blocks are, however, broken by two 20-foot emergency vehicle access points and pedestrian pathways. Staff supports the modification to the block length standard for these two unique facilities, as requested in the concurrent PUD application. This criterion can be met through approval of the concurrent PUD.

B. Traffic circulation. The proposed subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe convenient and direct traffic circulation. At a minimum, "nearby" is interpreted to mean uses within a quarter mile which can be reasonably expected to be used by pedestrians, and uses within one mile of the subdivision boundary which can reasonably expected to be used by bicyclist.

APPLICANT RESPONSE: The site will be served by a comprehensive transportation network that includes northerly access from Donald Road NE and a centralized, hourglass-shaped street pattern with looped, local street connections. Between each street connection there is a greenway pedestrian connection including grassy areas, landscaping, and sidewalks on both sides. Said multi-use connections are provided at five intervals along Street 1 and six intervals along Street 2 to allow convenient, safe, and direct bicycle and pedestrian access. This extensive system of pedestrian trails, connections, and pathways creates a walkable community and encourages active lifestyles. Additionally, this design provides access throughout the site and stubs street and multi-use connectivity sections at the property

boundaries for future connectivity, where appropriate. Generally, pedestrians and bicyclists "nearby," or within a quarter mile of the site, will be traveling west toward the City of Donald or east toward Interstate 5. The criteria above are satisfied.

FINDINGS: Staff concurs with the applicant's response.

C. Connectivity. To achieve the objective in B., above, the City may require the following:

1. Stub streets. Where the potential exists for additional residential development on adjacent property.

2. Pedestrian/bicycle accessways. Public accessways to provide a direct connection to cul-de-sac streets and to pass through oddly shaped or unusually long blocks.

APPLICANT RESPONSE: As shown on the Preliminary Plans (Exhibit A), the two main thoroughfares (Street 1 and 2) are stubbed at the south property boundary of Tax Lot 2600 for future connection. Street 3 is stubbed to the west property boundary of Tax Lot 2600 and north property boundary of Tax Lot 300. Streets 12, 13, and 14 within Tax Lot 300 are stubbed to the property boundaries for future connectivity. Additionally, the looped local street sections are designed to construct right-of-way up to the edge of the east and west property lines. The intent of the design considers the prospect of future residential development and allows logical infrastructure connectivity. As described extensively throughout this document, there are ample opportunities for pedestrian and bicycle access throughout the PUD. The pedestrian accessways located between local streets include 6-foot-wide paved pathways for circulation. Additionally, these accessways bisect Street 1 and Street 2 at five intervals along the non-typical block to provide 6-foot-wide pathways and direct connectivity. Two 20-foot-wide tracts for emergency vehicle access with associated removable bollards bisect the main thoroughfares at two locations. The criteria are satisfied.

FINDINGS: Properties west of TL 2600 and north of TL 300 are a mix of incorporated and unincorporated portions, all within the City's UGB. It is feasible that portions of those properties could be annexed and developed within the lifetime of this subdivision. Staff agrees with the applicant's statement that the design of the loop streets and other stub-outs along property boundaries provide opportunities connectivity to adjacent properties upon future development.

Staff finds the PUD provides robust network of pathways throughout the agrihood development. Where typically loop streets would provide connectivity challenges to bicycle and foot traffic, the north-south pathways provide a continuous connection between the loops. All of the residential courtyard tracts are connected through the central hourglass open space by either a pathway or an emergency access easement. This criterion is met.

D. Design standards for pedestrian/bicycle accessways. Such accessways shall meet the following design standards:

1. Minimum dedicated width: 15 feet.

APPLICANT RESPONSE: The pedestrian and bicycle accessways are largely designed to be dedicated in 15-footwide tracts. There are three exceptions to the above standard. The tracts located between looped local streets (Streets 5, 6, and 7) are decreased to 10-foot widths to incorporate an access easement and stormwater facilities on the eastern portion of the PUD. The standard is included in the PUD provisions which allow modifications to development standards, Section 3.113.04. The criterion is not directly applicable.

FINDINGS: Consistent with the applicant's response, most of the proposed pathways meet the 15-foot standard, but a few are 10-feet. The north-south pathways within loops 5, 6, and 7 can be approved through the concurrent PUD modifications discussion by the

2. Minimum improved width: ten feet.

APPLICANT RESPONSE: The accessways for pedestrian and bicycle circulation are improved (e.g. landscaped, paved, fenced, etc.) to the ten-foot design standard above. The criterion is met.

FINDINGS: Staff concurs with the applicant. The criterion is met.

3. The access way shall be maintained by a homeowners association or other mechanism acceptable to the City.

APPLICANT RESPONSE: The tracts are planned to be maintained by a homeowners' association, the owner/operator of the commercial site, or other mechanism, as approved by the City. The criterion is met.

FINDINGS: Staff concurs with the applicant. The criterion is met.

4. The accessway shall be designed and signed to prohibit motor vehicle traffic.

APPLICANT RESPONSE: The accessways are designed and signed solely for pedestrian access. Bollards and signage are provided along the emergency vehicle accessways where local vehicle access could be presumed to be practical but is prohibited.

FINDINGS: Staff concurs with the applicant. The criterion is met.

2.307.06 Improvement requirements - subdivisions. The following improvements shall be required for all subdivisions:

A. Frontage improvements . Street improvements to full City standards shall be required for all public streets on which a proposed subdivision fronts in accordance with §2.302 of this code. Additional frontage improvements including: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public/private utilities shall be extended along the entire frontage of the proposed development.

APPLICANT RESPONSE: As shown on the Preliminary Plans (Exhibit A), applicable street improvements are provided on Donald Road NE and on streets internal to the subdivision. Sheet P09

illustrates the 4-foot right-of-way dedication along Donald Road NE (to accommodate a 68-foot Collector Street section per Marion County standards). Sheet P12 details the 25-foot right-of-way dedication along Matthieu Street NE (to accommodate a 50-foot Rural Local Street section per City of Donald standards). The criterion is met.

FINDINGS: Frontage improvements are required and proposed on both Main Street / Donald Road NE and Matthieu Street. As addressed under the sidewalks portion of this section, staff has included a recommended condition of approval which requires the applicant to construct the full frontage of TL 2600 with the construction of Phase 1 development. Alternatively, the City and the County may be willing to allow the applicant to construct an ADA-compliant had-surface pathway to connect Phase 1 across the gap in frontage improvements to the NW corner of the subject property until the multi-family and commercial pad properties are developed. Staff finds this criterion can be met through compliance with the recommended conditions of approval.

> *B. Project streets. All public or private streets within the subdivision shall be constructed as required by the provisions of §2.302.*

APPLICANT RESPONSE: As shown on the Preliminary Plans (Exhibit A), street improvements are planned to be constructed in accordance with the provisions of §2.302. The criterion is met.

FINDINGS: DDO Section 2.302 *Street Standards* contains many different street standards, including but not limited to alignment, connectivity, future extensions, intersection angles, names, clear vision areas, right-of-way improvement widths, construction standards, and fee in lieu of construction. Staff has included conditions of approval requiring compliance with the standards and procedures of the Donald Public Works Design & Construction Standards. Additionally, the City Engineer is requesting the applicant to submit additional turning radius diagrams for fire trucks, specifically at the proposed emergency access easements.

There was extensive discussion with Marion County Public Works Engineering staff about the applicable access spacing standards for the intersections of Street 1 and Street 2 in relation to existing Huckleberry Lane on the north side of Main Street/Donald Road NE. The City TSP, which is the transportation element of the adopted Comprehensive Plan, lists Main Street/Donald Road as an arterial inside City Limits. Donald Rd. to the east is Minor Collector. The standards are a little uncertain because the City does not have its own adopted spacing standards. The City is the road authority, but the County is the permitting and maintenance authority. Because the County maintains the road, MC has the permitting authority. The intersections of Huckleberry Lane and Street 2 are proposed to be 100 feet apart. Marion County requires the applicant to revise their plan set to show an intersection separation of 150 feet. Staff has included this as a condition of approval. The applicant indicates that it would be feasible to shift the intersection east. All related agency comments are attached in Exhibit A. Staff finds this criterion can be met through related recommended conditions of approval.

> *C. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.*

D. Bench marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.

APPLICANT RESPONSE: Centerline monuments and elevation benchmarks are planned to be established where required. The above criteria can be met.

FINDINGS: The above criteria can be met through compliance with conditions of approval.

E. Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

APPLICANT RESPONSE: Harvest Gardens includes a stormwater collection and conveyance system that will capture stormwater runoff and route it to the existing City of Donald regional stormwater facility off site. As detailed in the Preliminary Stormwater Report (Exhibit H), stormwater runoff is planned to be captured from Donald Road NE and Matthieu Street NE, routed through a system of underground pipes, and conveyed to the existing regional stormwater facility west of the project site. The stormwater facility has been designed to over-detain post to pre-developed flows in order to offset the flows from the southern portion of the project that can't be routed to the facility due to topographic constraints. From there, stormwater will be rerouted through public right-of-way to the east consistent with the historic direction of flow from the property. Please see the Preliminary Stormwater Report for further details. The criterion is met.

FINDINGS: Staff concurs with the applicant's response. Additionally, DSL has submitted comments related to an existing drainage across the southern portion of TL 2600. DSL and/or ACE permits may be required for relocation (piping) of this drainage. This criterion can be met through compliance with the recommended conditions of approval.

F. Sanitary sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing the subdivider's share of the construction.

The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the subdivider as is desirable to assure his share of the construction.

APPLICANT RESPONSE: As discussed in this written document, there are a variety of factors which affect public services to the project site. Donald's wastewater treatment facility must be upgraded to accommodate the needed residential development dictated by the 2018 UGB expansion. Through a variety of finance means—including project investment funds, grants from the Pilot Project Fund, Business Oregon, etc., and SDC credits—the sanitary sewer infrastructure is planned to be updated to provide for needed housing. The City is in the process of amending the Wastewater Facilities Plan and is investigating options for increasing the wastewater treatment plant facility. In addition, the Applicant will work with the City in the future to develop a new sanitary lagoon and/or provide a potential irrigation site to supplement planned capacity.

Sanitary sewer services are planned to be extended from Donald Road NE and provided to the PUD concurrently, per the scheduled phasing plan. Offsite sanitary improvements are planned to occur in Matthieu Street NE to extend and connect to existing sanitary sewer mains. The sanitary force mains in Donald Road NE and Matthieu Street NE will be constructed by the Applicant. The City currently operates on a Septic Tank Effluent Pump (STEP) design, providing individual septic tank service on separate lots. Sanitary sewage is planned to be conveyed to a public sanitary sewer with adequate capacity. System development charge (SDC) credits from the City of Donald will be the financial catalyst for the City to expand the needed facilities. The required improvement criteria can be provided.

FINDINGS: Staff concurs with the applicant response. This criterion can be met through compliance with the recommended conditions of approval.

> *G. Water system. Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the City will not expect the developer to pay for the extra pipe material cost of mains exceeding ten inches in size.*

APPLICANT RESPONSE: Parallel to the sanitary sewer discussion, Donald's water resource and treatment facilities must be upgraded to accommodate the needed residential development dictated by the 2018 UGB expansion. Through a variety of finance means—including project investment funds, grants from the Pilot Project Fund, Business Oregon, etc., and SDC credits—the water infrastructure is planned to be updated to provide for needed housing. At the time of this application submittal, the City is in the process of modifying the existing water right permit for the current municipal wellhead and investigating construction of a new well... In addition, the Applicant may work with the City in the future to develop a new well to provide supplementary capacity to the area. Water services are planned to be extended from Donald Road NE and provided to the PUD concurrently per the scheduled phasing plan, which is intended to be flexible in configuration. Offsite water improvements are planned to occur in Matthieu Street NE to extend and connect to existing water mains. Water lines with valves and fire hydrants serving the subdivision will be installed per City standards and in adequate locations to provide future extension beyond the subject site. The required improvement criteria can be met.

FINDINGS: Staff concurs with the applicant response. Related conditions of approval also address potential development of the existing well located on the frontage of TL 2600 for some municipal

purposes, currently under analysis. This criterion can be met through compliance with the recommended conditions of approval.

> *H. Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g. pedestrian walkways) or sidewalks fronting public property shall not be deferred.*

APPLICANT RESPONSE: Harvest gardens includes looped, local street sections without sidewalks. This feature is designed to separate vehicular movement and allow for a condensed transportation circulation pattern resulting in a robust pedestrian network that is separated from cars. As illustrated on the Preliminary Plans (Exhibit A), the interconnected pedestrian circulation system includes a network of multi-use pathways with 6-foot-wide sidewalks and street sections with 5-foot-wide sidewalks, which fully connect (in between local streets) and span throughout the site. This design promotes pedestrian safety and emphasizes natural features and open space to encourage residents to take advantage of the active community lifestyle Harvest Gardens aims to achieve. Please see Section §3.113.01 for responses addressing flexibility in development standards allowed through the PUD provisions. The criterion above is not applicable to the application.

<u>FINDINGS</u>: The preliminary plan set shows sidewalks on both sides of many proposed streets within the PUD, however, sidewalks are not proposed for either side of the looped streets. This is a modification request under the PUD code DDO 3.113.01. Staff has engaged in extensive discussion about both the safety and efficiency of this design. The loop streets are proposed to be low volume, low speed facilities in a rural setting. The full paved width of these streets is 28 feet, with parking on one side, 10-foot travel lanes, and a valley-style construction which directs stormwater down the center of the street to nearby storm drains. When staff requested the applicant construct sidewalks on at least one side of the loop streets, the applicant team explained that this would have an enormous impact on the design, shrinking down the interior residential courtyards to an unusable narrow size. These streets are intended for resident access to driveways and garages, not so much for visitors. Visitors would typically park in the shared parking tracts or side streets, and access dwelling units through the connected pathway network. The Planning Commission and City Council should discuss this feature. This staff report does not currently include a recommended condition of approval requiring sidewalks on the loop streets.

There was also extensive staff discussion about the applicant's request to build frontage in phases along Main Street/Donald Road, rather than the entire piece at the beginning of the project. Staff was concerned that a gap in sidewalk between the development of dwellings in Phase 1, prior to the build-out of the multi-family and commercial pad in Phase 3, would mean that residents would not have the ability to safely walk to work in Donald. To address this break in connectivity, the applicant has proposed to build an off-street hard-surface path along the remaining frontage with the development of Phase 1. City and County Engineers may be willing to permit this temporary pedestrian connectivity challenge until full build-out of the Main Street/Donald Road frontage.

Staff finds this criterion can be met through compliance with the recommended conditions of approval.

I. Street lights. The installation of street lights is required at locations and of a type required by City standards.

J. Street signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type required by City standards.

K. Public works requirements. Facility improvements shall conform to the requirements and specifications of the Donald Public Works Design and Construction Standards.

APPLICANT RESPONSE: Street lights, street signs, and facility improvements are planned to be provided where required and in conformance with City standards. Please see the Composite Utility Plan within the Preliminary Plans (Exhibit A) for available details regarding planned locations and type, though review will occur at future construction plan submittal. The above criteria can be met.

FINDINGS: These criteria can be met through developer compliance with the recommended conditions of approval.

L. Curb cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards.

APPLICANT RESPONSE: Curb cuts and driveway installations are provided according to City standards, as detailed on the Preliminary Plans (Exhibit A). The criterion is met.

FINDINGS: This criterion can be met through developer compliance with the recommended conditions of approval.

M. Financial requirements. All improvements required under this section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the final plat of the subdivision.

APPLICANT RESPONSE: Required improvements will be assured through a Developers Agreement acceptable to the City Attorney. The criterion is met.

FINDINGS: This criterion can be met through compliance with the recommended conditions of approval.

V. CONCLUSIONS & RECOMMENDATIONS

After review of the submitted application materials, staff recommendation, and consultation with City departments and partner agencies, the Donald Planning Commission has determined that the concurrent Subdivision and Planned Unit Development applications meet, or can meet, the applicable sections of the Donald Development Ordinance and Donald Comprehensive Plan.

The Planning Commission recommends City Council approval of the concurrent applications #PUD 2020-01 and SUB 2020-01, subject to the recommended conditions of approval listed below.

VI. RECOMMENDED CONDITIONS OF APPROVAL:

1. ANNEXATION & ZONE CHANGE: Approval of subdivision and PUD are contingent upon City of Donald approval and enactment of annexation and zone change.

2. LAND DIVISION STANDARDS: Subdivision approval is contingent upon PUD modification requests.

3. WATER & SEWER CAPACITY: Developer shall continue to work in good faith with the City of Donald on long term system capacity projects in order to serve this development and the greater Donald community.

4. ACCESS SPACING: Prior to final plat approval, the applicant shall revise the plan set to meet Marion County's minimum 150-foot access spacing requirement between the intersection centerlines of Huckleberry Road at Main Street/Donald Road and Street 2 at Main Street/Donald Road, or other configuration approved by County and City Engineers.

5. LEFT TURN WARRANT: Prior to final plat approval, applicant shall update left turn warrant analysis to demonstrate no warrants are met upon build-out of the multi-family development and hypothetical commercial development.

6. REVISED TRAFFIC STUDY: The applicant shall submit addendum TIS with each development application for the future multi-family housing and commercial pad.

7. MAIN STREET FRONTAGE IMPROVEMENTS: The developer shall construct full frontage improvements along Main Street / Donald Road NE prior to building permit issuance for Phase 1, to Marion County and City of Donald specifications. Alternatively, with City Engineer approval, the applicant may construct Phase 1 frontage improvements plus an ADA-compliant hard-surfaced pedestrian facility connecting the completed frontage of Phase 1 to the public right-of-way at the NW boundary of the subject property.
    a. MCPW Engineering Permits are required for any work, including for utilities, in the Main Street public R/W. Note that Marion County has maintenance jurisdiction and permitting authority over Donald Road / Main Street.
    b. MCPW Engineering will need to co-review stormwater detention calculations and design in conjunction with City Engineer review, prior to plat approval, as the anticipated drainage outfall is eastward leaving city limits via tributaries leading to Senecal Creek.
    c. Developer is responsible to maintain the integrity of Donald Road / Main Street pavement during transport of materials and construction activities. Any resulting damage will need to be addressed.

8. PHASING: The developer shall satisfy the following requirements;
    a. Prior to platting each phase, the developer shall demonstrate that all necessary Public facilities will be constructed as part of each phase.
    b. Development of each phase shall not result in dead-end water mains unless:

i. Dead-end mains are equipped with blow-offs.
ii. Minimum fire flow requirements can be met including 500 gpm for residential structures and 1,500 gpm for multi-family and commercial structures.

c. Sewer stub-outs for connections to future phases shall have clean-outs.
d. Development of each phase shall provide street connectivity or hammer-head turn-arounds suitable for a fire truck.
e. Temporary roadways shall have driving surfaces suitable for emergency vehicles, to be approved by City Engineer.

9. PUBLIC FACILITIES: All public utilities and facilities shall be designed and constructed to conform to the current Public Works Design & Construction Standards of the City of Donald and Marion County (where applicable), except where otherwise explicitly approved through the PUD review, or by the City Engineer.

10. COMPLETION OF REQUIRED IMPROVEMENTS: All improvements required of the developer shall be completed prior to recording the final plat for each phase. Alternatively, improvements may be assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat, pursuant to DDO 2.301.03 and 3.102.03.

11. IMPROVEMENT PROCEDURES: Improvements installed by the developer shall be installed in accordance with the procedures of the DDO 2.307.07.

12. MATTHIEU STREET ROW: Prior to platting Phase 12 or 13 on Matthieu Street, developer is responsible for acquisition of property dedication for 50-foot wide right-of-way on Matthieu Street.

13. MATTHIEU STREET IMPROVEMENTS: Prior to issuance of building permits for Phase 12 or 13 on Matthieu Street, developer is required to construct off-site improvements to the gravel portion of Matthieu Street. Developer shall construct a minimum 20-foot paved width from the end of paved street at TL 1201 to the frontage of TL 300, to Donald Public Works Design and Construction Standards.

14. MATTHIEU STREET UTILITIES: Developer is required to construct water and sewer utility connections from end of paved Matthieu Street to the frontage of TL 300.

15. MATTHIEU STREET ROW DEDICATION: Prior to any final plat approval on TL 300, the applicant shall dedicate a minimum 25-foot wide right-of-way for the development of Matthieu Road.

16. FIRE DISTRICT APPROVALS: Prior to platting each phase, developer shall provide the City written approval from the Aurora Rural Fire District that the proposed development provides sufficient access and fire hydrants to comply with the Fire Code Applications Guide, for both temporary construction and permanent emergency access, turn-arounds, and hydrants.

17. PROPORTIONAL SHARE CONTRIBUTION: Prior to each phase of plat approval and/or issuance of building permits for commercial development, remit a proportional share contribution for that particular phase of development in an amount commensurate with the calculated amount of traffic based on ITE methodology and TIA trip distributions toward the following projects that are identified in the Marion County TSP:
    - · Ehlen Road/I-5 NB Ramps & Signalization
    - · Ehlen Road/I-5 SB Ramps & Signalization
    - · Ehlen Road/Bents Road/Bents Court Signalization and someimprovements
    - · Ehlen Road/Butteville Road Signalization and additional turn lanes, or other suitable improvement
    - · Yergen Road/Ehlen Road/Donald Road Realignment

18. IRRIGATION WELLS: Well water shall not mix with municipal water in a piped system.

19. WELL ACCESS: Access to existing irrigation well along the frontage of TL 2600 shall be interior to the site, and shall not be permitted from Main Street / Donald Road NE.

20. POTENTIAL MUNICIPAL WELL USE: Should the existing well along the frontage of TL 2600 be determined to meet the standards for municipal purposes, the City Engineer and Public Works Director are required by Oregon Health Authority to adopt an agreement and plan for municipal use, containing details on ownership and maintenance agreements. The developer/applicant shall participate in bringing the well into usable condition, which may include but is not limited to the construction of a pump house, paved access, dedicated parking for City Public Works, and public setbacks.

21. WELLHEAD PROTECTION AREA: The developer shall work with the City to obtain approval/variances from Oregon Health Authority (OHA) for any proposed sanitary/public health hazards within the 100-foot sanitary setback around the irrigation well on the frontage of TL 2600, per OAR 333-061-0050.

22. PUBLIC WORKS COMMENTS: The applicant/developer shall comply with all plan revisions included in the attached Public Works memorandum, unless otherwise app

23. CITY ENGINEER COMMENTS: The applicant/developer shall comply with all plan revisions included in the attached City Engineer memorandum.

24. MARION COUNTY COMMENTS: The applicant/developer shall comply with attached comments from Marion County Public Works Transportation Staff.

25. TURNING RADIUS: Prior to final plat approval, the applicant shall provide additional truck turning movements at emergency vehicle access easements.

26. STORMWATER: Prior to platting, applicant's Stormwater Report shall satisfy City of Donald Public Works Standards.

27. WETLANDS: Applicant/developer shall secure, and provide copies to the City, of all permits required by the Department of State Lands and the Army Corps of Engineers (if applicable) for development of site and relocation of mapped drainage pipe.

28. COMMERCIAL PAD: Prior to building permits, developer shall secure Site Development Review approval from City of Donald for future commercial pad site. Individual commercial buildings shall not exceed a gross floor area of 25,000 square feet to ensure neighborhood-scaled development.

29. MULTI-FAMILY: Prior to building permits, developer shall secure all applicable land use review approval(s) from City of Donald for future multi-family housing site.

30. COMMUNITY PARK DETAILS: Prior to platting the corresponding phase, the applicant shall provide details for the community park sufficient to determine appropriate vehicle and bicycle parking ratios. Alternatively, the applicant/developer may submit a Site Development Review application for the development of the park.

31. DENSITY: Applicant shall meet minimum density of residential units required of total PUD with future multi-family housing site.

32. THROUGH LOTS: Subdivision through lots #296-299 shall take access from Street 13, and shall not be permitted to construct driveways on the Matthieu Street side.

33. STREET TREES: Applicant shall select tree species from City's adopted street tree list, or as otherwise approved by Donald Public Works. No trees shall be located within 10 feet of any utility, without prior approval by Donald Public Works.

34. HOA MAINTENANCE: Homeowners Association (HOA) shall be responsible for the ongoing maintenance of all off-street parking areas, pathways, courtyards, open space, parks, gardens, and street trees.

35. CLEAR VISION: Homeowners Association (HOA) shall be responsible for maintaining clear vision areas on all street intersections.

36. HOMEOWNER SIDEWALK MAINTENANCE: Consistent with the City of Donald Code, homeowners in the Harvest Gardens Agrihood shall be responsible for the ongoing maintenance of public sidewalks abutting their property, unless otherwise performed by HOA.

37. EMERGENCY ACCESS GRAVEL ROAD: Proposed emergency access gravel road connecting TL 2600 with TL 300 is outside of City jurisdiction, and shall only be developed in coordination with Marion County approval.

38. RESIDENTIAL DESIGN STANDARDS: Prior to building permits, all new dwelling units are required to meet dimensional standards of the underlying residential zone and the Residential Design Standards found in DDO 2.312, unless modifications are approved through the PUD.

39. SYSTEM DEVELOPMENT CHARGES: Prior to building permit, developer shall pay System Development Charges, or credits in the amount listed in the City Master Plans.

40. STREET SIGNS: The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City, and shall be of a type required by City standards.

41. PRIVATE UTILITIES: All development which has a need for electricity, gas and communication services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.

42. STREETLIGHTS: Where required, installation of streetlights shall be pursuant to the requirements of the City and the company serving the development, PGE.

43. EASEMENTS: Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions and partitions.

44. WASTE COLLECTION: Prior to platting, applicant shall supply the City written approval by the waste collection company, confirming ability to serve.

45. SIGNAGE: No signage is reviewed or approved with this decision. All signage shall comply with the City of Donald Sign Standards DDO 2.310.

46. MONUMENTS. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

47. BENCH MARKS. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.

48. RECORDING: Consistent with the attached comments from Marion County Surveyor's Office, subdivision name must be approved per ORS 92.090. Subdivision must be surveyed and platted per ORS 92.050. Subdivision plat must be submitted for review. Checking fee and recording fees required. Per ORS 92.065 - Remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

49. PUD MODIFICATIONS: Pursuant to DDO 3.113.03(E) *Modifications to an approved PUD,* once a final PUD plan has been approved, the PUD may be modified as follows:
    a. Minor modifications to an approved PUD will require a Type I administrative review.
    b. Major modifications to an approved PUD will require a Type III quasi-judicial review by the Planning Commission.
    c. Determination of the appropriate review type for a PUD modification will be made by City planning staff.

50. SUBDIVISION EXPIRATION: Whereas DDO 3.109.03 *Time limit* states "Approvals of any preliminary plans for a subdivision shall be valid for one year after the date of the written decision. A final subdivision plat shall be recorded within this time period or the approval shall lapse." The applicant has requested and received an extension for the recording of Phase 1 for three (3) years from the date of signed decision. If the approval period is allowed to lapse, the applicant must resubmit the Subdivision proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

51. PUD EXPIRATION: Donald City Council approval of the submitted PUD and Subdivision is valid for a period of 12 years, after which time no additional phases may be platted without additional land use review and approval by the City of Donald. Consistent with ORS 92.040, the applicant shall apply for a Type I staff level review at 10 years. The purpose of the review will be to determine if the DDO Subdivision standards have changed since the time of Subdivision approval, and whether any modifications to the approval should be made, which may require a re-application by the applicant for the remaining phases if significant modifications are deemed necessary.

VIII. CITY COUNCIL OPTIONS

A. Motion to APPROVE concurrent files #SUB 2020-01 and #PUD 2020-01 as recommended by the Donald Planning Commission and staff, and ADOPT the findings and recommended conditions of approval included in the staff report dated July 7, 2020.

B. Motion to APPROVE concurrent files #SUB 2020-01 and #PUD 2020-01 as recommended by the Donald Planning Commission and staff, and ADOPT the findings and recommended conditions of approval included in the staff report dated July 7, 2020, WITH REVISIONS desired by the City Council (stating those revisions).

C. Motion to DENY concurrent files #SUB 2020-01 and #PUD 2020-01, and ADOPT amended findings that the request(s) do/does not meet the applicable approval criteria (stating those revisions).

D. Motion to CONTINUE the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

EXHIBIT A

COMBINED RFC RESPONSES: HARVEST GARDENS SUB & PUD

A. City of Donald City Manager Heidi Bell

See attached memo.

B. City of Donald Public Works Superintendent Alonso Limones

See attached memo, as well as comments below.

RE: Revised PUE diagram.

"The diagram looks satisfactory. Public easements in the PW Standards are call out at a minimum of 15ft, they are proposing a 14.25ft X17ft. The dimensions of the septic tank that will be install is 7ft X 7ft and adding the 3ft spacing on each side is equal to 13ft for one side, which means that we will have plenty of room for repair and maintenance purposes."

C. City of Donald City Engineer, Matt Huxley, Tetra Tech

See attached memo, as well as comments below.

1. Applicant shall construct all public facilities in accordance with the City's engineering standards prior to beginning foundation work on buildings (prior to building permit).
2. Development of each phase shall not result in dead-end water mains unless:
    - Dead-end mains are equipped with blow-offs.
    - Minimum fire flow requirements can be met including 500 gpm for residential structures and 1,500 gpm for multi-family and commercial structures.
3. Sewer stub-outs for connections to future phases shall have clean-outs.
4. Development of each phase shall provide street connectivity or hammer-head turn-arounds suitable for a fire truck.
5. Temporary roadways shall have driving surfaces suitable for emergency vehicles, to be approved by City Engineer.
6. "Provide additional truck turning movements at emergency vehicle access easements."
7. Provide full street frontage improvements from the City limits to Phase 1, or temporary ADA-compliant hard surfaced pedestrian path separated from the roadway in lieu of full frontage improvements.
8. Provide a 100-foot sanitary setback around the existing irrigation well next to Donald Road, in compliance with OAR 333-061-0050.

D. Marion County Planning Department

See attached email.

E. Marion County Public Works / Transportation Department (see attached memo)

See attached memo and email.

F. Marion County Surveyor's Office

See attached memo.
I have reviewed the documents for this annexation, and they look good.

G. North Marion School District Superintendent Ginger Redlinger

This is a beautiful plan for a community! It provides much needed housing and wholesome environment that blends into the existing assets of our area. There are only two concerns that I am sure can be addressed in the future. This plan will impact the school district which will be required to provide services to the children in the community. The first concern is for road configuration for school buses, the second is the impact on the school district classrooms. The size of the development will impact the schools. The North Marion School District will need time to adjust to increased demand. The 12 year plan is preferred!

H. Aurora Rural Fire District, Chief Greg Dyke

See attached code, as well as the comments below.

I. PGE Senior Business Development Manager, Melissa Rogers & Ken Spicer

A few concerns from PGE include:

- Substation & feeder capacity
- Need for a public utility easement (PUE) for our facilities in the subdivision including:
    - Adequate space for our transformers and pedestals.
    - Space for other utilities.
    - Driveable access along the PUEs for installation and maintenance of equipment.

It might be good to have another meeting with folks when it makes sense to talk about infrastructure support. We met with AKS, GK Machine and Heidi at the City of Donald about 2 years ago on this project. Earlier the conversation the better. I look forward to assisting folks on this exciting opportunity.

PGE prefers a 10' PUE, but 8' is minimum and we can accommodate that.

I do not recall if you/team have submitted a service request for this project yet. Is there a page in the full application that discusses timing of the project? When you are ready to submit a service request, you can check out the "Request for new Service" applications online here. Once that application has been submitted your project will be in the PGE queue and a Design Project Manager will be assigned to the project. That person will be able to address questions while coming up with a plan to service the project.

In the meantime, I have copied Ken Spencer, he is a distribution Engineer for the Donald area and can help address questions if you are not quite ready to put in an application for service. There are capacity constraints in the Donald area and we will want to make sure we have adequate time to address those to meet power requirements for this project. As such, we are happy to meet with your project team when appropriate.

When thinking about the size of the PUE, recognize there will be a septic tank parked in the front of each house. The tank will occupy a good portion of the PUE. This will effectively reduce the PUE by half, or more.

J. ODOT Regional 2 Development Review Coordinator Casey Knecht, P.E.

Dan Fricke and I looked at this and we have no comments. Thanks,

K. Kinder Morgan, Joe Vargas

See attached map showing pipeline.

L. Department of Land Conservation & Development (DLCD) Regional Rep. Angela Carnahan

I don’t have any issues or concerns, we are excited for the City to see this project come to life.

M. Oregon Department of State Lands (DSL) Grey Wolf

See attached memo.

N. Oregon Department of Revenue (DOR)

This letter is to inform you that the Description and Map for your planned Annexation to the City of Donald (AKS Job #6732) in Marion County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Marion County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

CITY OF DONALD

10710 Main Street N.E. • P.O. Box 388 • Donald, OR 97020-0388
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www.donaldoregon.gov

To: Holly Byram, City Planner
From: Heidi Bell, City Manager
Date: June 8, 2020
RE: Request for Comments: Harvest Gardens Planning Application

Below are my comments regarding my review of the submitted planning application for Harvest Gardens.

- Overall, clarification needed as to what the HOA will maintain and what is being asked that the City accept authority over and maintain.
    - Parks: What is in the parks? What level of parks will need to be maintained? Playground, splashpad, wood chips for walking, disc golf course, etc.? What is the City accepting responsibility to maintain?
    - What features of parks are not open to the public?
- Frontage improvements will be constructed as per Donald Development Code, unless City Engineer, City Attorney and Public Works Director approve alternative construction plan. At time of Phase 1, the project should provide connectivity across the entire frontage for people to use and access downtown Donald. Alternatives to sidewalks may be considered by Public Works Director, City Engineer, and/or City Attorney.
- Note that at all phases and for all facets of this project, the applicant will need to continue work collaboratively with the City, especially to overcome any financial barriers or unknown infrastructure hurdles or other similar problems that might arise.
- Are there any existing utilities or infrastructure on this property that needs to be abandoned? Like natural gas lines, septic tanks, old/dried wells, etc.
- Discussion of bike paths, but what about location of bike racks? Bike racks should be installed in the parks (later in the commercial and multi-fam areas with site design)
- Will H.G. use City water for irrigation of the community gardens, street trees, edible landscaping, etc.? Or will it be from a private well? Or is it to be processed onsite/offsite to a reusable treatment level (i.e. purple pipe). Overall, city must know the amount of water demanded for any above and beyond type features that required water for inclusion its Master Plan. What is expected of the City to provide water for, and how much? This needs further research and may need to be included into the City's Master Plan. This is currently happening, but don't want to lose sight of this need.
    - If H.G. is providing this irrigation water, please check with State/HOA insurance on any liability of using "untreated" well water for irrigation? Including the responsibility, costs and process for monthly testing? Who will report it to the State/public?

- Courtyard streets; seem to be more of an alley, since there are no sidewalks and the road surface is narrow. As submitted, these are non-conforming streets, which is allowed in a PUD. The proposed idea incorporates internal sidewalks in the courtyard. This concept is new to neighborhood design. The City should be aware of this different concept and willing to entertain the ideas purposed by the applicant. However, the City should also weigh it against the purpose of sidewalks along streets. Parking is purposed on both sides of the street; the City should address if one-side parking or two-side parking is desirable.
- Street 4's purpose needs evaluated. It is open to the public. However, if it is fire access only, it might be best to have it gated. Consider installing an imperviable surface and having this area serve a second purpose? Perhaps a dog walking area? Or some other open space with a bench? Instead of just pavement that would only get used during an emergency. Otherwise, there could be trouble for maintaining it as a no-parking area for emergency access only. In this area, will the City be responsible for the no-parking enforcement or the HOA?
- Not much information provided on how much electricity and natural gas will be used/affected by this application. Applicant should setup a meeting with these providers to discuss energy efficient solutions.
- It is not clear from the response if they are/or are not using T-111.
- If the existing well is found to be useful for municipal purposes then the City Engineer and Public Works Director will need to approve a plan (with Oregon Health Authority) with details about ownership, maintenance/service agreements and getting it in usable condition like building a pump house, parking spot for PW trucks, a paved entry, public setbacks, etc.).
- Applicant uses term "Developers Agreement" in application. Does HG intend on issuing a bond for up to 12 years? Or per phase?
- Street trees will be planted according to the City street tree list.
- We are getting comments from public about what park areas are open. It would be helpful if the application flushed this out in the intro section. See page 6, "open space" and "interconnected ped circulation system discussion" can everyone use these? A map would be useful to help communicate with the public.
- Page 23: spelling error, second sentence "reginal" s/b "regional"
- Applicant will pay System Development Charges, or credits in the amount listed in the City Master Plans.
- Overall, notes on sustainability:
    - I believe that there are sustainable measures being considered in Agrihood. I am hopeful that the applicant finds a way to communicate the sustainability elements to the public; like smart thermostats, toilets, and lots of other ideas emerged. Wondering if they are still being considered.

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Phone 503-678-5543 • Fax 503-678-2750
www.donaldoregon.gov

To: Holly Byram, City Planner

CC: Heidi Bell, City Manager

From: Alonso Limones, Public Works Director

Date: 6/11/2020

Re: Request for Comments: Donald HARVEST GARDENS Annexation, Zone Change, PUD, Subdivision

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Revised and additional comments that I found needed to be either corrected on the plans or addressed prior to my approval:

Public Utilities and Services (Streets, Water, and Sewer)

- Frontage improvements will be constructed as per Donald Development code along Main Street / Donald Road, unless City Engineer, City Attorney, City Manager and myself approve alternative construction. At time of phase 1, the project should provide connectivity for people to use and give access to Main St and downtown.
- Courtyard streets with no sidewalk: if a street is proposed there is safety concerns of pedestrians accessing and exiting their vehicles parked on the one side of the street if there is no sidewalk or walkway. Parked side needs to include a sidewalk. But if these are proposed as alley ways since there is no sidewalk and are narrow, safety treatment options should be considered for the presents of people on these alley ways.
- Court yard streets driveways: Vehicles exiting and turning radius out of some of the driveways still a concern especially by track parking areas and the parking side of the streets.
- Preliminary Plan, P27. Existing water line is 10” not 12” as listed.
- Courtyard streets, Crosses between water and sewer main lines should be avoided. Water lines should loop all the way around away from sewer. Separation distance minimum of 10ft. Sewer lines to dead end.
- Sewer mail lines need to show gate valves connections at all intersection points. Air relief valves must be included at high points.
- All water stub for future connection points will end with a blow off connection.
- Fire hydrant and emergency vehicle access requirements must be address by fire district.
- Water meter locations not showed. Same as septic tank.

Please do not hesitate to ask us any questions or concerns you might have

Byram, Holly

From: Brandon Reich <BREICH@co.marion.or.us>
Sent: Thursday, May 7, 2020 8:16 AM
To: Byram, Holly
Cc: John Rasmussen; Lindsey King; Planning@co.marion.or.us; manager@donaldoregon.gov; publicworks@donaldoregon.gov; Brooke Harrison; Matt Huxley
Subject: Re: Question RE: RFC - Request for Comments: Donald HARVEST GARDENS Annexation, Zone Change, PUD, Subdivision

External: Please report suspicious email to security@wesd.org

Please accept these comments as Marion County Planning's response to the city's request for comments on its annexation and development proposal.

Any land annexed into the city must already be within the urban growth boundary of the City of Donald. Land outside the UGB may not be annexed or developed with urban uses, including roadways and stormwater or other city facilities, except as described below.

From the submittal, I was not able to determine the location of the proposed emergency access road. Will this road be within the UGB or outside the UGB?

Inside the UGB:

Inside the UGB, outside the city limits, new roadways in conformance with the city's comprehensive plan and easements can be established consistent with MCC 16.25.100(C) without land use review.

C. Establishment of new public right-of-way and easements, including construction of streets, roads and utilities in conformance with the applicable comprehensive plan, the standards of the department of public works, and the provisions of Chapter 16.33 MCC. Street right-of-way shall not be greater in width than twice the special setback in MCC 16.27.210 unless the greater width is necessary to include cut and fill slopes.

Utilities within the UGB outside the city limits may be established in rights-of-way consistent with MCC 16.25.100 or on land zoned Urban Transition consistent with MCC 16.13.010 (H). Neither require a land use review in the urban area.

H. Public utilities* providing services to the local area, such as utility substations, pump stations, reservoirs and low voltage (57 KV or less) electrical transmission lines.

Outside the UGB:

Oregon Administrative Rule allows an emergency access road to be established on rural land (OAR 660-012-0065 (3)(g)) without any additional land use review.

(g) New access roads and collectors within a built or committed exception area, or in other areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

Public facilities, including piping, may be established on rural land consistent with OAR 215.275. Marion County implements that statue through its local code, MCC 17.136.040(I). If the city wishes to put public utility or service pipes in the EFU it may be able to do so by applying for and receiving approval for an administrative review from the county.

215.275 Utility facilities necessary for public service; criteria; rules; mitigating impact of facility. *(1) A utility facility established under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.*

(2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of available urban and nonresource lands;

(d) Availability of existing rights of way;

(e) Public health and safety; and

(f) Other requirements of state or federal agencies.

(3) Costs associated with any of the factors listed in subsection (2) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.

(4) The owner of a utility facility approved under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(5) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213 (1)(c)(A) or 215.283 (1)(c)(A) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

(6) The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

Pipes can be placed in a right-of-way without a land use permit. However, rights-of-way are usually not established for emergency access only (that is done by easement) and rights-of-way usually come with a requirement the city provide access and transportation of some kind across the right-of-way. I don't believe the city could establish a right-of-way for only emergency access and then use that for pipes. However, that may be something the city could look into with its attorney and DLCD staff and make county planning a proposal.

Additionally, page 463 of the city's request appears to show some kind of structure, perhaps a stormwater facility, toward the southeast of the UGB. If publically owned, this could also potentially be established as a utility facility necessary for public service by the city applying for and receiving approval for an administrative review from the county.

Please let me know if you have any questions or I can provide additional information.

Thank you,

Brandon

>>> "Byram, Holly" <HByram@mwvcog.org> 5/6/2020 5:34 PM >>>
Good afternoon Marion County Planning,

When you submit comments on Donald's Harvest Gardens application, could I also ask you to please address this: The applicant is showing a gravel emergency access road connecting the two portions of the PUD, which routes across unincorporated property (under the same ownership). 1) Is this an issue? 2) If the City were to recommend looping water and sewer between the two portions of the PUD, would this gravel emergency access alignment be an option? What are the parameters regarding running a City utility across an unincorporated property?

Thank you!

From: Janelle Shanahan <jshanahan@co.marion.or.us>
Sent: Wednesday, June 10, 2020 2:15 PM
To: John Rasmussen <JRasmussen@co.marion.or.us>; Byram, Holly <HByram@mwvcog.org>
Cc: manager@donaldoregon.gov; publicworks@donaldoregon.gov; Brooke.Harrison@tetratech.com; Matt.Huxley@tetratech.com
Subject: Re: Follow ups from Donald Harvest Gardens discussion last week

Hi Holly,

Marion County does not support the proposed street location intersection of Street 2 with Donald Road currently proposed at 100' east of Huckleberry Lane. Chapter 10 of the Marion County TSP holds the policies for Access Management and Spacing Requirements. I have reviewed the policies and found the following:

While Donald Road is classified as a Minor Collector in the rural transportation system, this segment inside the city limits is classified as an Arterial. It is not a unique situation to have one county roadway classification leading into a city and for it to change within city limits. Monitor Road in Silverton, Mill Creek Rd in Aumsville, and Marion Rd in Turner are all similarly classified as arterials within their respective urban areas and individual transportation plans.

Table 10-2 addresses the spacing standards to be followed for access spacing requirements to be applied to a City's functional class of the roadway designated in the City's TSP. City of Donald classifies Donald Rd as an arterial; and Table 10-2 calls for 300' spacing for an arterial. In comparison Table 10-1 is for access spacing on the rural transportation system, and Donald Road, classified as a Minor Collector, requires access spacing of 150' from any intersection.

Further research found that on the federal classification system, Donald Road transitions from a Minor Collector east of city limits, to a Major Collector at Huckleberry Lane. It is classified as a major collector between Huckleberry Lane and Butteville Rd. A Major Collector in Table 10-2 requires an access spacing standard of 150', and appears to be what has been practiced on this segment of Donald Road.

With these findings, Marion County can support a minimum street spacing of 150' for the new streets proposed east of Huckleberry Lane with the proposed PUD. Another acceptable alternative would be to align the street with Huckleberry eliminating the offset T intersections.

Our County engineer has also had discussions with Lancaster Mobley regarding the need for additional analysis for the buildout scenario.

Heidi, one other item I wanted to point out, if it hasn't already been addressed, is that there will be a sidewalk gap on the south side of Donald Road between Brentwood and the west limits of Harvest Gardens. Could there be some action items during some phase of the approval to have this sidewalk completed with development? Maybe through SDCs?

Sincerely,
Janelle

I am working remotely most of the time and can most easily be reached at 503-551-1048.

Janelle Shanahan, P.E.
Transportation Planner
Marion County Public Works
(503) 588-5036 (front desk)
(503) 566-4147 (direct)
jshanahan@co.marion.or.us

Marion County
OREGON

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May 6, 2020

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Via email: hbyram@mwvcog.org
Holly Byram, Associate Planner
MWVCOG
100 High Street SE, Ste 200
Salem OR 97301

RE: RFC
Harvest Gardens ANX / ZC / PUD / SUB
11,000 Block Main St NE, Donald

Dear Holly:

Approval of the proposal within the City of Donald would allow annexation and development of approximately 62-acres of UGB land comprised of two parcels for residential and commercial uses. Our comments are as follows:

CONDTIONS

A. Prior to each phase of plat approval and/or issuance of building permits for commercial development, remit a proportional share contribution for that particular phase of development in an amount commensurate with the calculated amount of traffic based on ITE methodology and TIA trip distributions toward the following projects that are identified in the Marion County TSP:

- *Ehlen Road/I-5 NB Ramps & Signalization*
- *Ehlen Road/I-5 SB Ramps & Signalization*
- *Ehlen Road/Bents Road/Bents Court Signalization and some improvements*
- *Ehlen Road/Butteville Road Signalization and additional turn lanes, or other suitable improvement*
- *Yergen Road/Ehlen Road/Donald Road Realignment*

Nexus is the anticipated offsite impacts of the development to these intersections that have identified State and County projects.

B. On the plat, dedicate sufficient public R/W on Main Street to meet city standards.

C. Prior to plat recording of any phase of the development on TL 2600, design, permit and construct Main Street ¼-street urban improvements to City and Marion County standards.

REQUIREMENTS

D. MCPW Engineering will need to co-review stormwater detention calculations and design in conjunction with City Engineer review, prior to plat approval, as the anticipated drainage outfall is eastward leaving city limits via tributaries leading to Senecal Creek.

E. MCPW Engineering Permits are required for any work, including for utilities, in the Main Street public R/W. Note that Marion County has maintenance jurisdiction and permitting authority over Donald Road / Main Street.

F. Developer is responsible to maintain the integrity of Donald Road / Main Street pavement during transport of materials and construction activities. Any resulting damage will need to be addressed.

RECOMMENDATION

G. An approximate 900-foot segment of Matthieu Street is a graveled Local Access Road, not maintained by Marion County, and is speculated to be situated either partially or wholly outside the adjacent city R/W, within the UGB. The City should consider requiring the Developer to conduct an offsite road improvement inside the public R/W to provide adequate connectivity for all modes of travel on behalf of the 50 +/- proposed southwest lots.

ADVISORY

H. The Developer should consult with Marion County Planning Department for a compatibility determination regarding the proposed establishment of a fire apparatus emergency access road depicted on the land use Application materials as being outside the UGB on EFU land.

Sincerely,

John Rasmussen

John Rasmussen
Civil Engineering Associate

C: Heidi Bell, City Administrator, manager@donaldoregon.gov
Curt Mcleod, Curran-Mcleod Eng, City Engineer, cjm@curran-Mcleod.com
Joe Fennimore, Marion County Planning Director

G:\Engineering\LDEng&Permits\Planning Actions\2020\Cities\Donald\2020 ANX_ZC_PUD_Sub - Harvest Gardens.docx

Comments on Planning Action: ___**Donald Subdivision – Harvest Gardens**

Subdivision:

__X__ 1. Subdivision name must be approved per ORS 92.090.

__X__ 2. Must be surveyed and platted per ORS 92.050.

__X__ 3. Subdivision plat must be submitted for review.

__X__ 4. Checking fee and recording fees required.

__X__ 5. Per ORS 92.065 - Remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation.

__X__ 6. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Partition:

____ 1. No survey required on parcels created over ten acres.

____ 2. Parcels ten acres and less must be surveyed.

____ 3. Per ORS 92.050, plat must be submitted for review.

____ 4. Checking fee and recording fees required.

____ 5. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

Property Line Adjustment:

____ 1. No survey required. The resultant property is greater than ten acres.

____ 2. Must be surveyed per ORS 92.060 (7) and the survey submitted for review.

____ 3. Survey checking fee required at the time of review.

(See Page 2 for additional comments)

Property Line Adjustment (continued):

____4. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the survey map. Per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment. [See Marion County Zoning Code MCC 16.33.140(E) and MCC 17.172.120(E)]

Marion County Planning requires perimeter descriptions of the resultant properties.

____5. A re-plat (in the form of a partition plat) is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed for the area being transferred shall be recorded with the Marion County Clerk's Office, prior to the recording of the re-plat. Deed recording reference numbers shall be noted on the plat. As per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.

The deeds conveying the re-platted parcels shall be recorded after the recording of the re-plat.

Re-plat: (Re-configuration of lots or parcels and public easements within a recorded plat)

____1. Must comply with all provisions per ORS 92.185 (6)

____2. Must be surveyed and platted per ORS 92.050, and the plat submitted for review.

____3. Checking fee and recording fees required.

____4. A current or updated title report must be submitted at the time of review.

____5. The portion of the subdivision or partition plat proposed for replatting contains utility easement(s) that will need to be addressed. Per ORS 92.185 (4), when a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all of the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.

Other comments specific to this Planning Action:

AURORA RURAL FIRE DISTRICT
21390 NE Main Street / PO Box 9, Aurora OR 97002
Station 503.678.5966 / Fax 503.678.1344

Fire Code Applications Guide

This guide is intended to provide assistance in the application of the fire code

with in Aurora Rural Fire Protection District

Notes to Users

Local Development Codes

Check the local city or county development code to determine the applicability of roadway standards as it relates to conflicts with this guide and/or the adopted fire code.

ORS 368.039 Road standards adopted by local government supersede standards in fire codes; consultation with fire agencies.

(1) When the governing body of a county or city adopts specifications and standards, including standards for width, for roads and streets under the jurisdiction of the governing body, such specifications and standards shall supersede and prevail over any specifications and standards for roads and streets that are set forth in a uniform fire code adopted by the State Fire Marshal, a municipal fire department or a county firefighting agency.

(2) This section applies to specifications and standards for roads and streets adopted by the governing body of a county or city in a charter, acknowledged comprehensive plan or ordinance adopted pursuant to ORS chapter 92, 203, 221 or 195.065, 368.039, 478.920, OAR918-480-0100

(3) Before adopting or amending any comprehensive plan, land use regulation or ordinance that establishes specifications and standards for roads and streets, a governing body of a county or city shall consult with the municipal fire department or other local firefighting agency concerning the proposed specifications and standards. The county or city governing body shall consider the needs of the fire department or firefighting agency when adopting the final specifications and standards.

Dispute Resolution Process

The Office of State Fire Marshal's (OSFM), Dispute Resolution Process allows an aggrieved party to dispute inspection findings of the local fire marshal. This process allows the aggrieved party to ask for a "second opinion" but does not supersede the local or State Fire Marshal's appeal process. The local fire marshal, through the OSFM, arranges a conference call with the aggrieved party and on-call code experts from other jurisdictions and industry. The on-call group discusses the case and the local fire marshal takes the group's second opinion into consideration when rendering a decision in writing to the aggrieved party. The goal of the OSFM is to conduct the conference call within 48 hours (two business days) for new construction and no more than seven business days for maintenance issues of the notice of dispute. Aggrieved parties who are not satisfied with the findings can appeal the decision to a local appeals board, if available, otherwise to the OSFM.

Preamble/Authority and Scope

The above jurisdictions have elected to administer and enforce the Oregon Fire Code under the authority granted to them by ORS 476.030 or ORS 476.060. The Oregon Fire Code is the International Fire Code, 2012 Edition, as published and copyrighted by the International Code Council, which has been amended and adopted by the Oregon State Fire Marshal's Office. In order to further the Oregon State Fire Marshal's goal of promoting fire code consistency throughout the state, the above jurisdictions have agreed to reduce local amendments.

Nevertheless, the above jurisdictions have prepared this Applications Guide to provide good faith guidance to building officials, contractors, business owners, the public, and fire marshals on local interpretations and practices that are considered to be in compliance with the Oregon Fire Code. The intent is to clarify aspects of the code that are vague or non-specific by addressing selected issues under normal conditions. This Applications Guide does not create or replace code provisions, and is not an adopted policy of the above jurisdictions. The reader is cautioned that the guidance detailed in this Applications Guide may or may not apply to their specific situation, and that the designated authority for each jurisdiction retains final authority to determine compliance.

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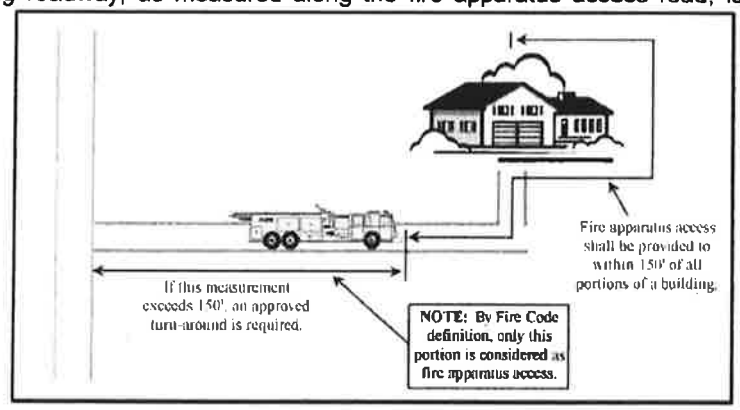
Fire Apparatus Access

FIRE APPARATUS ACCESS ROAD EXCEPTIONS: The requirements for fire apparatus access may be modified as approved by the fire code official where any of the following apply: (OFC 503.1.1 Exception)

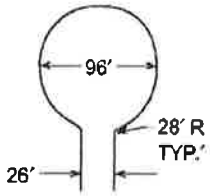
1) Buildings are equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
2) Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3) There are not more than two Group R-3 or Group U occupancies.

FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS: Access roads shall be within 150' feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150' feet. (OFC 503.1.1)

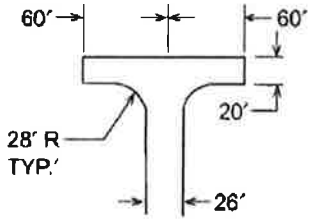


DEAD END ROADS: Dead end fire apparatus access roads in excess of 150' feet in length shall be provided with an approved turnaround.

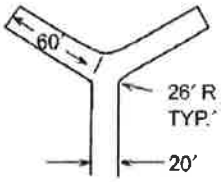
Diagrams of approved turnarounds are shown below: (OFC 503.2.5)



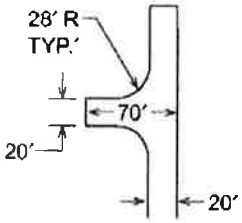
96' DIAMETER CUL-DE-SAC



120' HAMMERHEAD



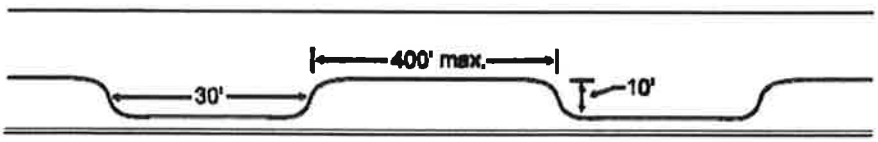
ACCEPTABLE ALTERNATIVE TO 120' HAMMERHEAD



ACCEPTABLE ALTERNATIVE TO 120' HAMMERHEAD

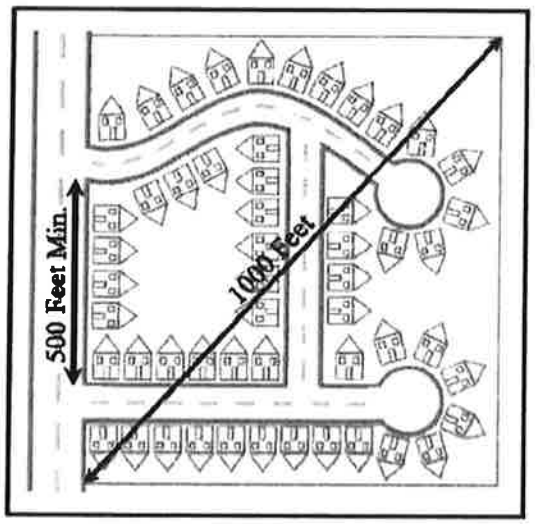
TURNING RADIUS: The inside turning radius and outside turning radius shall be not less than 28' feet and 48' feet respectively, measured from the same center point. (OFC 503.2.4 & Appendix D)

TURNOUTS: When a fire apparatus access road exceeds 400' feet in length, turnouts 10' feet wide and 30' feet long shall be provided in addition to the required road width and shall be placed no more than 400' feet apart, unless otherwise approved by the fire code official. These distances may be adjusted based on visibility and sight distances. (OFC Chapter 5)



MULTIPLE ACCESS ROADS: Developments of one- and two-family dwellings where the number of dwelling units exceeds 30, multiple-family residential projects having more than 100 dwelling units and where vehicle congestion, adverse terrain conditions or other factors that could limit access, as determined by the fire code official, shall be provided with not less than two approved means of access. Exceptions may be allowed for approved automatic sprinkler system. The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (OFC D106 & D107)

MULTIPLE ACCESS ROADS SEPARATION: Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. (OFC D104.3 & D107.1)



GRADE: Fire apparatus access roadway grades shall not exceed 10% percent. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. When fire sprinklers are installed, a maximum grade of 15% may be allowed. Portions of aerial apparatus access roads that will be used for aerial operations shall be constructed as flat as possible and shall not exceed 6%. The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (OFC D103.2) OAR 918-480-0100

ANGLES OF APPROACH AND DEPARTURE: The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus (OFC 503.2.8)

FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE: Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20' feet (26' feet adjacent to fire hydrants) and an unobstructed vertical clearance of not less than 13' feet 6" inches. (OFC 503.2.1 & D103.1)

Note: When serving two or less dwelling units and accessory buildings, the driving surface may be reduced to 12' feet, although the unobstructed width shall be 20' feet. Turning radii for curves and turnarounds on reduced width roads shall be not less than 28' feet and 48' feet respectively, measured from the same center point.

ADDITIONAL ACCESS ROADS-ONE OR TWO FAMILY RESIDENTIAL: Where there are more than 30 one or two family dwelling units, not less than two separate approved means of access shall be provided. Where there are more than 30 dwelling units, and all are protected by approved residential sprinkler systems, a single access will be allowed. (OFC D107)

ADDITIONAL ACCESS ROADS-COMMERCIAL: Buildings exceeding 30' feet in height or three stories in height shall have at least two separate means of fire apparatus access. Buildings having a gross area of more than 62,000 square feet shall have at least two separate means of fire apparatus access. Buildings up to 124,000 square feet that are equipped throughout with an approved automatic sprinkler system can have a single access. (OFC D104)

FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS: Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26' feet (OFC D103)

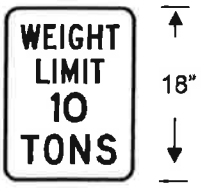
SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and at least 60,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. The minimum weight specified may be increased by the fire code official based upon the actual weight of fire apparatus vehicles serving the jurisdiction that provides structural fire protection services to the location, including fire apparatus vehicles that respond under automatic and mutual aid agreements. Woodburn ladder weighs 72,000 pounds (OFC D102.1)

AERIAL FIRE APPARATUS ROADS: When the vertical distance between the grade plane and the highest roof surface exceeds 30' feet (measured to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater), approved aerial apparatus access roads shall be provided. Aerial apparatus roads shall have an unobstructed driving surface width of not less than 26' feet in the immediate vicinity of the building more than 30' feet in height.

At least one of the required access routes meeting this condition shall be located within a minimum of 15' feet and a maximum of 30' feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official. (OFC D105)

BRIDGES AND ELEVATED SURFACES: Where a bridge or elevated surface is part of a fire apparatus access road the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official. (OFC 503.2.6)



1. Signs shall be a minimum of 18" x 24", 18 gauge steel sign, reflective white in color with black letters a minimum of 3½" inches in height with a 3/8" inch stroke.
2. Signs shall be installed with a clear space above grade at a level of 7' feet.
3. The bridge weight limit as determined by a State of Oregon registered civil or structural engineer, shall appear above the word "TONS".

GATES: Gates securing fire apparatus roads shall comply with all of the following: (OFC D103.5)
Electric automatic gates shall comply with ASTM F 2200 and UL 325.

- Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island.
- Gates serving one- or two-family dwellings shall be a minimum of 12 feet unobstructed width when in the fully open position.
- Gates shall be set back at minimum of 30 feet from the intersecting roadway.
- Gates shall be of the swinging or sliding type.
- Manual operation shall be capable by one person.
- Electric gates shall be equipped with a means for operation by fire department personnel.
- Locking devices shall be approved by the fire code official.

NO PARKING SIGNS: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20' feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed with a maximum spacing of 50'. Roads 26' feet wide or less shall be posted on both sides as a fire lane. Roads more than 26' feet wide to 32' feet wide shall be posted on one side as a fire lane.

Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7' feet. Signs shall be 12" inches wide by 18" inches high and shall have red letters on a white reflective background. (OFC D103.6)

PAINTED CURBS: Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one (1") inch wide by six (6") inches high. Lettering shall be white on red background. (OFC 503.3)

Firefighting Water Supplies

FIREFIGHTING WATER SUPPLY EXCEPTIONS: The requirements for firefighting water supplies may be modified as approved by the fire code official where any of the following apply: (OFC 503.1.1 Exception)

1) Buildings are equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)
2) There are not more than two Group R-3 or Group U occupancies.

COMMERCIAL BUILDINGS - FIRE FLOW: The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be determined according to OFC Appendix B. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.

SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW: The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)

RURAL BUILDINGS - REQUIRED FIRE FLOW: Required fire flow for rural and suburban areas in which adequate and reliable water supply systems do not exist may be calculated in accordance with National Fire Protection Association Standard 1142, Current Edition, when approved by the fire code official. Please contact the Fire Marshal's Office for special assistance and other requirements that may apply. (OFC B103.3) (OFC B107)

- Residential and accessory structures less than 3,600 square feet, including all floors, garage(s), basement(s), covered porches, and decks shall not require a water supply.

NOTE: Structures protected by an automatic fire sprinkler are not required to have a water supply other than that required to supply the fire sprinkler system.

ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION: Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials are on site and during the time of construction except when approved alternative methods of protection are provided. (OFC 501.4)

PREMISE IDENTIFICATION: Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Identification shall contrast with their background and shall be a minimum of 4" inches high with a minimum stroke width of ½" inch. Identification size is based on distance from the street: (1' to 50' = 4"), (51' to 100' = 6"), (101'-150' = 8"), (151' to 200' = 10"), (201' and up = 12") (OFC 505)

- Check the local city or county development code for additional or alternative requirements.
- Large apartment complexes, 5 or more buildings, large address map is detailed at each street entry point and large address placard is detailed to be approved for size and content (should include complex site layout, foot print of each building, address or ID for each building, at least 24 in. x 36 in.), or as required by the fire official.

Fire Hydrants

FIRE HYDRANTS – COMMERCIAL BUILDINGS: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC B105.1)

Note: This distance may be increased to 600' feet for buildings equipped throughout with an approved automatic sprinkler system.

FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC B105.1)

FIRE HYDRANT NUMBER AND DISTRIBUTION: The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Table C 105.1. See page 10 for hydrant proximity to FDC. (OFC Appendix C)

TABLE C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS[a,b,c] (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT[d]
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more[e]	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

a. Reduce by 100 feet for dead-end streets or roads.

b. Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.

c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.

d. Reduce by 50 feet for dead-end streets or roads.

e. One hydrant for each 1,000 gallons per minute or fraction thereof

Considerations for placing fire hydrants may be as follows: (OFC Appendix C)

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600' feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.

- Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.
- When evaluating the placement of hydrants at apartment or industrial complexes the first hydrant(s) to be placed shall be at the primary access and any secondary access to the site. After these hydrants have been placed other hydrants shall be sited to meet the above requirements for spacing and minimum number of hydrants.

FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD: Fire hydrants shall be located not more than 15' feet from an approved fire apparatus access roadway unless approved by the fire code official. (OFC Appendix C)

REFLECTIVE HYDRANT MARKERS: If required by the fire code official fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 508.5.4)

PHYSICAL PROTECTION: Where fire hydrants are subject to impact by a vehicle, guard post, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & 312)

CLEAR SPACE AROUND HYDRANTS: A 3' foot clear space shall be provided around the circumference of the fire hydrant. (OFC 507.5.5)

FIRE HYDRANT/FIRE DEPARTMENT CONNECTION: A fire hydrant shall be located within 100' feet of a fire department connection (FDC) or as approved by the fire code official. Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway. (OFC 912 & NFPA 13, 13D, & 13R)

FDCs shall normally be remote and outside of the fall line (collapse zone) of the building typically a distance of 1½ times the height of the building, or as approved by the fire code official.

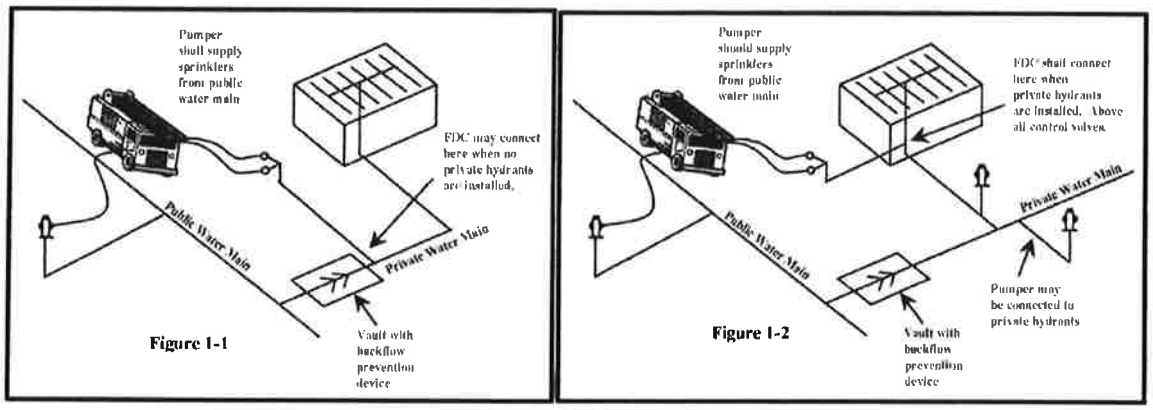


Figure 1-1 Figure 1-2

Key Boxes & Fire Protection Equipment Access

KEY BOX: A key box for building access may be required. Please contact the appropriate jurisdiction for location requirements or for an order form and instructions regarding installation and placement. (OFC 506)

FIRE DEPARTMENT ACCESS TO FIRE PROTECTION EQUIPMENT: Fire protection equipment shall be identified in an approved manner. Rooms containing fire alarm panels, fire sprinkler risers and valves or other fire detection, suppression or control features shall be identified with approved signs (OFC 509.1)

Emergency Radio Coverage

EMERGENCY RESPONDER RADIO COVERAGE NEW BUILDINGS: All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building. (OFC 510)

EMERGENCY RESPONDER RADIO COVERAGE EXISTING BUILDINGS: Existing buildings that do not have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building, shall be equipped with such coverage according to one of the following: (OFC 1103.2)

- Whenever an existing wired communications system cannot be repaired or replaced, or where not approved in accordance with Section 510.1 Exception 1.
- Within a time frame established by the adopting authority.

Fire Watch

FIRE WATCH: Whenever a required fire alarm, detection or suppression system is out-of-service and a life hazard and or distinct fire hazard is present, the fire code official and/or the property owner or manager shall initiate a fire watch. A fire watch is defined as a temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department. Each affected area or building must be patrolled hourly and documented on a written log. Individuals assigned to fire watch duty must be provided with a means of communication such as a cell phone or two-way radio and their only duties shall be to perform constant patrols. The watch must remain in effect until repairs are made and the system(s) are back in-service. When in doubt if a system is required or if a fire watch is needed, contact the local Fire Marshal's Office for consultation and or response. (OFC 901.7 & Appendix N)

EXAMPLES:

The automatic smoke detection system in the Family Birth Center at the local Hospital is taken off-line due to unwanted false alarms and an alarm technician has been dispatched to evaluate the system. This is a required detection system and the patients occupy the floor. A fire watch is required and could be conducted by nursing and or security personnel.

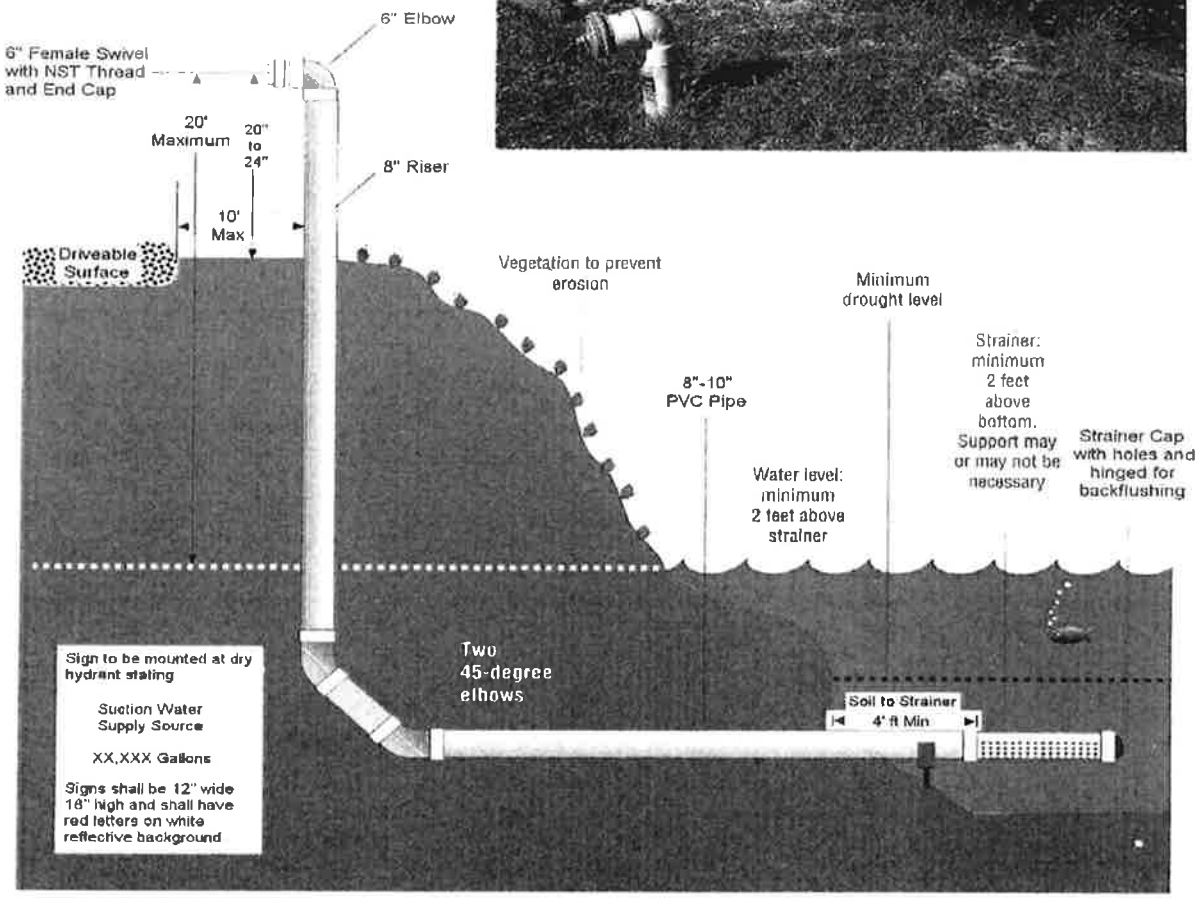
The manual fire alarm system at a local Elementary School is initiating false alarms and is taken off line by school district personnel; the automatic smoke detection and fire sprinkler system are operational. It's Saturday afternoon and the building is not occupied. Although this is a required system, a fire watch is not required as the building is vacant.

The water main that serves a local apartment complex is damaged in a construction accident rendering the fire hydrants and residential fire sprinkler systems out-of-service. It's Sunday night and nearly all of the apartments are occupied. Both systems are required and a continuous fire watch is needed.

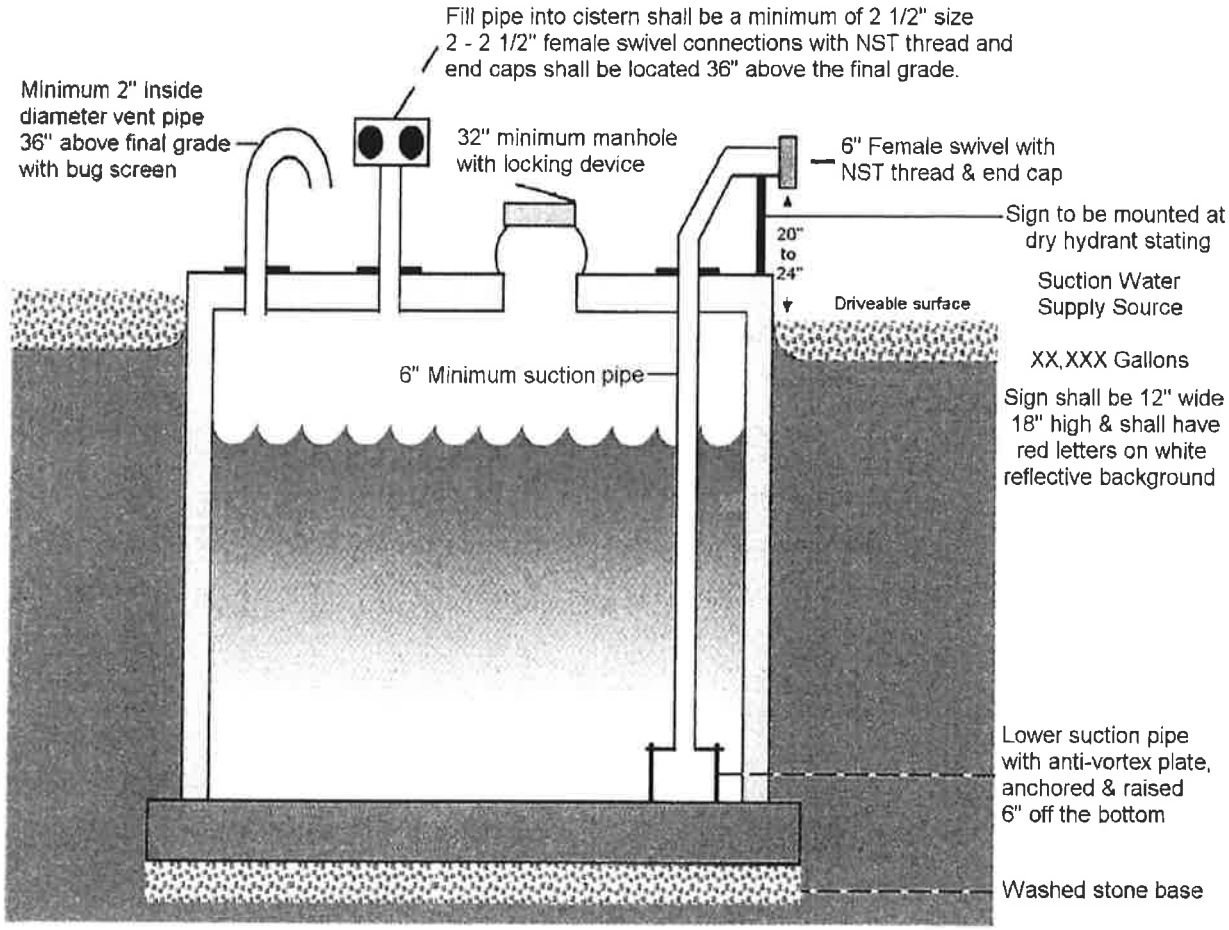
Dry Hydrant Construction

Steel and iron pipe may be used to construct a dry hydrant, but PVC plastic is frequently used because of its low cost, accessibility and low friction loss. Construction details at specific sites can vary in many ways according to local preferences and conditions.

(not to scale)



CISTERN EXAMPLE



AURORA FIRE DISTRICT #63
MOBILE EMERGENCY RESPONDER RADIO COVERAGE (MERRC) APPLICATION

This application is to be used when requesting approval for participation in the AFD MERRC program in lieu of providing an in-building OFC 510 emergency responder radio coverage system

Building Information
(Separate Application Required for Each Building)

Business/ Building Name:

Proposed Use of Building:

Address:

City/County:

Building Permit #

Applicant Contact Information

Contact Person:

Phone:

Email:

MERRC FEE:

Approved Fee Schedule (as of 11/2019)
First 0 - 50,000 sq.ft. = $0.50 per sq.ft.
Additional sq.ft. from 50,001 - 100,001 = $0.30 per sq.ft.
For each sq.ft. over 100,000 = $0.10 per sq.ft.

Example fee for 300,000 sf building:
First 50,000 sq.ft. x $0.50 = $25,000 +
50,001 to 100,001 sq.ft. x $0.30 = $15,000 +
100,002 to 300,000 sq.ft. x $ 0.10 = $19,999
TOTAL = $59,999

Total Square Footage: _____

_____SF x $0.50 =

_____SF x $0.30 =

_____SF x $0.10 =

TOTAL MERRC FEE: $_____

As an authorized representative for the above referenced building, I hereby request the building be permanently approved under the AFD Mobile Emergency Responder Radio Coverage program as having an approved method of compliance with Oregon Fire Code Section 510 and AFD Resolution 2019-05. If the application is accepted, I understand that full payment of the calculated MERRC fee is required prior to completing the approval process. For construction projects under a building permit, payment must be received prior to plan review completion, unless otherwise approved by the Fire Marshal.

_____ _____ _____

Name & Title of Authorized Representative Signature Date

For Fire Marshal's Office Use Only

FMZ #:

This section is for APPLICATION APPROVAL ONLY.

Application Approved by Fire Marshal: YES or NO

Reviewer Name: _____

Reviewer Signature _____

Date: _____

Comments:

_____

_____

_____

This section is for FINAL APPROVAL ONLY.

Payment Total: _____

Received By: _____

Date: _____

Comments:

_____

_____

_____

_____

Provide a signed, approved final copy to applicant.

Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2020-0297

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Holly Byram	City	Donald

Local case file #	County
PUD 2020-01, SUB 2020-01	Marion

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
04S	01W	20		300

Street Address

No Situs Address

Address Line 2

City

Donald

State / Province / Region

OR

Postal / Zip Code

97020

Country

Marion

Latitude	Longitude
45.215984	-122.839848

Township	Range	Section	QQ section	Tax Lot(s)
04S	01W	17		2600

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Latitude	Longitude
45.218993	-122.834001

Wetland/Waterway/Other Water Features

- [x] There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

- [x] The National Wetlands Inventory shows wetland, waterway or other water features on the property

- [x] The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity

- [x] It appears that the proposed project **may** impact wetlands and **may** require a State permit.

Applicable Oregon Removal-Fill Permit Requirement(s)

- [x] A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Based on review of mapping and other documentation submitted, the proposed project ("Harvest Gardens 299-lot PUD/SUB") may impact jurisdictional wetlands or waterways. Specifically, a potentially jurisdictional drainage was delineated on Tax Lot 2600. As stated in the DSL concurrence letter for WD2019-0278, the delineated drainage would fall under DSL jurisdiction if it is relocated or removed from piping. No other jurisdictional wetlands or waters are mapped on the subject tax lots. Please understand that this response does not cover the proposed road that is drawn on the site map on 04S01W17C (Tax Lots 1000 & 1100). It is recommended that a new Wetland Land Use Notice be submitted for these lots prior to any ground disturbance activities associated with road construction.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- [x] A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf

Response Date

5/21/2020

Response by:

Grey Wolf

Response Phone:

503-986-5321

SCALE: 1" = 150 FEET

150 0 30 75 150

ORIGINAL PAGE SIZE: 22" x 34"

DENSITY CALCULATIONS:

	SQUARE FEET	ACRES
GROSS SITE AREA	2,684,287	61.6

R-7 ZONE	SQUARE FEET	ACRES			
GROSS AREA	2,353,667	54.0			
MINIMUM DENSITY (5 DENSITY UNITS/GROSS AC)	270.2		=	270	UNITS
MAXIMUM DENSITY (6 DENSITY UNITS/GROSS AC)	324.2		=	324	UNITS

RM ZONE	SQUARE FEET	ACRES			
GROSS AREA	330,620	7.6			
MINIMUM DENSITY (10 DENSITY UNITS/GROSS AC)	75.9		=	76	UNITS
MAXIMUM DENSITY (14 DENSITY UNITS/GROSS AC)	106.3		=	106	UNITS
TOTAL MINIMUM UNITS			=	346	UNITS
TOTAL MAXIMUM UNITS			=	430	UNITS
TOTAL PROVIDED UNITS R-7 ZONE			=	297	UNITS
TOTAL FUTURE UNITS RM ZONE			=	49 - 133	UNITS
TOTAL PROVIDED UNITS			=	**346 - 430**	**UNITS**

OPEN SPACE	SQUARE FEET	ACRES		
GROSS AREA	2,684,287	61.6		
PROVIDED PUBLIC OPEN SPACE	292,925	6.7		
PROVIDED PRIVATE OPEN SPACE	103,235	2.4		
TOTAL PROVIDED OPEN SPACE (15% MINIMUM)	396,160	9.1	=	**15%**

NOTE: THE PUD IS COMPRISED OF MULTIPLE RESIDENTIAL ZONES. PER DDC 3.113.07, THE MINIMUM AND MAXIMUM DENSITIES ARE CALCULATED SEPERATELY FOR EACH ZONE, THEN TOTALED.

NOTE:
PHASE LINES AND ORDER OF CONSTRUCTION ARE PRELIMINARY AND SUBJECT TO CHANGE

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PRELIMINARY PLAT OVERVIEW AND PHASING PLAN

HARVEST GARDENS
GRC LAND HOLDINGS, LLC
DONALD, OREGON

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NUMBER:	6732
DATE:	05/21/2020
DESIGNED BY:	JMS
DRAWN BY:	AAG
CHECKED BY:	AAH

AKS DRAWING FILE: 6732 PRELIM PLATDWG | LAYOUT: PLAT OVERVIEW

Will Curley <wcurley@wilco.coop>

Thu 6/18/2020 3:38 PM

To:

Heidi Bell;

You replied on 6/18/2020 4:15 PM.

Get more apps

Bing Maps

Good afternoon,

I am writing about the city meeting tonight at 6:45PM. I understand that one of the topics will be affordable housing. I plan to attend but with the late notice I don't believe I have a lot to add as a speaker.

I am the facilities maintenance manager for Wilco and very much in support of some type of affordable housing in the area although admittedly I'm not familiar with the details of the proposal being reviewed.

Thank you,

Will Curley, Facilities Maintenance Manager
Wilco
200 Industrial Way | Mt. Mt Angel, OR 97362
Phone 503.845.8113 | Fax 503.845.8213
wcurley@wilco.coop | www.wilco.coop

Ginger Redlinger <ginger.redlinger@nmarion.k12.or.us>

Fri 6/12/2020 8:37 AM
Inbox
To:
Heidi Bell;

You forwarded this message on 6/12/2020 9:09 AM.

Good Morning,

I would like to attend the Public Hearing and provide testimony about the Housing Proposal.

Some items I would like to share:
Positive impact on local school funding
Positive impact on regional economy, currently there are few affordable housing options for workers.
Positive impact on ability to recruit teachers and families to this area for its livability and schools.

Sincerely,

Ginger Redlinger
Superintendent
North Marion School District

***CONNECTION**: The energy that exists between people when they feel seen, heard, and valued; when they can give and receive without judgement; and when they derive sustenance and strength from the relationship.*
Brené Brown

Disclosure: This email and any attachments (the "Communication") is confidential and is for the use only of the intended recipients. If you are not the intended recipient of the Communication, please notify the sender immediately by return email, then delete the Communication, and do not read, copy, print, share, store or act on the communication. Thank You.

Revelación: Este correo electrónico y cualquier anexo a ello ('la Comunicación') son confidenciales y son para el uso sólo del recipiente intencionado. Si usted no es el recipiente intencionado de la Comunicación, por favor notifique al remitente inmediatamente por el correo electrónico de respuesta, luego suprima la Comunicación, y no lea, no copie, no imprima, no transmita de nuevo, no guarde, y no actué en la Comunicación. Gracias.

June 17th, 2020

City of Donald Planning Commission
100 High Street SE, Ste. 200
Salem, OR 97301

RE: 1) Develop a 299-lot residential subdivision. 2) Planned Unit Development approval to develop a 299-lot "agrihood community" composed of 297 single-family homes, one multi-family pad with 49-133 units, and 1 commercial pad limited to 2 acres. The PUD also proposes open space, community gardens, park, walking paths, community center, event space, etc. (PUD 2020-01 and SUB 2020-01)

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO have reviewed PUD 2020-01 and SUB 2020-01, and believe the Goal 10 portion of the staff report is excellent in its analysis. We applaud Donald's dedication to providing the adequate housing types and quantities for all of its residents. We encourage the City to maintain this quality of findings in the future, including quantitative data regarding the balance of multi-family and single-family housing that is required, and clear delineation between discretionary vs non discretionary possibilities. This data will help further display Donald's commitment to ensuring an adequate and appropriate supply of affordable housing for all Oregonians.

Thank you for your consideration of our comments.

Sincerely,

Louise Dix

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

Cc: Gordon Howard, DLCD

June 18, 2020

City of Donald c/o Holly Byram
Mid-Willamette Valley Council of Governments
100 High Street SE, Suite 200
Salem OR 97301

RE: Harvest Gardens (PUD 2020-01) Response to Fair Housing Council Comments

Dear Holly:

AKS Engineering and Forestry, LLC (AKS) is representing GRC Holdings Inc. (Applicant) on the Harvest Gardens Planned Unit Development (PUD) land use application (Casefile PUD 2020-01). The Fair Housing Council of Oregon (FHC) has provided public comment concerning the Harvest Gardens PUD regarding the number of multi-family dwelling units that must be accommodated on Lot 246. This lot is designated for future development of multi-family or attached residential units. FHC argues that Harvest Gardens must provide a minimum of 67 multi-family dwelling units based on the Donald 2015 Housing Needs Analysis (HNA). The Harvest Gardens application shows Lot 246 requires a minimum of 49 multi-family dwelling units based on zoning density provisions and allowed uses enabled by a PUD. HNAs are intended for use within the Comprehensive Plan process whereby zoning designations and minimum density requirements of the Donald Development Code are set. Zoning designations, not the HNA, control the minimum density requirements for this limited land use decision. Furthermore, as a PUD, Harvest Gardens is granted flexibility in the application of zoning designations across the entire development site.

The Harvest Gardens application contains two zoning designations, R-7 and RM. The PUD application provided density calculations on Sheet P08. Minimum and maximum density ranges were calculated for each zone, and then totaled to determine the density range required for the entire project. The project has provided 297 lots for single-family detached homes and a future development site for attached/multi-family housing (Lot 246). Lot 246 will be subject to a future Site Development Review land use application. Condition of Approval 31 outlines the required density for this site and should match the underlying zoning's density calculations.

FHC has argued that the application must address the findings of the Donald HNA, whose analysis provided a projection of the long-term housing demand for single-family housing and multi-family housing. This report was prepared to comply with the Oregon Statewide Land Use Planning Goal 10: Housing. The HNA is used in conjunction with the Buildable Land Inventory (BLI) to determine if a city has sufficient land within their Urban Growth Boundary (UGB) to meet the projected 20-year housing demand. The HNA also informs what Comprehensive Plan designations should be applied to property to meet the projected needs. The City of Donald completed an HNA, BLI, and mapped Comprehensive Plan designations as adopted in Ordinance 161-2015, forming the basis for expansion of the Donald UGB.

Statewide Goals, BLIs, and HNAs are applicable to the Comprehensive Plan, not limited land use decisions such as subdivisions or PUDs. Subdivisions and PUDs must comply with the Donald Development Code that implements the Comprehensive Plan. The Oregon Department of Land Conservation and

Development acknowledged that the 2015 Donald Development Code updates were in conformance with the Statewide Goals.

The language of Goal 10 outlines the aspirational function of the goal, offers that local discretion is available, and speaks to the need for flexibility:

> *GOAL 10: HOUSING*
>
> *OAR 660-015-0000(10)*
>
> *To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall* ***encourage*** *the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households* ***and allow for flexibility of housing location, type and density.***
>
> (emphasis added)

The Donald PUD provisions allow for:

> *3.113.02 Applicability and allowed uses.*
>
> > *A. A PUD may be requested for any Residentially-Zoned property (R-7 or RM) that is at least two acres in size.*
> >
> > *B. PUD approval allows development of a site with a mixture of uses. The following uses are allowed with PUD approval:*
> >
> > > *1. All uses allowed in the underlying Zone.*
> > >
> > > ***2. Housing types not otherwise permitted in the underlying Zone, including cottage clusters and zero lot line development.***
> > >
> > > *3. Neighborhood-scale commercial retail uses, consistent with the standards in § 3.113.06.*
> > >
> > > ...
>
> *3.113.07 Residential density bonus.*
>
> > *A. For PUD proposals that are comprised of more than one Residential Zone, the overall minimum and maximum densities shall be calculated separately for each Zone, then totaled. The total minimum and maximum densities shall apply to the PUD as a whole;* ***Residential Zone boundaries may be blended within the PUD site.***
> >
> > (emphasis added)

We request that Condition of Approval 31 reflect the density calculations provided on Sheet P08 of the Harvest Gardens land use application submittal. We look forward to discussing this matter with the Planning Commission at the June 18, 2020 public hearing.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

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