

**IN A MATTER BEFORE THE CITY OF PRINEVILLE PLANNING DIVISION  
BURDEN OF PROOF STATEMENT**

**APPLICANT:** Thistle & Nest  
250 NW Franklin Avenue, Suite 401  
Bend, OR 97703

**OWNER:** Thistle & Nest  
250 NW Franklin Avenue, Suite 401  
Bend, OR 97703

**APPLICANT’S ENGINEER/  
SURVEYOR:** Harper Houf Peterson Righellis  
250 NW Franklin Avenue, Suite 404  
Bend, OR 97703  
(541) 318-1161

**REQUEST:** Site Plan and Building Design Review for a 20-Unit, Multi-Family Development on Property Identified as Tax Lot 141632DD-13500-20929 in the General Residential-2 (“R-2”) Zone

**LOCATION:** NE Laughlin Road, Prineville; Assessor’s Map 14S16E32DD-13500-20929.

**I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**

**City of Prineville Development Code**

**Criteria**

<u>Criteria</u>	
Chapter 153	LAND DEVELOPMENT
Section 153.046	General Residential R-2 Zone.
Section 153.035	Residential Use Table.
Section 153.083(H)	Multi-family dwelling complex.
Section 153.036	Residential Dimensional Standards.
Section 153.020	Site Plan and Building Design Review Provisions.
Section 153.081	Clear Vision Areas.
Section 153.084	Attached Single-Family Housing, Townhomes & Townhome lots.
Section 153.085	Off-Street Parking and Loading: Provisions and Requirements.
Section 153.087	Landscaping Requirements.
Section 153.090	Fences.
Section 153.091	Decks.
Section 153.194	Streets and Other Public Facilities.

## **Procedures**

Section 153.254 Land Use Action Applications

Section 153.255 Land Use Action Hearings

### **II. FINDINGS OF FACT:**

- 1. LOCATION:** The subject property fronts NE Laughlin Road but does not have an assigned address. It is legally described as Tract A, Phase I, IronHorse subdivision. It is also described as Assessor's Map 141632DD-13500-20929.
- 2. EXISTING ZONING & COMPREHENSIVE PLAN DESIGNATION:** The subject property is zoned General Residential-2 ("R-2") Zone.
- 3. SITE DESCRIPTION & SURROUNDING USES:** The subject property is a portion of Tract A, in Phase I of the IronHorse subdivision. Tract A is 6.22 acres; however, the proposed development is to be located only on an approximate 1.75-acre portion of Tract A. The aerial photograph below depicts the development pattern in the immediate surrounding area. Immediately north, the property is Phase I of the IronHorse subdivision that is developed with single-family lots and dwellings on urban-sized lots. To the west, the property is zoned R-2 but largely vacant. There is one single-family dwelling on a large parcel. To the south, across NE Laughlin Road, the property is primarily zoned C-2. The development pattern consists of a shopping center, smaller commercial uses, and some institutional uses. East of the proposed development site the property is zone R-2 and is vacant, undeveloped land.



**4. PROPOSAL:** The proposed development is a 20-unit, multi-family dwelling development on an approximate 1.75-acre portion of Tract A. The proposed dwelling units will consist of 10 attached structures with 2 units per structure. Thistle and Nest is a non-profit entity that develops affordable housing under the State of Oregon's affordable housing program. It uses a community land trust format. The real property remains owned by the non-profit. Thistle and Nest records a statutory Master Ground Lease that covers the entire site. The dwelling units and property immediately around them are described in Short-form Ground Leases that the individual tenants execute, and which incorporates the terms of the statutory ground lease. This model assures that the units remain income restricted and in the affordable program. The model creates communities that live like single family developments and avoid the cost associated with a subdivision process advancing affordability.

The application proposes two alternative building designs, one that has three bedrooms and the other two bedrooms. Both are two stories with the bedrooms on the second floor. The proposed dwelling units will be located along the site's frontage on NE Laughlin Road. Access to each unit is proposed via a private drive off NE Laughlin Road as depicted on the site plan. The proposed units will have carports and an enclosed storage area accessible from the dwelling. Each proposed unit will have one parking space on the side of the unit under the carport. There will also be 30 parking spaces available in the private alley.

### **III. APPLICATION OF STANDARDS AND CRITERIA:**

#### **CONFORMANCE WITH CITY OF PRINEVILLE LAND USE CODE**

##### **Section 153.046      General Residential R-2 Zone.**

In an R-2 Zone, the following regulations shall apply.

(A) Purpose. It is the purpose of the R-2 Zone to provide for residential areas which permit a mixture of a variety of housing types at various densities in a more planned type of development design, including a minimum of nonresidential commercial convenience and service type uses in more accessible proximities for the purposes of providing for conveniences and services to the dominant intended residential users of the area.

(B) Specific conditions. Section 153.083 contains a list of uses with specific conditions that may apply to specific types of uses.

(C) Design review. Provisions set forth in 153.020. Except single-family and two-family/duplex dwellings and their accessory structures.

(D) Off-street parking and loading. Provisions set forth in 153.085 and 153.086.

(E) Minimum landscaping requirements. When design review is required a minimum level of landscaping in accordance with 153.087 shall be required.

(F) Streets and public facilities. When design review is required streets and public facilities shall be required in accordance with section 153.194 and the City's Standards and Specifications. These improvements include but are not limited to right-of-way dedication, streets, stormwater management, sidewalks, waterlines, sewer lines, access management and the like.

(G) Chapter 155, Natural Features Overlay District (NFOD) and Slope Hazard Requirements. This chapter contains provisions for the protection of riparian areas, wetlands, rimrock, Barnes Butte and construction on steep slopes.

(H) Minimum sidewalk requirements. Whether replacing or required by design review; sidewalks shall be constructed to City Standards and Specifications. The minimum sidewalk width in an R-2 Zone is 5ft., unless otherwise approved under section 153.194 (V)(1).

(I) Signs. In an R-2 Zone, signs are permitted in accordance with the provisions set forth in Chapter 152 as amended.

(J) Limitations on use. No structure or land shall be occupied or used for any purpose which creates or causes to be created any public nuisance, including but not limited to excessive odor, dust, noise, vibration, flashing light or any hazard to the general health, safety and welfare of the area. Domestic livestock are permitted, but only in compliance those provisions set forth in 153.096 of this chapter. No animal is permitted to run at large, animals shall be confined to an individual owner's property. Any animals permitted to run at large are hereby declared a nuisance and may be abated as such.

**PROPOSED FINDING:** *The applicant acknowledges the purpose statement. The proposed project is consistent with the basic purpose; it will provide one variety of housing that is desperately needed in Prineville. The applicant is addressing the specific code provisions identified to the extent they are applicable in the text that follows.*

**Section 153.035 Residential Use Table.**

<u>Use Classifications</u>	R-1	R-2	R-3	R-4	R-5	Comments:
<b>EXISTING USES</b>						
Expansion of existing public use	O	O	O	O	O	
Replacement of an existing dwelling	O	O	O	O	O	
Expansion of an existing conditional use	T1	T1	T1	T1	T1	
<b>RESIDENTIAL/ACCESSORY USES</b>						
Child care home	O	O	O	O	O	

<u>Use Classifications</u>	R-1	R-2	R-3	R-4	R-5	Comments:
Single-family dwelling, excluding manufactured dwellings	O	O	O	O	O	
Single-family dwelling, including double and multi-sectional manufactured home with carport or garage		O	O	O		<u>153.095</u>
Manufactured dwellings in an approved manufactured dwelling park including single-section manufactured homes		O		O		<u>153.095</u>
Duplex	O	O	O	O	O	Excludes hazard areas in R1 and R3 Zones
Triplex or fourplex, including condominiums, apartments or townhomes		T1		O	O	<u>153.084</u>
Townhome multiplex				O		<u>153.084</u>
Multifamily dwelling or complex of 5 to 10 units		T1		T1	O	<u>153.083(H)</u>
Multifamily dwelling or complex, of more than 10 dwelling units		T2		T2	O	<u>153.083(H)</u>
Accessory structure	O	O	O	O	O	See definition
Guest house	T1	T1	T1	T1	O	
Accessory dwelling	O	O	O	O	O	<u>153.080</u>
Manufactured dwelling park		T2		T2		<u>153.083(F)</u>
Home occupation - Only employees of the immediate resident family, limited retail sales	T1	T1	T1	T1	T1	<u>153.083(E)</u>
(RV) Recreational vehicle park, public or private		T2				<u>153.083(J)</u>
<b>PUBLIC/SEMI-PUBLIC/NONPROFIT USES</b>						
Houses of worship, including buildings and accessory uses essential to the operation thereof	T2	T2	T2	T2		<u>153.083(O)</u>
Public or private school, including buildings and other uses essential to the operation thereof		T2	T2	T2		
Publicly or privately owned kindergarten or preschool, provided the residential character of the area is maintained	T2	T1		T1	T1	

<u>Use Classifications</u>	R-1	R-2	R-3	R-4	R-5	Comments:
Park, public or private for less intensive uses including picnic area, playground, and grass covered play areas, not including a recreation facility	T1	T1	T1	T1	T1	
Recreation facility (nonprofit or publicly owned)	T2	T2	T2	T2	T2	
Other government structure or land use not limited to a public park, playground, recreation building, fire station, library or museum	T2	T2	T2	T2	T2	
Community building or use owned and operated by a public or nonprofit agency or organization	T2	T2	T2	T2	T2	
Bikeways, footpaths and recreation trails	O	O	O	O	O	
<b>COMMERCIAL USES</b>						
Child care center	T2	T1		T1	T1	
Residential home/adult foster home (care for 5 or fewer individuals)	O	O	O	O	O	<u>153.083(A)</u>
Residential facility (6 - 15 individuals)	T2	T2	T1	T1	O	<u>153.083(A)</u>
Bed and breakfast facility in an existing residence		T1		T1	T1	<u>153.083(C)</u>
Nursing home, convalescent home, retirement home or elderly assisted living complex	T2	T2	T2	T1	T1	<u>153.083(O)</u>
Hospital and other medical service facilities	T2	T2	T2	T2	T2	
Golf course and other open land recreational use, but excluding intensive commercial amusement uses such as automobile or motorcycle race tracks or amusement parks			T2			
Convenience store or neighborhood market of not more than 2,500 square feet of floor space		T2	T2	T2	T2	
Residentially oriented service businesses such as laundries, carpet/upholstery cleaning, home appliance repair, wellness activities, beauty and barber shops and similar uses of not more than 1,200 square feet each		T2	T2	T2	T2	
Any combination of the above uses up to a total floor area of 5,000 square feet		T2	T2	T2	T2	
Professional commercial uses, such as offices for accountants, bookkeepers, attorneys, engineers,		T2	T2	T2	T2	<u>153.083(S)</u>

<u>Use Classifications</u>	R-1	R-2	R-3	R-4	R-5	Comments:
architects, doctors, dentists, real estate and insurance and medical or dental clinics						
Crop cultivation or farm and truck gardens, including plant nurseries and on-premises sales of farm products grown on site		T1	T1			
<b>LAND DIVISION PROCESSES</b>						
Land partition minor (no new roads)	O	O	O	O	O	<u>153.160</u>
Land partition major (new road)	T1	T1	T1	T1	T1	<u>153.160</u>
Lot consolidation	O	O	O	O	O	<u>153.161</u>
Nonstandard subdivision	T2	T2	T2	T2	T2	<u>153.159</u>
Standard subdivisions	T2	T2	T2	T2	T2	<u>153.157</u>
Townhome Lots (2-unit attached dwellings)		O		O	O	<u>153.084(C)</u>
<b>PUBLIC FACILITIES/UTILITIES</b>						
Maintenance, replacement, improvement of existing public facilities or services	O	O	O	O	O	
Utility facility (major) see definition	T2	T2	T2	T2	T2	<u>153.083(I)</u> and (L)
Utility facility (minor) see definition	T1	T1	T1	T1	T1	<u>153.083(I)</u> and (L)
Utility facility (exempt) see definition	O	O	O	O	O	<u>153.083(I)</u> and (L)
Utility towers	T2	T2	T2	T2		<u>153.083(I)</u> and (L)
Utility towers (co-location)	O	O	O	O	O	<u>153.083(I)</u> and (L)

R1 (Limited) R2 (General) R3 (Low Density) R4 (Re-development) R5 (High Density) O – Outright (Administrative) T1–Conditional Use (Hearing may be required) T2-Conditional Use (Hearing required)

**PROPOSED FINDING:** Multi-family dwelling developments with more than 10 units are permitted in the R-2 zone subject to a Type II conditional use review.

**Section 153.083(H) Multi-family dwelling complex.**

(H) Multifamily dwelling complex. A multifamily dwelling complex permitted as a conditional use shall comply with the following standards and conditions, and the

compliance shall be evident prior to occupancy except as may otherwise be approved by the city:

(1) All such complexes with more than 20 dwelling units shall be so located as to have direct access onto an improved arterial or major collector street unless approved otherwise by the city.

**PROPOSED FINDING:** *The proposal does not have more than 20 units. This criterion is not applicable.*

(2) All such complexes shall provide both an improved ingress and egress.

**PROPOSED FINDING:** *The applicant is proposing improved ingress and egress via a paved private driveway. This criterion is met.*

(3) Each access road permitting two-way traffic and intersecting a public street shall have a minimum surface width of not less than 30 feet, and not less than 16 feet in width for single-lane, one-way traffic. Interior complex driveways shall not be less than 24 feet in width for two-way traffic, and not less than 12 feet in width for single-lane traffic. For interior driveways providing on-street parking, an additional eight feet of width shall be added for each parking lane or area. All access roads, driveways and parking facilities shall be improved and maintained with "durable and dustless surfaces" as defined in § 153.086, and as approved by the City Superintendent of Streets.

**PROPOSED FINDING:** *The proposed private alley has a total width of 30 feet and will safely accommodate two-way traffic.*

(4) Sidewalks, walkways, bicycle paths and other pedestrian ways may be required. The walks, paths and ways shall not be less than four feet in width and shall be surfaced with concrete, asphalt, asphaltic concrete or paving bricks as approved by the City Superintendent of Streets.

**PROPOSED FINDING:** *There is an existing sidewalk along the NE Laughlin Frontage. The applicant is proposing a walkway along the front of the proposed units that connects to the public sidewalk. There is no need for bike facilities on the proposed development site. The existing public streets and bike facilities can be accessed from the proposed development. This criterion is met.*

(5) The complexes may be required to provide storage facilities and/or extra parking spaces as deemed necessary to provide for tenant storage of household goods, equipment, extra furnishings, and/or recreation vehicles.

**PROPOSED FINDING:** *Each proposed unit will have its own carport and an enclosed storage area that will be either 9'11" or 8'11" wide. This standard is met.*



(6) Each complex, and each individual unit contained therein, shall be serviced with public water and sewer, electrical power, receptacles for garbage disposal and collection service, and fire hydrants shall be installed as deemed necessary by the City Fire Department.

**PROPOSED FINDING:** *Each proposed unit will be served by the utilities and services identified above. This standard is met.*

(7) Facilities for incoming and outgoing mail shall be installed in accordance with the requirements of the U.S. Postal Service.

**PROPOSED FINDING:** *Each proposed unit will have facilities for receiving mail that meet any Postal Service requirement.*

(8) The overall density of the complex shall not exceed the dimensional standards set forth by the applicable zone, except as approved otherwise by the city in accordance with the following factors:

(a) An increase of 5% in the maximum allowable density for dedicated and improved open space equaling 25% or more of the total land area of the development.

(b) An increase of 5% in the maximum allowable density for the development and maintenance of an approved recreation and/or common use building or other indoor facility.

(c) An increase of 5% for a developed playground area.

(d) An increase of 5% for a developed recreation area including a covered picnic area, basketball and/or tennis court facilities and the like.

(e) As an incentive for development excellence, a total increase of 25% may be permitted if three or more of the foregoing are provided.

**PROPOSED FINDING:** *To the extent this criterion applies to multi-family projects with less than 20 units, the proposal meets the density requirements, and the applicant is not seeking any increases.*

(9) A complex shall provide recreational space of at least 2,500 square feet plus 50 square feet for each unit in the complex. The recreational space shall be improved with landscaping to provide open recreation and shall be secured from driveways and parking areas. Facilities such as picnic tables, barbecues and playground equipment are recommended.

**PROPOSED FINDING:** *The applicant interprets this criterion to also apply to multi-family complexes where not all units have access to individual ground floor recreational areas.*

*Applied to a traditional apartment complex with 20 units, it requires a total recreation area of 3,500 square feet. As the site plan illustrates, although the proposal is technically subject to approval as a multi-family apartment development under the code, it will live like a single-family townhome development. As the applicant explained in the "Proposal" section above, one of the benefits of using the Community Land Trust Model with ground leases is that it allows for multiple units on a single parcel that live more like single-family dwelling or townhome developments. Each unit has a ground floor with access to a private yard area for recreation. Each unit will have a 10 x 24-foot front yard area facing NE Laughlin and a larger 14 x approximately 20-foot side yard area. The proposal is to devote one small 10.5 x 19-foot portion of the side yard near the alley to a covered parking space. Subtracting the parking space each unit will have approximately 520 square feet of private recreation area. The development, to the extent it can be labeled a complex, will have a combined approximate 10,400 square foot area for recreation. The applicant submits that the purpose and intent of this criterion is met or surpassed with the proposal. The larger side yard area will be available for play equipment, grills and tables leaving the front yard open and uncluttered. Further, the applicant is going to install an attractive approximate 3-4-foot tall "picket" fence between the proposed private walkway that runs parallel to NE Laughlin and the private walkway. Because the proposed dwelling units will be elevated above NE Laughlin, with the fence, passersby on NE Laughlin will not be able to see the front or side yard areas for the proposed units. This criterion is satisfied.*

(10) For any complex permitting tenants to have recreation vehicles, camp trailers, boats and similar recreational equipment, there shall be provided a separate, designated parking area for such uses at a ratio of one space per each three units in the complex.

**PROPOSED FINDING:** *Recreational vehicles will not be permitted to be stored on the site. Recreational vehicles will only be allowed on the site for short term use such as loading, unloading, and cleaning.*

(11) If each unit in the complex is not provided with clothes washing and drying facilities, and there is not a private commercial coin-operated laundry facility within a reasonable walking distance, then there shall be provided within the complex a separate laundry facility providing not less than one washer and one dryer for each six units in the complex.

**PROPOSED FINDING:** *Each proposed unit will have a washer and dryer hook up.*

(12) The total land area of the complex may be required to be surrounded, except at entry and exit locations, by a sight-obscuring fence or hedge not less than six feet in height.

**PROPOSED FINDING:** *As discussed above, the applicant is installing a fence along the private walkway in front of each proposed unit creating a continuous fence along NE Laughlin Road. The applicant anticipates that each unit owner may install fencing in their side yard area. Because the proposed development will live more like a single-family*

development, additional fencing around the exterior of the entire development site is unnecessary and unwarranted. Due to the nature of the proposed development with duplex buildings that live more like single-family dwellings, it is not reasonable or necessary to require fencing around the entire development site. Such a condition would have the effect of discouraging needed housing through unreasonable cost.

**Section 153.036 Residential Dimensional Standards.**

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
	<b>Limited</b>	<b>General</b>	<b>Low Density</b>	<b>Redevelopment</b>	<b>High Density</b>
<b>Minimum Lot Area (public water and sewer required)</b>					
Accessory dwelling unit (ADU)	In conjunction with single-family dwelling				Zone standards
Single-family dwelling/duplex	6,500 sf	5,000 sf	10,000 sf	4,000 sf	Zone standards
Duplex (within designated hazard areas)	N/A	7,500 sf	N/A	6,500 sf	Zone standards
Townhome lots (2 lots) § 153.084(C)	N/A	3,750 sf	N/A	3,250 sf	Zone standards
Triplex	N/A	9,000 sf	N/A	8,000 sf	Zone standards
Fourplex	N/A	10,500 sf	N/A	9,500 sf	Zone standards
Additional area for each unit over 4	N/A	+1,500 sf	N/A	+1,250 sf	Zone standards
Townhome subdivision (3 or more lots) § 153.094	N/A	As approved	N/A	As approved	Zone standards
Townhome multiplex	N/A	N/A	N/A	N/A	Zone standards
Nonresidential uses	Based on requirements of use and preservation of residential character of neighborhood				Zone standards
Minimum net density for subdivision <sup>1</sup>	3/acre	4/acre	2/acre	6/acre	12/acre
Maximum net density for land division	Calculated based on "net density" definition				

<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
<b>Limited</b>	<b>General</b>	<b>Low Density</b>	<b>Redevelopment</b>	<b>High Density</b>

<b>Minimum Lot Area (no public water or sewer available)<sup>2</sup></b>		
Single-family dwelling	On existing lots or parcels only with approved water supply and sewage disposal system.	N/A
Accessory dwelling unit (ADU)	In conjunction with single-family dwelling with approved water supply and sewage disposal system.	N/A

<b>Minimum Setbacks for Structures (ft.): See § 153.117 for exceptions to setbacks.</b>					
Front yard (local street)	10	10	10	10	0
Front yard (collector or arterial) <sup>3</sup>	10	10	10	10	0
Carport/garage entrance to public street/alley	20	20	20	20	20
Carport/garage entrance to public sidewalk	25	25	25	25	25
Side yard	5	5	5	5	0/5
Side yard corner lot (street side)	10	10	10	10	0
Side and rear yard multi-story multifamily or 3 or more consecutive townhomes	10	10	10	10	0/5
Rear yard	10	10	10	5	0/20 <sup>5</sup>
Rear yard corner lot	5	5	5	5	0/20 <sup>5</sup>
Rear yard adjacent to alley	10	5	5	5	0
Accessory (no building permit)	3	3	3	3	3
Projections into setback <sup>4</sup>	2	2	2	2	2

<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
<b>Limited</b>	<b>General</b>	<b>Low Density</b>	<b>Redevelopment</b>	<b>High Density</b>

<b>Minimum Street Frontage (ft.):</b> See § 153.191(C) for exceptions.					
Standard street	50	50	100	40	Zone standards
Cul-de-sac	35	35	50	35	Zone standards
Townhome lot (2 lots) § 153.084(C)	N/A	25	N/A	25	Zone standards
Flag lot	N/A	20	N/A	20	20
Townhome subdivision 3 or more lots (§ 153.094)	N/A	As approved	N/A	As approved	Zone standards

<b>Maximum Building Coverage (%):</b> Open air covered porches are excluded from lot coverage.					
All buildings (percentage of lot) <sup>8</sup>	30%	35%	30%	35% (40% replacing dilapidated structure)	Determined by parking, landscaping, drainage

<b>Maximum Height (ft.):</b> Measured to the highest point from the natural grade, grade is averaged on sloped properties.					
All buildings/structures	30 ft.	35 ft.	35 ft.	35 ft.	Design approval above 35 ft.
Multifamily/3 or more consecutive townhomes (side and rear setbacks)	N/A	Additional 1 ft. setback for every 1 ft. above 25 ft.	N/A	Additional 1 ft. setback for every 1 ft. above 25 ft.	Determined by adjacent use
Exceptions to height limit	Hospitals, churches and public	Hospitals, churches and public	Hospitals, churches and public	Hospitals, churches and public schools	Adjacent to street or

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
	<b>Limited</b>	<b>General</b>	<b>Low Density</b>	<b>Redevelopment</b>	<b>High Density</b>
	schools may be increased to 45 ft.	schools may be increased to 45 ft.	schools may be increased to 45 ft.	may be increased to 45 ft.	commercial zone 45 ft.
Clear vision - street intersection (measured from curb)	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Clear vision - alley or pedestrian path (measured from curb or edge)	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

- <sup>1</sup> The city may grant an exception to the minimum density standards based on site specific issues that make such density infeasible such as: steep slopes, floodplains, and wetlands.
- <sup>2</sup> Water supplies are reviewed and sewage disposal systems are approved through the Crook County Community Development Department.
- <sup>3</sup> Plus that which is necessary to meet street and sidewalk right-of-way standards.
- <sup>4</sup> May project two feet into a setback, provided the projection is not closer than three feet to a property line.
- <sup>5</sup> If the rear property line is adjacent to a residential zone, the setback is 20 feet.
- <sup>8</sup> The calculation for lot coverage excludes up to 500sq.ft. of a garage or attached carport.

**PROPOSED FINDING:** *Minimum Lot Area: The minimum lot area in the R-2 for a multi-family development that exceeds a fourplex requires 10,500 square feet for the fourplex and 1,500 square feet for each additional unit. Using that formula, for 20 units the proposed development requires 34,500 square feet. The proposed development site exceeds 76,000 square feet.*

*Setbacks: The front yards face NE Laughlin Road and the site plan reflects that the front setback standard of 10 feet is met.*

*The rear setback faces the alley which is a private easement. Thus, the rear setback is at least 30 feet. The 10-foot standard is met.*

*The side setback does not apply to the common walls of the attached units. As the site plan reflects, the setback between the 10 attached structures exceeds 5 feet and thus, the standard is met.*

*Street Frontage: The development site has 580 feet of frontage on NE Laughlin Road, far exceeding the minimum standard.*

*Building coverage: The 10 proposed structures cover 24% of the development site. This standard is met.*

*Building Height: The tallest part of any proposed building is 26' 7". The maximum building height standard of 35 feet is met.*

**Section 153.020 Site Plan and Building Design Review Provisions.**

(A) Purpose.

(1) The purpose of the design review provisions of this chapter is to ensure that development within the city complies with standards and limitations set forth within the applicable zoning regulations, other city standards and requirements, and with applicable county, state and federal regulations. It is also the intent of these provisions that some level of review be exercised regarding the aesthetics of developments for the goal of maintaining the desirable character and living quality of the community or of specific areas within the community. The overall community character and living quality is defined by the following: keeping buildings in scale; honoring the beauty and ecology of the city's natural setting; and recognizing that historical and natural features are an integral part of the community's overall character.

(2) This broad purpose is furthered by the following specific purposes of design review.

(a) To implement the goals and policies of the Comprehensive Plan.

(b) To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset.

(c) To encourage originality and creativity in site design, architecture and landscape design.

(d) To ensure required public and site improvements and ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas.

(e) To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area.

(f) To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community and enhances specific elements of the manmade environment, both presently and historically.

***PROPOSED FINDING:*** *The applicant acknowledges the purpose statement for Section 153.020. The applicant will illustrate how the proposal is consistent with the purpose in the responses to the specific criteria below.*

(B) Applicability. The following uses and developments shall be subject to the provisions of this section:

(1) All new development and changes of use. A building permit shall not be issued prior to approval by the City. Site clearance activities such as grading, excavation or filling shall not be permitted unless specifically allowed by the City prior to approval.

***PROPOSED FINDING:*** *The applicant acknowledges that Section 153.020 applies to the proposed development.*

(C) Exemptions. The following are exempt from the site and building design review process.

(1) Single-family and two-family/duplex dwellings and their accessory structures

(2) Outright uses existing on or before the effective date of this chapter.

(3) Exterior remodeling and/or expansion of a use up to and not exceeding 25% of the total square footage (including upper floors) of all structures on a specific lot or parcel under unit ownership, however, it shall meet the "Site design evaluation criteria"(G)(2) below.

(4) Changes of uses that occupy an existing building or site that is either similar to the previous use or of equal or lesser impact to the site with regard to water, sewer and traffic as determined by the Planning Director and City Engineer. A change of use application may be required to make this determination (converting a residence to a commercial use is always considered a greater impact). Conditional use procedures still apply for those applications that require it. As a conditional use improvement may be required, that is exempted in this section.

(5) Painting, replacement of roofing and siding, and other normal maintenance and upkeep requirements which are not subject to regulation under the provisions of this chapter or any other applicable city, county, state and/or federal regulations.

(6) Activities that are determined to comply with section 153.120 (EXCEPTION, MINOR REPAIR/REHABILITATION).

***PROPOSED FINDING:*** *The applicant is not seeking any exemption.*

(D) Improvements Required. Uses requiring a design review application shall be subject to public improvements and or site improvements. Improvement requirements and standards are found in section 153.194 and the City's Standards and Specifications. Public improvements and site improvements include but are not limited to the following:

(1) Streets. Right of Way dedication, street extensions, sidewalks, access management. Double frontage lots may require improvements on both frontages.

(2) Utilities. Connection to municipal water and sewer and other utilities as necessary.



(3) Landscaping. Per standards set forth in section 153.087.

(4) Paved parking including access and maneuvering areas as set forth in section 153.085 and 153.086.

(5) Storm Water Drainage. Per the City's Standards and Specifications.

**PROPOSED FINDING:** *Streets/sidewalks: Access to each proposed dwelling unit will be via a private alley that connects to NE Laughlin Road. NE Laughlin Road is a fully developed public street with a public sidewalk along the site's frontage. The proposed development does not generate impacts that justify requiring any additional improvements. The applicant is not proposing any. However, in addition to the private alley, the applicant is proposing a private walkway along the front of the subject site parallel to the public sidewalk with two sets of stairs connecting them and an ADA ramp at the west end of the subject site. The private walkway will make it safer and more efficient for occupants on the subject site to access the public system.*

*Water: The applicant is proposing to extend a water main from the existing main in NE Laughlin Road into the site at the location of the proposed fire truck turnaround. There is an existing easement at that location making it the appropriate location for the main extension. The waterline will then run within the private alley providing water service to each proposed unit.*

*Sanitary sewer: Sanitary sewer will also extend from a public main in NE Laughlin Road to the proposed development site. Within the site sanitary sewer will be private.*

*Storm drainage: The site plan material includes a preliminary storm drainage plan demonstrating how storm water from the private alley and all other improvements will be managed.*

*Landscaping: The applicant has included a landscape plan that demonstrates compliance with the landscape standards in Section 153.087.*

(E) Design review authority. The authority for design review is set forth as follows.

(1) For those uses subject to design review and classified as outright or type I conditional uses, the City Planning Official and/or the City Manager, and the City Superintendents of Streets and Public Works, the City Fire Chief and the City Police Chief shall be responsible for the design review thereof. As deemed necessary, the county's Environmental Health Officer, as well as other agency and/or organizational representatives, may be requested to participate in the design review of specific use and/or development proposals. Any outright or type I conditional use may be referred to the City Planning Commission based on neighbor concerns, or potential significant impact on the community as determined by the Planning Director in accordance with section 153.250.030 Permit Processing.

(2) The City Planning Commission shall be responsible for the design review of all uses classified as type II conditional uses as well as any outright use or type I conditional use that is referred to the City Planning Commission by the Planning Director.

**PROPOSED FINDING:** *The applicant acknowledges the City's authority for design review.*

(F) Design review procedure. The following procedure shall be used in reviewing site and building design plans.

(1) Pre-application conference. Prior to applying for design review plan approval, applicants are encouraged to meet with the City Planning Official, City Engineer, and Superintendents of Streets and Public Works, or designees thereof, and present a preliminary plan which shall contain, in an approximate manner, the information required on a design review plan application.

(a) The purpose of the preliminary site plan review is to enable the applicant to obtain advice from the city as to the intent, standards, criteria and provisions of this section, this chapter, other city ordinances, standards and regulations, and state and federal rules and regulations which may be pertinent to the proposal.

(b) Information presented for preliminary discussion shall be considered confidential if so requested by the applicant.

**PROPOSED FINDING:** *The applicant participated in a pre-application conference with City staff. This criterion is met.*

(2) Consolidation of land use actions. Where a proposed use or development requires a variance, conditional use, partitioning, subdivision or other action which requires site plan or Planning Commission approval, the design review and applicable land use action by the respective reviewing authority may be combined into a single process.

**PROPOSED FINDING:** *The applicant is not seeking any other approvals. This criterion is not applicable.*

(3) Application. A property owner or authorized representative thereof may initiate a request for design review plan approval by filing an application with the city using forms prescribed by the city together with the required filing fee. In addition to the application form, the applicant shall submit the following information.

(a) Requirements for information submitted. Information provided on the design review plan shall conform to the following.

1. Drawings depicting the proposal shall be presented on sheets not larger than 24 inches by 36 inches in the number of copies directed by the city, but in no case less than 5.

2. To facilitate public reviews and notice, at least 1 copy of the proposal shall be provided on a sheet of paper not larger than 11 inches by 17 inches.

3. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned.

4. The city may require that a digital copy of the drawing, development plan or other information be provided to the city in a format adaptable to the city's computer systems.

**PROPOSED FINDING:** *The applicant is the property owner and has submitted the required application with the information set forth above. This criterion is met.*

(b) Site analysis diagram. If required by the reviewing authority, this element of the design review plan, which may be in schematic or free hand form to scale, shall indicate the following site characteristics.

1. Location and species of existing trees greater than 6 inches in diameter when measured 4 feet above the natural grade, and an indication of which trees are proposed to be removed.

2. On sites that contain steep slopes, potential geological hazard or unique natural features that may affect the proposed development, the city may require contours mapped at 5-foot intervals.

3. Natural drainage ways, depths of any ground water tables less than 12 feet, any areas of surface water accumulations and any other significant natural features.

4. All buildings, roads, retaining walls, curb cuts and other manmade features, both existing and proposed.

5. Natural features, including trees, riparian habitat and stream channels and structures on-site or on adjoining properties that have or may have a visual impact or other significant relationship with the site and the proposed development thereon.

**PROPOSED FINDING:** *To the applicant's knowledge, City staff has not requested a site analysis diagram.*

(c) Site photographs. Photographs depicting the site and its relationship to adjoining sites and the general area may be required if deemed necessary by the reviewing authority.

**PROPOSED FINDING:** *Included in this narrative is a photograph depicting the site and surrounding properties. The applicant will provide additional photographs if deemed necessary by the reviewing authority.*

(d) Site development plan. This element of the design review plan shall indicate the following.

1. Legal description of the property.
2. Boundary dimensions and site area.
3. Location of all existing and proposed structures, including distances from the property lines.
4. Area and percent of the site to be covered by structures, existing and proposed.
5. All external dimensions of existing and proposed buildings and structures.
6. Location of building entrances and exits.
7. Parking and circulation areas, including their dimensions.
8. Service areas, for such uses as the loading and delivery of goods.
9. Locations, descriptions and dimensions of any easements.
10. Grading and plans, including spot elevations and contours at 5-foot intervals.
11. Location of areas to be landscaped, including existing trees and natural landscaping to be retained.
12. Outdoor recreation and/or play areas.
13. Pedestrian and bicycle circulation and amenities.
14. Location of mechanical equipment not enclosed within a building, garbage disposal areas, utility appurtenances and similar structures.
15. Exterior lighting.
16. Location, size and method of illumination of signs.
17. Provisions for ADA compliance.
18. Other site elements which will assist in the evaluation of site development.
19. Location, names, surface and right-of-way widths and improvement standards of all existing and proposed streets within or adjacent to the proposed development.

**PROPOSED FINDING:** *The applicant's site plan and building /elevation drawings include all of the applicable elements listed in this section. The proposal does not include or need service areas. There are no easements. The applicant is not proposing any bicycle facilities, and none are warranted. The proposal does not include any illuminated signs or exterior lighting. This criterion is met.*

(e) Accompanying written summary. In addition to the foregoing site development plan requirements, a written summary of the proposal shall be required showing the following, (unless such is shown on the site development plan).

2. Residential development:

- a. The total square footage of the lot or parcel.
- b. The total square footage of all structures in the development.
- c. The number of dwelling units in the development.
- d. Percentage of lot coverage by structures, parking/driveway areas, recreation areas and landscaping.

**PROPOSED FINDING:** *The applicant submits that the site plan material includes all of the information required and a separate summary is not required. This criterion is met.*

(f) Landscape plan. A landscape plan shall be submitted and shall indicate the following:

1. The size, species and locations of plant materials to be retained or placed on site.
2. The layout of irrigation facilities.
3. Location and design details of walkways, plazas, courtyards and similar areas.
4. Location, type and intensity of outdoor lighting.
5. Location and design details of proposed fencing, retaining walls and trash collection areas.

**PROPOSED FINDING:** *The applicant is submitting a landscape plan that illustrates each of the requirements above. The yard areas facing NE Laughlin Road will have turf lawns and trees as indicated. The applicant proposes to retain the existing plantings on the slope between the private walkway and NE Laughlin Road, and to enhance that area with reasonable additional and appropriate plants for the environment. The proposed plants are detailed on the landscape plan. The yard areas around each unit will be watered with an automatic irrigation system to be designed and installed as construction progresses.*

*The slope area between the units and NE Laughlin Road will be planted with plants that require little water and the irrigation system will be designed to water that area as necessary. This criterion is met.*

(g) Architectural drawings. This element of the design review plan, if required by the reviewing authority, shall indicate the following:

1. A plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions and the relationship of the spaces to decks, porches, balconies and stairs or other features shown on the building elevations. The floor plans shall be provided for all building floors and shall include appropriate dimensions.

2. Exterior elevations showing building heights, windows, doors, exterior light fixtures, stairways, balconies, decks and other architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations.

3. For any building proposed in any of the airport zones (AA, AO, AD, AC, AM and AR), exterior elevations shall include a description of the color and texture of finish materials and shall specifically identify any proposed reflective materials. Samples of the materials and color ranges of siding, roofing and trim may be required if deemed necessary by the Planning Director in order to review any potential safety hazards related to the airport operations. Any use within any airport zone shall be subject to review and approval of the Federal Aviation Administration (FAA).

4. Location and type of exterior light fixtures, including the lamp types and the levels of illumination that they provide.

5. Location, size and method of illumination of all exterior signs.

***PROPOSED FINDING:*** *The applicant is submitting a full set of architectural drawings that contain the information required above. This criterion is met.*

(h) Property survey. A survey of the property by a licensed land surveyor shall be required and shall clearly delineate property boundaries and show the location of the corners of proposed buildings and other significant features proposed for the site. The requirement for a survey of the exterior boundaries of a site may be waived where it is found that there is a recent survey that can be used to clearly establish the applicant's property boundaries.

***PROPOSED FINDING:*** *The applicant has included, with the application material, the required survey completed by a licensed surveyor. This criterion is met.*

(4) Complete application. Upon receipt of an application for design review, the city shall review the application to ensure that it is complete. If the application is found to be incomplete, the applicant shall be provided with a description of the items required to complete it. The city shall not begin processing the application until found to be complete.

**PROPOSED FINDING:** *The applicant acknowledges this process.*

(5) Investigation and reports. As applicable, the City Planning Official, or a designee thereof, shall prepare a report to the applicable review authority on the conformance of the application with the pertinent zoning requirements. The report shall be available to the applicant at no cost and to the public, at a reasonable cost, 7 days prior to the date set for the public hearing or review authority review.

**PROPOSED FINDING:** *The applicant understands that City staff will prepare and present a report as required.*

(G) Design review criteria. To ensure that the stated purposes of the design review process are met the reviewing authority shall be governed by the following criteria as it evaluates and renders a decision on a proposal.

(1) Statement of intent.

(a) The design review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.

(b) These criteria are not intended to be inflexible requirements, nor are they intended to discourage creativity. The specification of one or more architectural styles is not intended by these criteria.

(c) The reviewing authority is not authorized as a part of the design review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this chapter.

**PROPOSED FINDING:** *The applicant understands this section to be a statement of general intent and not a mandatory approval criterion.*

(2) Site design evaluation criteria. A development shall make the most effective use possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments and land uses in the immediate area. The following are additional criteria that shall be used in evaluating site development plans.

(a) The arrangement of all functions, uses and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.

**PROPOSED FINDING:** *The subject site is located between commercially zoned and developed property to the south and a single-family urban density residential development to the north. The proposed buildings and related improvements provide a transition between the commercial uses and the single-family development. There are no natural features on the subject site that need to be accommodated in the proposed development. There are moderately sized trees on the site. Those trees in the footprint of the proposed buildings and where the alley and utilities are required must be removed. To the extent that any trees are in the areas where improvements are needed, they will be preserved. The site is elevated above NE Laughlin Road. However, the applicant is not proposing any significant grading to change the grade bringing the proposed units closer to the level of NE Laughlin Road. Rather, the applicant is proposing three access points from the elevated development site down to the public sidewalk, one of which will be ADA compliant. The proposed access to the buildings is via a private alley off NE Laughlin Road. Because the site is elevated above NE Laughlin Road, those areas are not easily seen from the public street. There is a significant undeveloped buffer area between the proposed development and the IronHorse development to the north attenuating and view of the proposed alley access and proposed parking areas. This criterion is met.*

(b) In terms of setback from streets or sidewalks, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.

**PROPOSED FINDING:** *All structures south of the proposed development are separated by NE Laughlin Road and are in commercially zoned properties. The applicant submits that due to that physical separation and functional distinction, there is no need to design the proposed residential structures to have a design compatible with the existing commercial structures. The single home west of the proposed development is separated from it by approximately 500-600 feet. That physical separation creates the desired compatibility. Furthermore, as illustrated in the diagram below which is part of the full set of plans that are being submitted, the proposed building design includes facades, projections, and varying surfaces that create aesthetically pleasing buildings on all elevations. There are existing single-family dwellings in Phase I of the Ironhorse subdivision and some vacant lots that the applicant anticipates being developed. The proposed dwelling units will be located along the NE Laughlin frontage and will not abut immediately against those dwellings leaving an open area as a buffer. In addition, the applicant took great care to design the proposed structures to be compatible with the IronHorse design guidelines as confirmed by the IronHorse HOA's letter. This criterion is met.*





(c) The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like, (for example, making use of a small stream rather than placing it in a culvert).

**PROPOSED FINDING:** *There are no such features on the subject site. This criterion is not applicable.*

(d) Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscape/open space in order to create a pedestrian/bike pathway and/or open system that connects several properties or uses.

**PROPOSED FINDING:** *The landscape plan submitted with the application demonstrates that the site will be landscaped consistent with nearby residential uses creating a cohesive look. The applicant is not proposing to develop any bike pathway. There are no existing pathways in the area to which one could connect, and a small, isolated pathway does not provide any appreciable public benefit. However, as depicted on the site plan, the applicant proposed to construct a paved pathway along the front of the subject site with three access points to the existing public sidewalk along NE Laughlin Road.*

(e) The arrangement of the improvements on the site does not unreasonably degrade the scenic values of the community and the surrounding area in particular.

**PROPOSED FINDING:** *Each of the 10 proposed duplex buildings will face NE Laughlin Road, which is a collector. The architectural design using offsets and projections with varying material creates a visually attractive front scape of the proposed development. As noted, the design was coordinated with the design standards for the IronHorse subdivision assuring that the proposed buildings will be compatible with the nearby residences to the north.*

(f) Where appropriate, the design includes a parking and circulation system that encourages pedestrian and bicycle traffic.

**PROPOSED FINDING:** *Access and circulation on site will be via the 30-foot-wide private alley which has a 22-foot-wide travel width and 8-foot-wide parking spaces running its entire length. There is a fire turn around located about 580 feet east of the point where the alley comes off NE Laughlin Road. The private alley provides adequate access and maneuvering for vehicles and bikes to get to the public transportation system. There will be 50 parking spaces one alongside each unit and 30 parking spaces along the private alley. The proposal has more than adequate parking. As noted above, to enhance on-site pedestrian circulation, the applicant proposes to construct a walkway along the front of the site running parallel to the public sidewalk on NE Laughlin Road. There will be two stairs and one ADA ramp connecting the private walkway to the public sidewalk. This criterion is met.*

(g) The design shall screen all storage, mechanical equipment, utilities and/or waste collection facilities from view, both from within and from outside the site.

**PROPOSED FINDING:** *Although the units will not have garages, each unit will have a car port and a reasonably sized storage area measuring either 9'11" or 8'11" wide enclosed storage room as depicted on the plans. The only exterior mechanical equipment will be small compressor units for ductless heat/air conditioning units. Such equipment is generally located in areas not visually apparent from surrounding properties and is much like air conditioning units that do not require screening.*

(h) Any proposed building with a footprint over 40,000 square feet located in a commercial zone or a building with over 40,000 square feet of retail area in an industrial zone shall comply with the special requirements as specified in 153.021.

**PROPOSED FINDING:** *No proposed building will have a footprint bringing it within this provision. This criterion is not applicable.*

(3) Landscape design evaluation criteria. The following criteria shall be used in evaluating landscape plans.

(a) The overall design substantially complements the natural environment of the city and the character of the site and the surrounding area.

(b) The design acknowledges the growing conditions for this climatic zone, and the unique requirements that its specific site location makes upon plant selection. (c) Provision has been made for the survival and continuous maintenance of the landscape and its vegetation.

(d) The design contributes to the stabilization of slopes and the protection of other natural features and resources where applicable.

(e) The design delineates and separates use areas, where it is desirable to do so.

***PROPOSED FINDING:*** *As illustrated on the proposed landscape plan, the applicant is proposing landscaping that reduces water demand and is consistent with the landscaping in the nearby IronHorse development. The hillside between the proposed buildings and the public sidewalk will be landscaped with native landscaping consisting of many pollinating plants. To avoid degradation of that landscaping and to promote slope stability, the applicant proposed the three access points (two stairs and one ramp) reducing the likelihood that people will traverse on the hillside.*

(H) Revision of plans. Construction documents (plans, drawings and specifications, etc.) shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review proposed modifications. The reviewing authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans.

(1) Major modifications.

(a) Major modifications are those which result in a significant change in the initial plans. The following are examples of major modifications: changes in the siting of a building; modification of areas to be landscaped; and modifications to a plan element that was the subject of a design reviewing authority condition of approval.

(b) If the reviewing authority determines that the proposed change is a major modification, the proposed alteration shall be reviewed and processed in the same manner as the original application and as a new application.

(c) The fee shall be in accordance with the city's fee schedule.

(2) Minor modifications.

(a) Minor modifications are those which result in an insignificant change in the initial plans. Examples are: limited dimensional or locational changes to building elements such as windows or doors; changes in building materials where only a limited area is

affected; and substitution of landscape materials which does not affect the overall landscape design.

(b) If the city determines that the proposed change is a minor modification, the reviewing authority may proceed with the review of the plans; however, if the reviewing authority is different than the original reviewing authority, the original reviewing authority shall be notified of the proposed change and given an opportunity to comment relative thereto prior to final approval of such change.

(c) The fee shall be in accordance with minor modifications on the city's fee schedule.

***PROPOSED FINDING:*** *The applicant does not presently anticipate any revisions and acknowledges that if revisions are proposed, the above criterion will become applicable.*

(I) Development in accordance with permit approval. Development, including any site grading or landscape removal activities, shall not commence until:

(1) The applicant has received all of the appropriate land use and development approvals (i.e., site development review approval), grading permits and building permits.

(2) The applicant has entered into an improvement agreement with the city (e.g., for phased developments and developments with required off-site public improvements), and required bonding or other assurances of site improvements have been submitted to the city.

***PROPOSED FINDING:*** *The applicant acknowledges that this provision applies to any approval it receives.*

(J) Phased development. Phasing of development plans may be requested at the time of application for Site and Building Design Review, subject to the following standards and procedures:

(1) Any phased development shall be reviewed by the Planning Commission.

(2) A proposed phasing plan shall be submitted with the Site and Building Design Review application. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time for all phases be greater than five years without obtaining additional Planning Commission approval. In no case may the total time for all phases be greater than ten years without submitting a new application. The first phase of the project shall begin no later than 12 months from the date of city approval for Site and Building Design Review.

(3) Approval of a phased site development proposal requires satisfaction of the following criteria:

(a) The public facilities required to serve each phase are constructed in conjunction with or before each phase, or bonded at the discretion of the City Engineer.

(b) The phased development shall not result in requiring the city or other property owners to construct public facilities that are necessary to support the development proposal.

(c) An application for phasing may be approved after Site and Building Design Review approval as a modification to the approved plan, in accordance with section 153.259.030.

(d) Requests for phasing periods longer than five years shall include supportable analysis showing why such an extension is warranted.

***PROPOSED FINDING:*** *The applicant is proposing to apply for and obtain certificates of occupancy for each duplex structure on an individual basis when they pass all inspections. If obtaining certificates of occupancy for each individual structure requires approval for phased development, the applicant requests phased approval with each building being within its own phase.*

(K) Bonding, Assurances and Occupancy. The City may require a bond or other assurance of required improvements pursuant to section 153.197. These improvements shall include all required public and private site improvements including required off-site improvements. An occupancy permit shall not be issued unless improvements are completed pursuant to section 153.198 of this chapter. Exceptions to occupancy may only be granted for circumstances necessitating delay of paving or landscape installation. If such an exception is granted a bond or other assurance of improvement pursuant to 153.197 shall apply.

***PROPOSED FINDING:*** *The applicant acknowledges that the City, in appropriate situations, may require bonding. The applicant does not anticipate the need for the City to invoke this provision.*

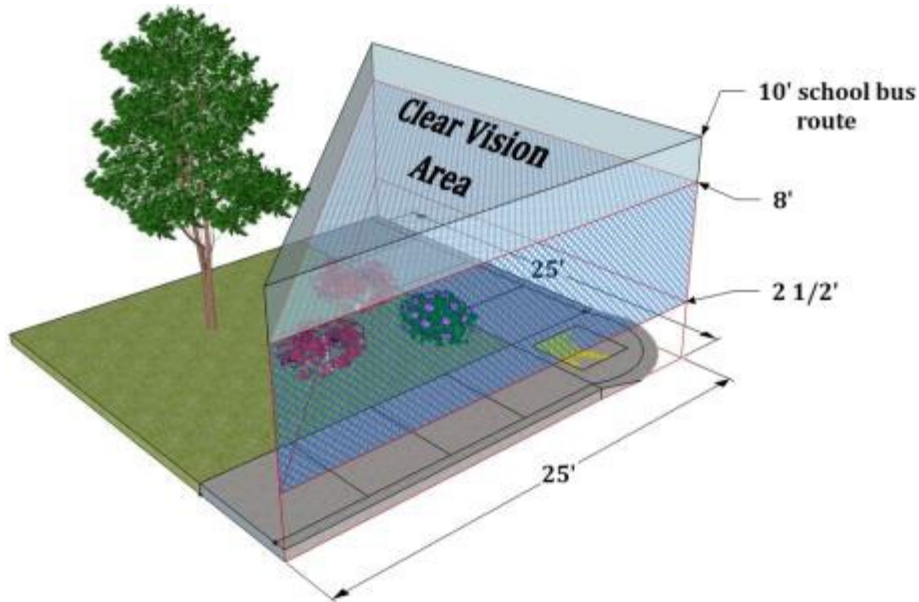
## **Section 153.081 Clear Vision Areas.**

In all zones, a clear-vision area shall be maintained at the intersection of two streets, a street and a bike or pedestrian way and a street and an alley. A clear- vision area shall contain no plantings, sight-obscuring fences, walls, structures or temporary or permanent obstructions exceeding 2 ½' feet in height measured from the grade of the street centerline, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of 8 feet above the grade, and trunk diameter does not exceed 18 inches.

(A) Measurement of clear vision areas. A clear vision area shall consist of a triangular area, two sides of which are measured from the corner intersection of the street curb or location where street curb would be located if the right-of-way were developed to full city

standards (ignoring any corner radius) for a distance of 25 feet. The third side is a line across the corner of the lot adjoining the non-intersecting ends of the other two sides. The vertical clear vision area is the area above the triangle, between 2 1/2' and 8' in height (10' if located along a designated school bus route). In the case of an intersection of a street with an alley or bike/pedestrian way, the measurement shall be made along the nearest edge of the alley or bike/pedestrian way to the intersection for a distance of 15'.

(B) Exceptions to clear vision standards. Bu Buildings constructed in the C-1 zone shall be exempt from clear vision requirements.



**PROPOSED FINDING:** *The proposed development was designed to satisfy the clear vision standards. A condition of approval requiring that all development meet the clear vision standard is appropriate.*

#### **Section 153.084 Attached Single-Family Housing, Townhomes & Townhome lots.**

(A) Attached single-family housing. Any two adjacent legal lots zoned for residential use may build single-family homes attached at the lot line (see Dwelling townhome definition) in accordance with the Building code. All owner signatures are required.

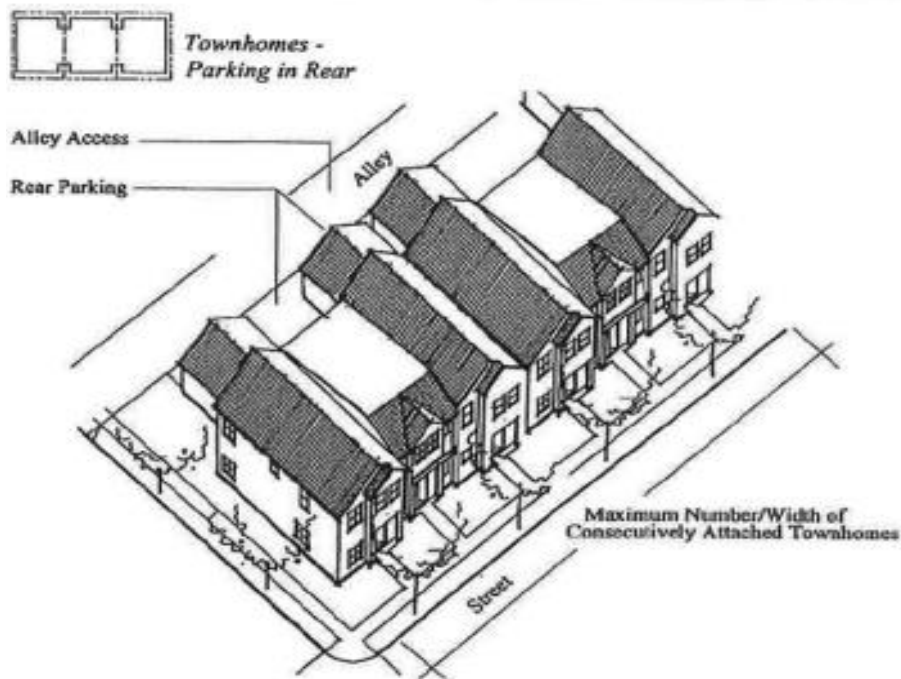
(B) Townhomes. Other than townhomes developed under sections (A) and (C), 3 or more consecutive townhomes may be developed as part of a non-standard subdivision such as a cluster development or PUD. Townhomes shall comply with the standards in 1-4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas. Cluster Development standards can be found in section 153.094.

(1) Building Mass Supplemental Standard. Within the residential zones, the maximum number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 6 units, or 150 feet (from end-wall to end-wall), whichever is less.

(2) Each townhouse shall have some architectural articulation by either staggering the buildings or including unique features within the façade to produce the same effect (ie: no long continuous flat wall).

(3) Alley Access. Subdivisions (4 or more lots) containing townhomes shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (See subsection (4)). Alley access shall also be required on existing lots if available. As necessary, the city shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) for access and circulation.

#### Townhomes and Multiplex Housing With Alley Access



(4) Street Access Developments. Townhomes receiving access directly from a public or private street shall comply with all of the following standards in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.



(a) When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.

(b) The maximum allowable driveway width facing the street is 20 feet per dwelling unit for double car garages and 12 feet for single car garages.

(c) Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of 1 on-street parking space). When a driveway/curb cut serves more than 1 lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

(5) Common Areas. “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

(6) Utilities. Each lot shall have separate public and private utilities.

(C) Townhome lots. Townhome lots allow for 2-unit townhomes outside of the cluster development standards (section 153.094). A Townhome lot is intended to allow for the development that looks, feels and acts like a duplex but allows for separate unit



ownership of not only the building but the land as well. The following criteria shall be met for the approval of a Townhome lot.

(1) Minor Partition. The process for creating a Townhome lot shall follow the process and platting procedures for a minor partition in section 153.160.

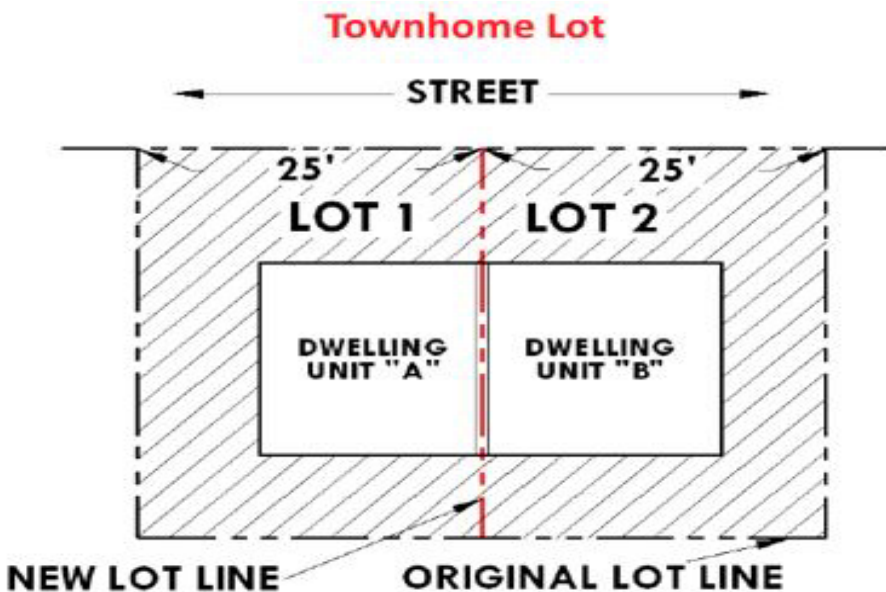
(2) Lots shall be restricted to site built homes attached by common wall. A deed restriction may be required and shall be recorded with the partition plat.

(3) Access. Driveways shall be combined unless an existing structure makes it impractical or in the case of a corner lot where units may face different streets.

(4) Townhome lot size. Each lot shall be approximately half the size of the original lot and/or meet the minimum dimensional standards listed in 153.036 for lot size and street frontage.

(5) Structure. The structure itself shall meet all the dimensional standards of the required zone including parking.

(6) Utilities. All utilities public and private shall be separate.



**PROPOSED FINDING:** This provision applies to proposals creating either single-family attached housing lots or townhome lots. The proposal does not include creating individual lots and therefore, this section is not applicable.

**Section 153.085 Off-Street Parking and Loading: Provisions and Requirements.**

(A) The provision and maintenance of off-street parking and loading facilities are continuing obligations of the property owner. No building permit shall be issued until plans are submitted and approved by the city that show property that is and will remain available for exclusive use as off-street parking and loading facilities as required by this section and this chapter. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the required parking and loading facilities set forth by this section and this chapter. It is not, however, the intent of these provisions to require off-street parking and loading facilities in a manner as to unreasonably limit improvements to existing structures and uses, particularly in that area identified as the downtown core commercial area.

(B) Applicability. Unless exempted by this section, all construction, reconstruction, enlargement of a structure or at the time a use is changed in any zone off-street parking facilities shall be provided in accordance with the requirements set forth by this section and section 153.086

(C) Exemptions. The following are exemptions in all zones.

(1) Outright uses existing on or before the effective date of this chapter on a lot or parcel of land that has no remaining room for off-street parking and loading facilities.

(2) Exterior remodeling and/or expansion of a use up to and not exceeding 25% of the total square footage of all structures on a specific lot or parcel under unit ownership, however, any existing parking displaced by the remodeling and/or expansion shall be replaced.

(3) Changes of uses that are permitted outright in a zone and occupy an existing building or site that is either similar to the previous use or of equal or lesser impact to the site with regard to traffic impacts as determined by the reviewing authority and City Engineer. A change of use application may be required to make this determination.

***PROPOSED FINDING:*** *The applicant acknowledges that this section applies and is not asserting any exemption.*

(D) Specific parking requirements by zone.

(1) R-1, R-2, R-3 and R-4 Zones. (a) No specific requirements; the number of spaces required are listed in the table below; spaces shall meet City standards.

(2) R-5 Zone.

(a) Shall meet the applicable requirements set forth in the parking table section (E) below; however, 50% of the adjacent on-street parking spaces shall be counted to meet

the parking needs as well as any off-site parking spaces owned or leased specifically for the subject development.

(3) C-1 Zone. More specifically, the provisions of this section shall be exempted for uses permitted outright in a C-1 Zone, which occupy an existing building on a parcel of land which contains no room for parking. For those parcels of land which do have room for parking, the standards of this section shall apply.

(a) All employee and customer parking shall be provided entirely offstreet on an area or facility, public or private, designated for such use, unless otherwise approved by the City Planning Commission.

(b) In the event that the city has established a process for a parking in lieu of fee, this fee may be used to reduce required parking in accordance with the policy. This fee would then be used for future public parking facilities.

(c) Redevelopment of existing second and third floor uses, including residential uses shall also be exempt from the parking requirements. Home Page - 113 - of 191

(d) Required parking for new construction shall utilize alleys to the greatest extent possible primarily placing required parking at the rear of the structure and not along the primary or higher order street.

(e) Bicycle parking shall be provided with all new construction at a minimum of 2 spaces per use. Consolidation of Bicycle racks per block is allowed.

(4) C-2, C-3, C-4 and C-5 Zones. All parking demand created by any use permitted in this zone shall be accommodated entirely on-site or off-street on another area or adjoining site within a reasonable walking distance of not more than 1,200 feet that is available for the subject use in compliance with the standards set forth herein. The location of any off-site parking area that requires pedestrians to cross an arterial or major collector street or highway to obtain access to the subject use is prohibited.

(a) No use permitted in this zone shall require the backing of traffic onto a public street right-of-way to accommodate ingress or egress to any use or the premises thereof unless approved otherwise by the city.

(b) Bicycle parking shall be provided at a rate of 1 space per 12 vehicle parking spaces.

(5) M-1, M-2 and IP Zones. All parking demand created by any use permitted in this zone shall be accommodated entirely on-site or off-street on another area or adjoining site shared by one or more uses permitted in this zone. The location of any off-site parking area that requires pedestrians to cross an arterial or major collector street or highway to obtain access to the subject use is prohibited.

**PROPOSED FINDING:** *The standards for R-2 zone apply and the applicant is proposing that all required parking be located on the subject site. This criterion is met.*

(E) Parking table. Where the square feet of the structure or use are specified as the basis for the requirements, the area measured shall be the gross floor area primary to the functioning of the particular use of the structure and property. When the requirements are based on the number of employees and/or the number of occupants, customers or users, the number counted shall be the number of employees working on the premises during the largest shift at peak season, and the number of occupants, customers or users shall be counted as the maximum rated capacity. Fractional requirements shall be counted as a whole space. Off-street parking spaces meeting the minimum dimensional standards in 153.086(l), may include spaces in garages, carports, parking lots, and/or driveways if spaces are accessible and vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirement.

<b>Use Description</b>	<b>Minimum Requirements</b>
<b>Residential</b>	
Single-Family Dwelling (includes townhomes)	2 spaces per dwelling
Duplex	1 space per dwelling
Multi Family Dwelling (3 to 4 dwellings)	2 spaces per dwelling
Multi-family complex (5 or more dwellings)	2 spaces per dwelling for first 4 dwellings; 1.5 spaces per dwelling from 5 to 8 dwellings; 1.25 spaces per dwelling thereafter, plus 2 spaces for owner/manager.
Res. use other than ground floor	1 space per Dwelling unit.
Res. use ground floor	1 space per Dwelling unit.
Res. 2 <sup>nd</sup> and 3 <sup>rd</sup> story in C-1 zone	1 space per Dwelling unit (new), none for existing Dwelling units or converted structures.
Residential Care Facility	1 space per each two rooms plus 1 space for each manager and employee at peak use.
Residential Care Home	2 spaces.
Accessory dwelling	1 space recommended, not required
Homeless Shelter	As determined by reviewing authority.
Caretaker, Watchmen living on site	1 space per Dwelling unit.

<b>Commercial Residential</b>	
Bed and breakfast	1 space per guest room plus 2 spaces for owner/ manager.
Boarding, lodging or rooming house	1 space per unit plus 2 spaces for owner/manager.
Hotels and motels	1 space per guest room plus 2 spaces for owner/ manager.
<b>Institutional</b>	
Club, lodge or convention center	1 space per 4 seats.
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged, elderly assisted living complex	1 space per each 4 beds or lodging units for patients or residents, plus 1 space per employee.
Hospital	1 space per each 4 beds, plus 1 space per employee on the largest work shift.
<b>Public or Semi-Public Uses</b>	
Public recreational facility/Community Center.	1 space per 300 s.f. of net square footage.
Park (public or private)	5 spaces per acre.
Public Transportation Station	1 space per 1000 s.f. enclosed.
RV Park (Public or Private)	1 auto + RV space for each designated place and 5 guest spaces.
Utility Facility	1 space, no full time employees.
Church	1 space per each 4 seats.
Library, reading room	One space per each 400 sq. ft. of floor area plus 1 space per each employee.
Nursery, kindergarten	1 space per employee and adequate off-street parking and loading areas for the delivery/pickup of patrons.
Elementary or junior high	2 spaces per classroom plus 1 space per administrative Employee.
High school	8 spaces per classroom .
College	1 space per employee plus 1 space per each 2 students.
Trade School or Adult Training	1 space per employee plus 1 space per each student.
Other auditorium or meeting facility	1 space per each 4 seats, or 1 space for each 75 sq. ft. of assembly room floor area.
<b>Commercial Amusement</b>	
Amusement Park	20 spaces per acre.

General Recreation, Outdoor	20 spaces per acre.
General Recreation, indoor	1 space per 4 seats.
Stadium, arena, theater	1 space per each 4 seats.
Bowling alley	4 spaces per alley plus 1 for each employee.
Golf Course	50 spaces per each 9 holes.
Driving Range	1 space per driving cage, plus 1 per employee.
Gymnasium, Fitness Center, Spa	1 space per 300 s.f. of net square footage.
Dance hall, skating rink	1 space per each 100 s.f. floor area plus 1 space per each employee.
<b>Commercial</b>	
Retail store except those handling exclusively bulk materials	1 space per 200 s.f. of retail floor area , plus 1 space per employee.
Retail store handling exclusively bulk merchandise; (includes RVs, Furniture)	1 space per 1,000 s.f. of retail floor area, plus 1 space for each employee in peak employment shifts.
Shopping Center/Department stores	1 space per 250 s.f. of floor area.
Telemarketing/Call Center	1 space per employee, plus 5 guest spaces.
Service and Repair	1 space per 600 s.f. retail floor area.
Auto Service	1 space per service bay.
Auto Sales (new and used)	1 space per sales office or cubicle.
Bank, offices (except medical and dental)	1 space per 600 s.f. of customer service area, plus 1 space per employee during peak employment shifts.
Medical/dental clinic	1 space per 300 s.f. of customer service area, plus 1 space per employee.
Veterinarian	2 spaces per DVM
Eating and/or drinking establishment	1 space per 100 s.f. of customer service area, plus 1 space per employee.
Espresso Stand or drive through	1 space per employee
Mortuaries, funeral home	1 space per 4 seats, plus 1 space per employee.
Mini Storage	1 space per employee.
Kennel	1 space per employee , plus 2 spaces per customer service area.

<b>Industrial</b>	
Equipment Rental, Sales and Service	1 space per 600 s.f. of retail floor area.
Industrial, General	1 space per 800 s.f.
Storage warehouse, manufacturing, transport facility.	1 space per employee.
Truck Stop	As determined by reviewing authority.
Wholesale establishment	1 space per 600 s.f. of customer service area, plus 1 space per employee.
<b>Other Structures and Uses</b>	
To be determined by the reviewing authority on the basis of comparable use requirements.	

**PROPOSED FINDING:** *The proposal is to construct 10 duplex buildings with a total of 20 units. For multi-family developments with more than 5 units the code formula requires 2 spaces for the first 4 units, 1.5 spaces for the second four units and 1.25 spaces for every additional unit. In this application the parking requirement is 29 spaces. Each proposed unit will have one covered parking space along the side of the unit. In addition, there are 30 parking spaces along the private alley available to the unit owners for a total of 50 spaces in the proposed development exceeding the minimum requirement. This criterion is met.*

**Section 153.087      Landscaping Requirements.**

The following minimum landscape requirements are established for all developments subject to design review plan approval, unless approved otherwise by the reviewing authority.

(A) Landscaping defined. Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials.

(B) Existing vegetation. Existing site vegetation may be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.

(C) Area required. Minimum area requirements may include requirements for landscaping around buildings, along fence lines, in parking and loading areas, outdoor recreational use areas and screening and buffering areas. Except as approved otherwise by the reviewing authority, the area required for landscaping is expressed as a percentage within the zone dimensional tables and/or the following:

- (1) Multifamily dwellings & complexes: 20%.

(2) Downtown Enhancement Plan C-1 Zone.

***PROPOSED FINDING:*** *The subject site is proposed to have multi-family dwellings. The submitted landscape plan demonstrates that at least 20% of the site will be landscaped with elements set forth in the definition of “Landscaping.”*

(3) Parking lots. Parking areas shall be required to be landscaped in accordance with the following minimum requirements: Home Page - 120 - of 191.

(a) In commercial and residential developments, parking areas shall be divided into bays of 12 spaces and between or at the end of each parking bay a curbed planter containing at least 16 square feet shall be required. Parking areas less than 12 spaces may require curbed planters as part of the landscape standard.

(b) Each planter should contain at least 1 tree and ground cover. An applicant may submit alternate plans for review and approval.

(c) The areas shall be designed to be protected from being damaged by vehicles using the parking area.

(d) Clear vision at the intersection within a parking area shall be maintained to provide adequate vision of vehicles and pedestrians.

(e) Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum 4 foot strip of landscaping.

(f) Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.

***PROPOSED FINDING:*** *The proposal does not include any parking lots. This criterion does not apply.*

(4) Buffering and screening. Requirements for buffering and screening may exceed the area requirement listed above. When required, buffering and screening areas shall conform to the following minimum requirements.

(a) Purpose. The purposes of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The reviewing authority may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.



(b) An aesthetic and/or noise reducing landscaped buffer may be required between land uses as follows.

1. Commercial uses abutting a residential zone, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.
2. Industrial uses abutting residential or commercial zones, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.
3. Multifamily complexes containing 4 or more units abutting a residentially zoned parcel that is limited to single-family residential use, public recreation area, scenic resource, institutional use or public right-of-way.
4. Manufactured or mobile dwelling subdivision or park abutting a residentially zoned parcel that is limited to single-family residential use, public recreation area, scenic resource, institutional use or public right-of-way. Home Page - 121 - of 191
5. Public or private recreation area or facility abutting a residential or commercial use, institutional use, scenic resource, noise sensitive use or public right-of-way.

(c) A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.

(d) In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the reviewing authority with jurisdiction over the approval of the applicable use.

***PROPOSED FINDING:*** *In light of the significant separation between the proposed residential buildings and existing uses on all sides, the applicant submits that specific screening is not necessary, and this criterion is either not applicable or, if applicable, met with the proposed landscape plan.*

(D) Plant material installation standards. Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section.

(1) Landscape plant materials shall be properly guyed and staked and shall not interfere with vehicular or pedestrian traffic or parking and loading.

(2) Trees shall be a minimum size of 8 feet in height and be fully branched at the time of planting.

(3) Shrubs shall be supplied in 1 gallon containers or 6 inch burlap balls with a minimum spread of 12 inches.

(4) Rows of plants should be staggered to provide for more effective coverage.

(E) Maintenance and plant survival. All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

***PROPOSED FINDING:*** *The applicant acknowledges this section and its requirements. A condition of approval requiring compliance is appropriate to ensure that the criterion is met.*

### **Section 153.090          Fences.**

Fences, except of barbed wire and of similar hazardous materials, are permitted in any zone and do not require a zoning permit for construction. The fences shall, however, be in compliance with the following provisions.

(A) Fences within the setback areas of yards shall not exceed 6 feet in height except as otherwise approved as a type I conditional use and constructed to meet Building code requirements.

(B) Fences which may be located in front yards shall not exceed 4 feet in height with the exception of the M-1 and M-2 zones, decorative fencing such as wrought iron that can be easily seen through and flag lots where lot lines may conflict with neighboring side and rear lot lines. All other exceptions shall be approved by the Planning Commission based on unique circumstances or land use. (For the purposes of this section “front yard” shall be defined as the area between the street and nearest point of the primary structure).

(C) Fences which may be located within clear-vision areas shall not exceed 2 ½ feet in height.

(D) Fences shall not be located within a surface water or wetland setback. (see Chapter 155 Natural Features Overlay District).

(E) Fences shall be maintained in good condition at all times and shall not create any unsightly or hazardous condition. Home Page - 123 - of 191

(F) All fences, or portions thereof, shall be located or constructed in a way as to not prevent reasonable access to abutting properties for building maintenance or fire protection purposes. (G) Fences, or portions thereof, shall be located or constructed in a

manner as to not unreasonably obstruct significant scenic views of the valley, mountains or natural features of the area from adjacent buildings.

(H) The height of a fence shall be measured from the ground level where located. A fence may be placed on top of a retaining wall where the property has been leveled to one side. The ground may not be elevated for the sole purpose of elevating a fence.

(I) As applicable, the construction or reconstruction of fences shall comply with the Building Code as administered by the City or County Building Department.

(J) No owner or person in charge of property shall create a hazard by being the owner or otherwise having possession of property where there is a fence that is not structurally stable.

(K) No owner or persons in charge of property shall construct or maintain a barbed-wire fence along a sidewalk or public way; except the wire may be placed above the top of fencing that is not less than 6 feet high.

(L) No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property of another person.

***PROPOSED FINDING:*** *The fencing along the proposed walkway parallel to Laughlin is less than 4 feet in height. No fencing proposed on the street side exceeds 4-feet. Internal fencing enclosing the yard areas and careening the carports does not exceed 6 feet in height. The applicant acknowledges the other provisions in this section and all requirements. A condition of approval requiring compliance is appropriate to ensure that the criterion is met.*

### **Section 153.091        Decks.**

Except as otherwise required for compliance with the Uniform Building Code as administered by the City-County Building Department, the following provisions are applicable to decks.

(A) Decks may be constructed within setback areas up to 3 feet from the property line, provided they shall not exceed 3 feet in height and are not covered or have fixed attachments that rise above 6 feet. Height of the deck and any attachments shall be measured from the ground level where located.

(B) Decks abutting a stream channel or riparian habitat shall adhere to Chapter 155 Natural features overlay district.

(C) Decks shall be constructed in a manner as not to be detrimental to abutting properties or obstruct scenic views from adjacent buildings.

**PROPOSED FINDING:** *The applicant acknowledges this section and its requirements. A condition of approval requiring compliance is appropriate to ensure that the criterion is met.*

**Section 153.194 Streets and Other Public Facilities.**

(A) Duties of developer. It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, gas, telephone, cable, and other utilities necessary to serve the use or development in accordance with the Standards and Specifications of the city and/or the serving entity.

**PROPOSED FINDING:** *The applicant acknowledges the requirement in this section and is proposing to construct the private alley, the private walkway, and all required utilities. The proposal does not trigger any new public street/sidewalk improvements. This criterion can be met through a feasible condition of approval.*

(B) Underground installation of utility lines. All electrical, telephone or other utility lines shall be underground unless otherwise approved by the city. *This criterion can be met through a feasible condition of approval.*

**PROPOSED FINDING:** *The applicant acknowledges the requirement in this section and will install all electric, telephone and other utility lines underground, unless the applicant obtains approval to deviate from that requirement.*

(C) Location, width, and grade of streets. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.

**PROPOSED FINDING:** *The location of the proposed private alley meets the applicable sight distance and other standards. It will be constructed consistent with the city design standards. This criterion is met.*

(D) Traffic circulation system. The overall street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area, per the City's Standards and Specifications.

**PROPOSED FINDING:** *The private alley is the only proposed facility that could be viewed as a street. It is designed to meet all applicable city design standards. This criterion can be met.*

(E) Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:

- (1) Provide for the continuation or appropriate projection of existing principal streets to surrounding areas or adjacent lots;

(2) Conform to a plan for the general area of the development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and

(3) Conform to the adopted Urban Area Transportation System Plan as may be amended.

**PROPOSED FINDING:** *The applicant submits that this criterion does not apply to the single private alley being proposed.*

(F) Minimum right-of-way and roadway widths. Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths set forth in the City's Standards and Specifications. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be dedicated at the time of land division or development.

**PROPOSED FINDING:** *The proposed private alley meets the city's design standards. No other streets or roadways are proposed.*

(G) Alignment. All streets, as far as practicable, shall be in alignment with existing streets by continuations of the centerlines thereof. Necessary staggered street alignment resulting in intersections shall, wherever possible, leave a minimum distance of 200 feet between the centerlines of streets of approximately the same direction, and in no case shall the offset be less than 100 feet.

**PROPOSED FINDING:** *The location of the proposed alley meets this standard.*

(H) Future street extensions. Where necessary to give access to or permit future subdivision or development of adjoining land, streets shall be extended to the boundary of the proposed development or subdivision.

**PROPOSED FINDING:** *This criterion applies to public streets, and none are being proposed. Extending the private alley is not necessary to permit future subdivision or development of adjacent land.*

(I) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the City Engineer. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.

**PROPOSED FINDING:** *The proposed private alley intersects NE Laughlin Road at an approved angle. This standard is met.*

(J) Inadequate existing streets. Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement

standards, additional right-of-way and/or improvements to the existing streets may be required.

**PROPOSED FINDING:** *NE Laughlin Road is not substandard, and impacts generated by the proposed development do not justify any improvements to it.*

(K) Cul-de-sacs. A cul-de-sac shall terminate with a circular turnaround with a minimum paved surface and right-of-way determined by the City's Standards and Specifications or Fire Code whichever is greater.

**PROPOSED FINDING:** *No cul-de-sacs are proposed. This standard does not apply.*

(L) Marginal access streets. Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen plantings contained in a nonaccess reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.

**PROPOSED FINDING:** *The proposed development fronts NE Laughlin, which is a collector, not an arterial. This criterion does not apply. However, even if it did apply the proposed development is consistent with the standard.*

(M) Streets adjacent to railroad or canal right-of-way. Whenever a proposed land development contains or is adjacent to a railroad or main canal right-of-way, provisions may be required for a street approximately parallel to the ROW at a distance suitable for the appropriate use of land between the street and the ROW. The distance shall be determined with consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting or other separation requirements along the ROW.

**PROPOSED FINDING:** *This standard does not apply to the proposed development.*

(N) Reserve strips. Reserve strips or street plugs controlling access to streets shall not be approved.

**PROPOSED FINDING:** *The applicant is not proposing reserve strips or street plugs.*

(O) Half streets. Half streets, while generally not acceptable, may be approved where reasonably essential to a proposed land development, and when the Commission or other reviewing authority finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.

**PROPOSED FINDING:** *The applicant is not proposing any half-streets.*

(P) Streets. All street design criteria shall conform to the City's Standards and Specifications and state design standards as determined by the City Engineer.

**PROPOSED FINDING:** *The applicant acknowledges that the proposed private alley must meet any city standards for such facilities. This standard can be met with a feasible condition of approval.*

(Q) Street names. Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance.

**PROPOSED FINDING:** *The applicant acknowledges the restriction in this standard.*

(R) Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.

**PROPOSED FINDING:** *The applicant acknowledges the requirements of this standard.*

(S) Traffic control signs. Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.

**PROPOSED FINDING:** *The applicant acknowledges the requirements of this standard.*

(T) Alleys. Alleys are not necessary in residential developments, but should and may be required in commercial and industrial developments unless other permanent provisions for access to off-street parking and loading facilities are approved by the city.

**PROPOSED FINDING:** *This standard does not prohibit alleys for residential developments and thus, the proposed alley is consistent with this standard.*

(U) Curbs. Curbs shall be required on all streets in all developments and with all new commercial and multifamily construction. Curbs shall be installed by the developer in accordance with the City's Standards and Specifications unless otherwise approved by the city.

**PROPOSED FINDING:** *The applicant acknowledges the requirements of this standard.*

(V) Sidewalks. Unless otherwise required in this chapter or other city ordinances or other regulations, sidewalks shall be required as set forth hereinafter on all streets in all developments and with all new commercial and multifamily construction. In lieu of these requirements, however, the reviewing authority may approve a development without sidewalks if alternative pedestrian routes and facilities are provided.

(1) All streets. In general all streets shall have sidewalks at a minimum of five feet in width in residential and industrial areas and eight feet in width in commercial areas unless otherwise provided for in the applicable zone or conditional use approval.

**PROPOSED FINDING:** *The applicant is not proposing to construct sidewalks within the private alley, and none are needed. The proposed units front NE Laughlin Road where there is a public sidewalk connecting to the city's sidewalk system. The proposed private walkway along the front of the units provides a connection to the public sidewalk.*

(W) Bike lanes. Unless otherwise required in this chapter or other city ordinances or other regulations, bike lanes shall be required as follows, except that the Planning Commission may approve a development without bike lanes if it is found that the requirement is not appropriate to or necessary for the extension of bicycle routes, existing or planned, and may also approve a development without bike lanes in the streets if alternative bicycle routes and facilities are provided.

(1) Local streets. Bike lanes may be required on local streets, and if required shall not be less than five feet in width for one-way bike lanes and eight feet in width for two-way bike lanes.

(2) Collector streets. Bike lanes are required on both sides of major collector streets, and may be required on minor collector streets, and shall not be less than six feet in width.

(3) Arterial streets. Bike lanes are required on both sides of arterial streets, and shall not be less than six feet in width.

**PROPOSED FINDING:** *This standard does not require bike lanes along proposed private alleys. It is not reasonable to require the applicant to construct a bike lane along NE Laughlin.*

(X) Street lights. Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company.

**PROPOSED FINDING:** *The applicant acknowledges the requirements of this standard.*

(Y) Utilities. The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.

**PROPOSED FINDING:** *The applicant acknowledges the requirements of this standard.*

(Z) Drainage facilities. Drainage facilities shall be provided as required by the City's Standards and Specifications.



***PROPOSED FINDING:*** *The applicant acknowledges the requirements of this standard and will be submitting its proposed drainage plan as part of the application.*

**IV. CONCLUSION:**

Based on applicant's demonstration of compliance with all applicable review criteria and standards, coupled with submitted site plan, reports, and materials, applicant's Type II Site Plan and Design Review application for a 20-unit, multi-family residential complex consisting of 10 buildings in the R-2 Zone.