

**MINUTES**  
**DAYTON PLANNING COMMISSION**  
**REGULAR SESSION**  
**November 8, 2018**

**PRESENT:** Tim Parsons  
Ann-Marie Anderson  
Carol Hatfield  
Gary Wirfs

**ABSENT:** Pam Horst

**STAFF:** Lisa Brosnan, City Planner  
Cyndi Park, Librarian/Planning Coordinator

**A. CALL TO ORDER**

Chairman Tim Parsons called the meeting to order at 6:34 pm.

**B. APPROVAL OF ORDER OF AGENDA**

There were no changes to the agenda and no public comment.

**C. APPEARANCE OF INTERESTED CITIZENS**

None present.

**D. APPROVAL OF MINUTES**

Ann-Marie Anderson moved to approve the minutes from July 12, 2018. Seconded by Gary Wirfs. Motion carried with Anderson, Hatfield, Parsons, and Wirfs voting aye. Horst was absent.

**E. PUBLIC HEARING**

The public hearing was opened by Chair Tim Parsons at 6:38 pm with the reading of the hearing statement. City Planner Lisa Brosnan read the specific request before the Planning Commission regarding the approval of a six-unit subdivision to be named Dayton Point.

Chair Tim Parsons asked if there were any objections to the notices sent in this case, none were noted. Chair Parsons asked if there were any objections to the jurisdiction of the commission to hear and decide this case, none were noted.

City Planner Lisa Brosnan summarized the staff report, dated November 1, 2018.

Chair Parsons closed the public hearing at 6:48 pm.

**F. ACTION ITEMS**

**1. Review Request for New Construction of a six-unit subdivision to be called Dayton Point.**

Gary Wirfs made a motion to approve the application for SUB18-07 as recommended by staff.

Ann-Marie Anderson seconded the motion, as there were none opposed the motion passed.

**G. OTHER BUSINESS**

No other business was noted.

**H. ADJOURN**

There being no further business, the meeting adjourned at 6:54 pm.

Respectfully submitted:

**APPROVED BY PLANNING COMMISSION  
on**

**As Written**  **As Amended**

By: Cyndi Park  
Librarian/Planning Coordinator

# CITY OF DAYTON

416 Ferry Street – P. O. Box 339  
Dayton, OR 97114-0039  
503-864-2221 fax 503-864-2956

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## STAFF REPORT

PLANNING COMMISSION – JANUARY 10, 2019

**REPORT DATE:** January 3, 2019  
**FILE NUMBER:** SUB 2018-08  
**APPLICANT:** Fishbone Construction, LLC, P.O. Box 143, Dayton, OR 97114  
**OWNER:** Tom & Pieper Sweeney, 7175 Wallace Rd., Dayton, OR 97114

**REQUEST:** Subdivision of approximately 2.68 acres into 17 lots, with 6 lots intended for detached single-family residential development and 11 lots intended for attached single-family residential development, and associated street and utility improvements. Access is proposed from a cul-de-sac westward from Sweeney Street.

**PROPERTY:**

<u>Taxlot</u>	<u>Size</u>	<u>Zoning</u>
4 3 20 00300	2.68 acres	Limited Density Residential (R-2)

**ZONING:** Limited Density Residential (R-2)

**SURROUNDING ZONING:** North: Commercial (C) and Public (P)  
South: Limited Density Residential (R-2)  
East: Limited Density Residential (R-2)  
West: City Limit

**CURRENT USE:** Vacant

**CRITERIA:** **Dayton Land Use and Development Code (LUDC)**  
Section 2.103: Limited Density Residential (R-2)  
Section 3.102: General Provisions  
Section 3.109: Subdivisions and Planned Unit Developments  
Section 2.307: Development Standards for Land Divisions  
Section 2.302: Street Standards

**EXHIBITS:** A: Location Map  
B: Preliminary Plat  
C: Applicant's Materials  
D: Agency Comment - City Engineer  
E: Agency Comment – ODOT

**I. BACKGROUND:**

Subdivision of approximately 2.68 acres into 17 lots, with 6 lots intended for detached single-family residential development and 11 lots intended for attached single-family residential development, and associated street and utility improvements. Access is proposed from a cul-de-sac westward from Sweeney Street. The site is currently vacant.

The application for Subdivision (File #SUB 18-08) was received by the City of Dayton on November 20, 2018. Notice was mailed in compliance with Section 7.3.204 of the Dayton Development Code to property owners within 200 feet of the subject property on December 20, 2018.

A subdivision is a Type II Action. A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Staff has an advisory role. Public notice and a public hearing is provided. Section 3.202 lists the notice requirements. Appeal of a type II decision is to the City Council.

The Owner has the burden to demonstrate compliance with all conditions of approval. Compliance with all conditions of approval will be objectively determined by the City of Dayton. All development on the property must be consistent with the approved plans.

Failure of the Decision to list a particular permit, condition, term, or restriction shall not relieve the Owner of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions. Any items or actions required to be completed under the existing ordinances of the City of Dayton shall not be waived, modified, or amended by omission from the Decision.

**II. APPLICABLE APPROVAL CRITERIA**

*Dayton Land Use and Development Code, Subsection 7.3.102 (General Provisions) and Subsection 7.3.109 (Subdivision)*

**ANALYSIS OF APPROVAL CRITERIA**

**7.3.102 GENERAL PROVISIONS**

**7.3.102.04 Financial Assurances**

*The City may require performance bond or other guarantee acceptable to the City Attorney, to ensure compliance with the conditions of approval, public facility improvements or other requirements.*

**FINDINGS:** A performance bond for improvements within the right of way are included as a **condition** of approval. Staff finds this criteria can be met as conditioned.

**7.3.102.05 Time Limit**

*Approvals shall be effective for a period of one year from the date of final approval.*

**FINDINGS:** A time limit of one year for approvals is included as a recommended **condition** of approval.

**7.3.109.04 Review Criteria**

*Approval of a subdivision or PUD shall require compliance with the following:*

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

**FINDINGS:** The property is zoned Limited Density-Residential (R-2) requiring a minimum lot size of 6,000 square feet for detached single family dwellings and 3,500 square feet for attached single family dwellings. The minimum density for a subdivision in the R-2 is 5 units per acre and the maximum density is 7 units per acre. The subject site includes approximately 2.68 acres, which requires 13.4 to 18.76 units, rounded down to 13 to 18 units. The proposal is for 17 lots, which is within the allowable range for density, and has lot sizes ranging from 3,510 square feet to 17,048 square feet, with all lots meeting the minimum lot size requirement. Staff finds this proposal meets the minimum lot size and density requirements of the R-2 zone and that this criteria is met.

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

**FINDINGS:** The City Engineer, Public Works and Fire Department were provided a copy of the application materials. The City Engineer submitted comments (Exhibit D) dated November 27, 2018, addressing the process and requirements for public facility improvements. These comments are summarized throughout this report and are incorporated into the conditions of approval. Staff finds the criteria can be met as conditioned.

*C. The proposal shall comply with the applicable development standards in Section 7.2.307 (Land Divisions), or, Section 7.2.311 (Planned Unit Developments).*

Section 7.2.307.03: Standards for Lots or Parcels

*A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.*

**FINDINGS:** The preliminary plan indicates 17 lots. All of the proposed 17

lots meet or exceed the required minimum area of 6,000 square feet for detached residential development and 3,500 square feet for attached residential development. Staff finds this criterion is met.

- B. *Access. All lots and parcels created after the effective date of this Code shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply:*

3. *Cul-de-sac lots shall have a minimum frontage of 25 feet.*

**FINDINGS:** The preliminary plan indicates the proposed 17 lots will be provided access from a street to be designed and constructed to full City standards as a local cul-de-sac street and will be dedicated to the public as a public street. The R-2 zone has no minimum lot width requirement, and, therefore, no minimum frontage requirement. The site plan indicates that all proposed lots on the cul-de-sac bulb have a minimum frontage of 25 feet. Staff finds this criterion is met.

- C. *Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed.*

**FINDINGS:** No flag lots are proposed as a part of this application. Staff finds this criterion is not applicable.

- D. *Through Lots. Through lots are discouraged unless essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific site disadvantages. If approved, access may be limited to one street.*

**FINDINGS:** Lots 1-10 are considered to be through lots. Through lots are necessary on this site because of site's location, size and shape. Access to these lots shall be exclusively from the proposed cul-de-sac, and not from Ferry Street or Webfoot Road. This is included as a **condition** of approval, as is the provision of vehicular non-access reserve strips (1 foot minimum width) to be dedicated to the City for all through lots.

- E. *Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than ½ the dimension of the front lot line.*

**FINDINGS:** All side lot lines run at or near right angles to the right-of-way line of the street upon which the lots face. Staff finds this criterion is met.

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

**FINDINGS:** PUE easements to City standards are required as a **condition** of approval. Staff finds this criterion can be met as conditioned.

## Section 7.2.307.04: Additional Design Standards for Subdivisions

### A. Standards for Blocks

**FINDINGS:** No blocks are proposed as a part of this application. Staff finds this criterion is not applicable.

### B. Traffic Circulation

**FINDINGS:** The proposal is laid out in such a way as to provide safe, convenient, and direct vehicle, bicycle and pedestrian access and circulation. Staff finds this criterion is met.

### C. Connectivity

**FINDINGS:** The proposal indicates a new public cul-de-sac street to serve the development and provide access from Sweeney Street. Also, a 20-foot wide pedestrian access is proposed from the north side of the cul-de-sac bulb to Ferry Street. Staff finds this criterion is met.

### D. Design Standards for Accessways

**FINDINGS:** The design standards for accessways are outlined in Section 7.2.307.04(D). The standards relevant to this proposal include:

1. Minimum dedicated width: 15 feet
2. Minimum improved width: 10 feet
3. Maximum length: 250 feet with a clear line of vision for the entire length of the accessway.
4. The accessway shall be designed to prohibit motor vehicle traffic.
5. The accessway shall be maintained by a homeowners association or other mechanism acceptable to the City.

The pedestrian accessway is proposed to be dedicated to the City and to connect the north side of the cul-de-sac bulb with Ferry Street. The accessway is proposed to be 20 feet in width, 14.5 feet in length, and improved with a ten-foot wide impervious surface. The dimensional requirements of the proposed accessway are met. **Conditions** are included requiring the accessway be designed to prohibit motor vehicle traffic and dedicated to the City. Staff finds these criteria can be met as conditioned.

### E. Park Requirements for Residential Subdivisions

Dedication of park land is required of all subdivisions at a rate of one acre per 100 potential residents. The potential residential population shall be computed at the rate of 3.25 persons for each potential unit for single family homes and duplexes. If the Planning Commission determines there is no need for park land in this location, or, there is no suitable location on the subject property for a public park, the developer shall contribute toward a City park fund an amount equivalent to the

amount of land that would have been required. The financial contribution shall be subject to Section 7.2.307.04(E)(2).

**FINDING:** The amount of park land required for 17 lots (55.25 potential residents) is .55 acres, or the equivalent, as determined by an appraiser according to the standards set forth in Section 7.2.307.04(E)(2). A **condition** stating this requirement is included. Staff finds this criterion can be met as conditioned.

#### Section 7.2.307.06: Improvement Requirements

Section 7.2.307.06(A-L) requires standards related to frontage improvements, project streets, monuments, bench marks, surface drainage and storm sewer systems, sanitary sewer, water systems, sidewalks, street lighting, and sidewalks. Engineering plans concerning storm water, street improvements, street landscaping, easements, sanitary sewer, water, fire hydrants, street lights, private utilities and other information as necessary to indicate conformance with Dayton Public Works Standards and the requirements of the Dayton Land Use and Development Code and other applicable requirements have not been submitted. Related plans shall be submitted to the City to display conformance. This is included as recommended **condition** of approval. Staff finds the proposal can meet these criteria as conditioned.

7.2.307.06(M) requires all frontage improvements to be completed or assured through a performance bond, prior to approval of the Final Plat of the subdivision. After substantial completion, if the Developer requests approval to record the final plat before final completion of all required improvements (including acceptance by the City) and fulfillment of all conditions of approval, the Developer shall provide a security guarantee satisfactory to the City to guarantee that all uncompleted improvements will be completed in conformance with City standards and ordinances, and that all conditions of approval will be satisfied. This is included as a recommended **condition** of approval. Staff finds this criterion can be met as conditioned.

Criteria 7.2.307.07 for improvement procedures and timing for final engineering plans and inspection of improvements are included as a **condition** of approval.

Criteria 7.2.307.08.A-G. for street improvement, utilities, water, storm, sewer, and parking standards are outlined in the comments from the City Engineer (Exhibit D) and are included as a **condition** of approval.

### III. RECOMMENDATION AND CONDITIONS OF APPROVAL

Based upon the above findings, Staff recommends the Planning Commission adopt the findings as outlined in the staff report and approve Subdivision 2018-08 with the following conditions:



## General

1. The final plat shall be recorded within 12 months of the approval of the tentative plat. The plat shall substantially conform to the approved preliminary plat as conditioned by the land use approval, including any required easements.
2. Except for items specifically exempted by the planning approval, the development shall fully comply with the public facility requirements of the Dayton Land Use & Development Code (LUDC) and the Public Works Design Standards (PWDS). The applicant/developer is responsible for the construction costs of required public or private infrastructure improvements associated with the development (*both onsite and offsite*).
3. After issuance/finalization of the land use approval, the developer and his engineer shall schedule and participate in a pre-design conference with the City Public Works for the purpose of coordinating any required site / street / sidewalk / utility work (PWDS 1.9.b). This conference shall occur after the issuance of land use approval (and expiration of any appeal period), but prior to submitting final site / street / sidewalk / utility construction drawings for review by Public Works. Participants shall include City Public Works and the City Engineer, as well as public/franchise utility providers as applicable. The developer shall provide all information required under PWDS 1.9.b prior to the predesign conference (including a title report), as well as providing information on how each land use approval condition will be addressed.
4. After the pre-design conference, the applicant shall prepare and submit final street, grading, parking, storm drainage, sewer and water plans conforming to the requirements of the Public Works Design Standards (PWDS) for review by the City Engineer and Public Works.
5. Public Works construction permits for site / street / sidewalk / utility work shall not be issued until after the developer has received final approval of any required engineered site, street/sidewalk or utility construction drawings per PWDS requirements, a Developer-City construction agreement has been executed, and a performance security satisfactory to the City has been submitted guaranteeing that all improvements will be completed in accordance with the approved drawings and City Standards within the specified time period (PWDS G.10). The engineered site / street / sidewalk / utility construction drawings shall be based on a topographic survey showing the location of all property lines, right-of-way lines and existing easements (*including recording references*), and existing utilities. The construction drawings shall show any new easements required (*including recording references*), and all required site and utility improvements, addressing site grading, street improvements/repairs, sidewalk & pedestrian plans, street lights, waterlines, fire hydrants, sanitary sewer, storm drainage, access driveways/fire lanes and parking area layout/dimension plans as applicable, and irrigation plans & backflow device locations for all phases of the development as applicable, as well as information on how streets and/or utilities can be extended to serve adjacent or upstream undeveloped property.
6. Any required off-site easements shall be approved by the City and recorded by the Developer prior to approval of the construction drawings by the City.

7. Building permits for new residential structures shall not be issued prior to completion of all required improvements and conditions of approval, and written acceptance by the City, including submission of maintenance bonds and reproducible as-built drawings.
8. The developer shall determine the legal mechanism or entity under which ownership and maintenance the common private improvements will be addressed and assured (*ie. including the common private driveway, any common storm drainage improvements, detention system, etc.*). The approach shall be acceptable to the City and conform with City standards, and shall conform with all applicable LUDC requirements.
9. The triangle shaped remnant parcel on the east side of Sweeney Street shall be labeled as a separate tract on the final plat.

Site Layout, Grading, Vehicular Access, etc.

10. Any fills within public rights-of-ways or fire lanes, or lot fills shall be compacted and tested to City standards and per the Oregon Structural Specialty Code requirements as applicable (*95% optimum per ASTM D1557 within right-of-ways, and 90% optimum within lot building envelopes*).
11. Any existing unsuitable fills within the proposed fire lane/common driveway will need to be removed or remediated in conjunction with the development and infrastructure construction.

Streets, Sidewalks, etc.

12. New pedestrian crossing(s) shall be constructed at the 9<sup>th</sup> Street intersection, including pedestrian ramp improvements on the north side of Ferry Street as required to connect to existing sidewalks in accordance with City and ODOT standards. If approved by ODOT, the Ferry Street crosswalk on the west side of 9<sup>th</sup> Street may be signed as closed, subject to the east and west pedestrian ramps for the 9<sup>th</sup> Street crossing being upgraded to meet current ADA standards.
13. The Developer shall sign and record a Construction Deferral Agreement and Waiver of Rights to Remonstrance Agreement for the construction of future street and public utility improvements for Webfoot Road fronting the property. This agreement shall cover scope of improvements as approved by Public Works, and shall be submitted to the City for review and approval prior to recording. The Developer shall be responsible for recording the agreement with the County and having a recorded copy of the agreement returned to the City.
14. Right-of-way radii shall be dedicated at the Ferry & Webfoot intersection as required to maintain a constant distance between the right-of-way line and the curblines and sidewalk (PWDS 2.21.e).
15. If frontage improvements on Ferry Street are needed, civil plans will be required by ODOT for review prior to issuance of a construction permit. Frontage improvements near intersections will require installation of ADA-compliant pedestrian ramps.
16. The pedestrian accessway linking the north side of the cul-de-sac bulb with Ferry Street shall be designed and constructed to prohibit motor vehicle traffic and shall be dedicated to the City.

### Street Improvement Conditions

17. The design of all streets shall conform to the requirements of the Dayton PWDS. Full street improvements shall be constructed for new streets within the development, based on a local street classification (32 foot street width, 48 foot minimum right-of-way width, 5 foot curblin sidewalk on both sides per PWDS 2.21).
18. Storm drainage improvements shall be provided in conjunction with all new or reconstructed streets (PWDS 3.2.c).
19. Street and traffic control signs shall be installed at locations conforming to City standards. The name of the new street shall be approved by the City and listed on the construction drawings.
20. New public street lights shall be installed along all new and existing frontage public streets, with spacing and locations to be approved by the City Engineer and Public Works based on City standards. As a minimum, street lights will be required along the new street, at the Ferry & Webfoot intersection, and adjacent to the pedestrian access from the cul-de-sac to Ferry Street.
21. Vehicular non-access reserve strips (1 foot minimum width) shall be provided and dedicated to the City on non-access frontages of corner or double frontage lots (ie. lots fronting on Ferry Street & Webfoot Drive, as well as the Sweeney Street frontage of Lots 1 & 15).
22. 8 foot wide PUE easements to City standards shall be granted along all fronting street right-of-ways where such easements do not already exist (PWDS 1.10.j), and franchise utilities shall be installed within PUEs except at crossings. Language per PWDS 1.10.j will need to be included on the plat for these PUEs.
23. Right-of-way radii shall be dedicated at intersections as required to maintain a constant distance between the right-of-way line and the curblin and sidewalk (PWDS 2.21.e).
24. CBU mailboxes per City & postal service standards (and CBU access) shall be installed by the Developer per City and state standards. An ADA compliant pedestrian ramp from the street must be located within 50 feet of the new CBU mailboxes, per City standards.

### Storm Drainage

25. The Developer shall submit storm drainage construction drawings conforming to the requirements of the PWDS. The storm drainage plan shall demonstrate that there are no impacts to the downstream properties. Drainage maps and a summary of flow calculations for existing and developed conditions shall be included on the construction drawings. The storm drainage plan shall be designed to accommodate roof and foundation drains, as well as drainage from new and reconstructed streets, and shall convey storm water runoff to an approved point of disposal. The storm drainage plan shall include replacement of impacted storm drain pipes or inlets which are undersized or which do not meet current City standards. Any downstream improvements required to provide required capacity shall be constructed to City standards, and shall be the responsibility of the Developer. The stormwater detention system (PWDS 3.18) shall conform with PWDS requirements, which requires the detention basin to be located on private property (unless otherwise approved by the Public Works Director) and provided with a recorded detention easement & maintenance agreement per City standards. All weather maintenance access shall be

provided to all public storm manholes and other structures unless otherwise approved by Public Works. Detention systems shall include provisions for inspection and maintenance access, with open basins designed for off-stream storage per PWDS 3.18.d.1.b. Easements meeting PWDS requirements shall be provided for any storm drains located outside of street right-of-ways, or for private storm lines that cross property other than that which they solely serve. Storm drain laterals shall be provided for all lots which cannot drain to the fronting curblines.

#### Sanitary Sewer

26. The developer shall submit sanitary sewer drawings conforming to the requirements of the PWDS, including new mainlines at depths conforming with City standards. Gravity sanitary sewer mainlines and/or service laterals shall be provided to serve all existing, proposed and potential lots in the development. Sewers crossing private property shall be located within easements conforming to PWDS 4.15.d as approved by the City Engineer. Easements meeting PWDS requirements shall be provided for any sewers located outside of street right-of-ways, or for private sewer lines that cross property other than that which they serve.

#### Water

27. The Developer shall submit water system construction drawings conforming to the requirements of the PWDS, and shall demonstrate that the required fire flows are available to all hydrants at the site. All water system improvements required to provide the minimum fire flows (*with or without fire sprinklers*) shall be the sole responsibility of the developer. The developer shall construct new waterlines as required to supply all water services and fire hydrants. Fire hydrants per PWDS standards will be required at intersections and other locations approved by the City Engineer and the Fire Chief. Existing hydrants serving the property shall be provided with Storz adapters per City & Fire District standards, as applicable. Easements per City standards shall be provided by the Developer for any waterlines located outside of public street right-of-ways.

#### Park Land Dedication

28. In lieu of dedication of park land, the developer shall contribute toward a City park fund the monetary equivalent value of .55 acres (17 lots/55.25 potential residents), as determined by an appraiser according to the standards set forth in Section 7.2.307.04(E)(2) before approval and recording of the final plat.

### **III. PLANNING COMMISSION ACTION – Sample Motions**

A. Approve the request for tentative subdivision approval:

1. As recommended by staff, or
  2. As determined by the Planning Commission stating how the application satisfies all the required criteria, and any revisions to the recommended conditions of approval, or
- B. Deny the request for tentative subdivision approval stating how the application does not meet the applicable approval criteria.
- C. Continue the hearing to a time certain or indefinitely (considering the 120 day limit on applications).



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© OpenStreetMap contributors esri

# SWEENEY PROPERTY SUBDIVISION

## PRELIMINARY PLAT

### OWNER

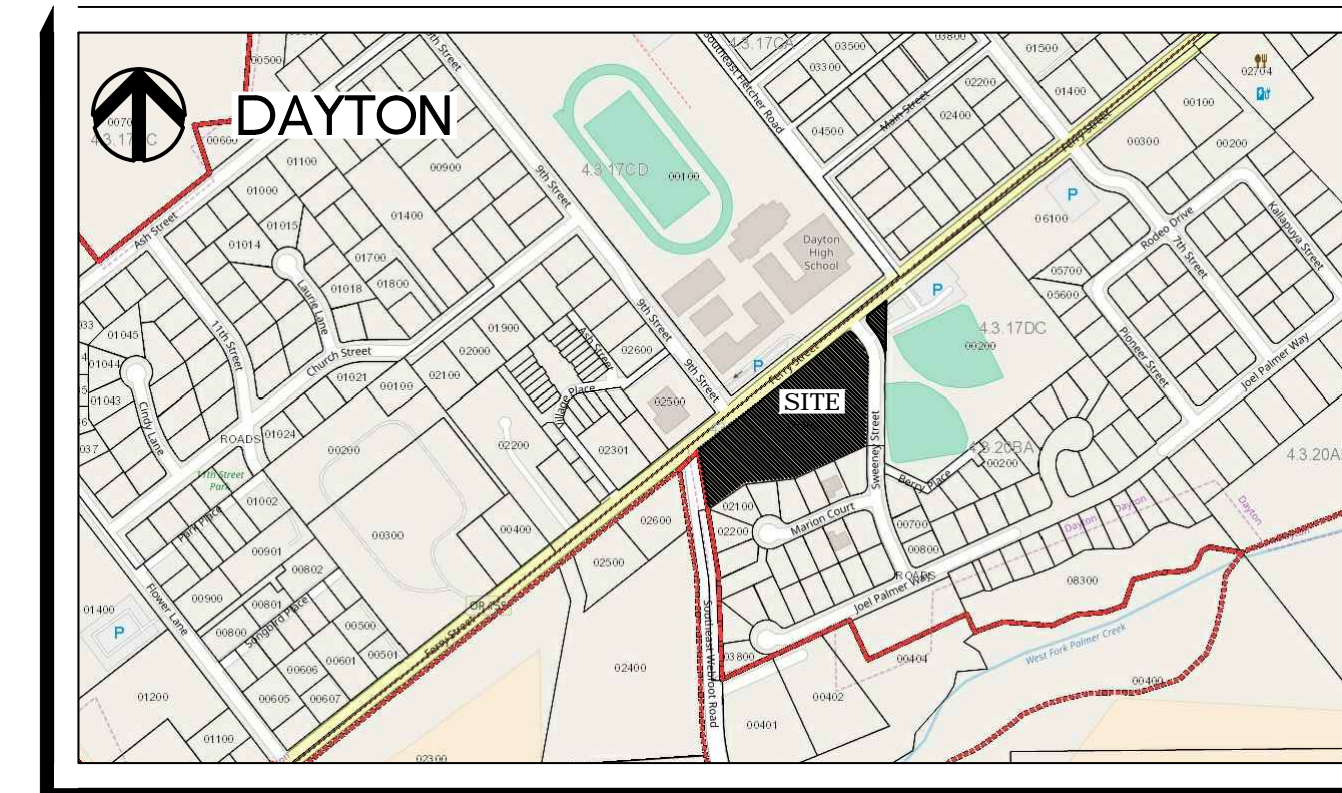
TOM AND PIEPER SWEENEY  
7175 SE WALLACE RD.  
DAYTON, OR 97114  
EMAIL: sweeneypreserves@aol.com  
PHONE: 503-437-2672

### PARCEL

TAX LOT: R4320-00300  
LEGAL: PARCEL 1 PARTITION P2005-33,  
DAYTON, YAMHILL CO., OR 97114  
DEED: #2005-13364  
ZONE: R2 (LIMITED DENSITY RESIDENTIAL)  
DENSITY ALLOWED: 7 UNITS/ACRE  
SUBDIVISION AREA: 116,632 SF (2.68 AC)  
DENSITY PROPOSED: 6.3 UNITS/AC

LOT 1 IS OVERSIZED AND RESERVED FOR FUTURE AND POSSIBLY  
COMMERCIAL DEVELOPMENT.  
DENSITY WITH LOT 1 PARTITIONED PER SHADOW PLAT: 6.7 UNITS/AC

**Exhibit 2**

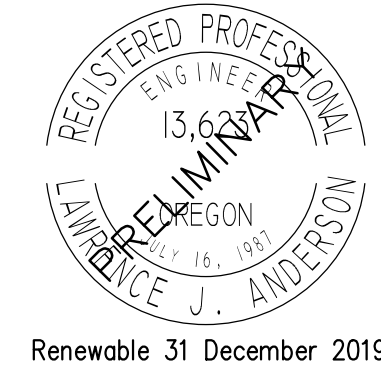


VICINITY MAP  
NTS

**LAEI**  
35495 RIVERVIEW DRIVE  
PACIFIC CITY, OR 97135  
Ph. (503) 816-2732  
Email: andeng1@comcast.net



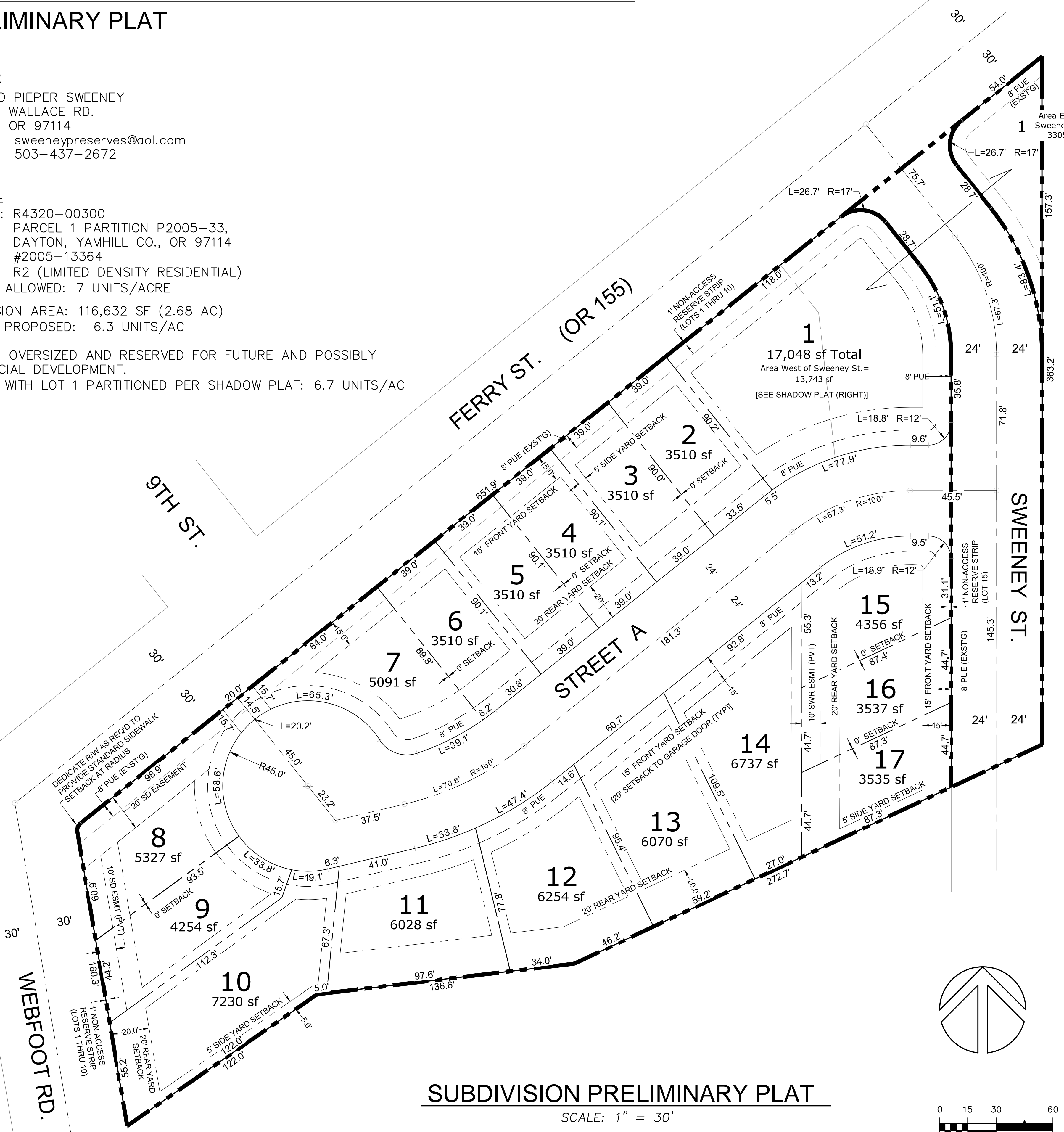
DESIGNED BY: LJA DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
REVIEWED BY: LJA DATE: \_\_\_\_\_  
PROJECT NO.: 0691 REF.: \_\_\_\_\_  
SCALE: AS SHOWN NA



Renewable 31 December 2019

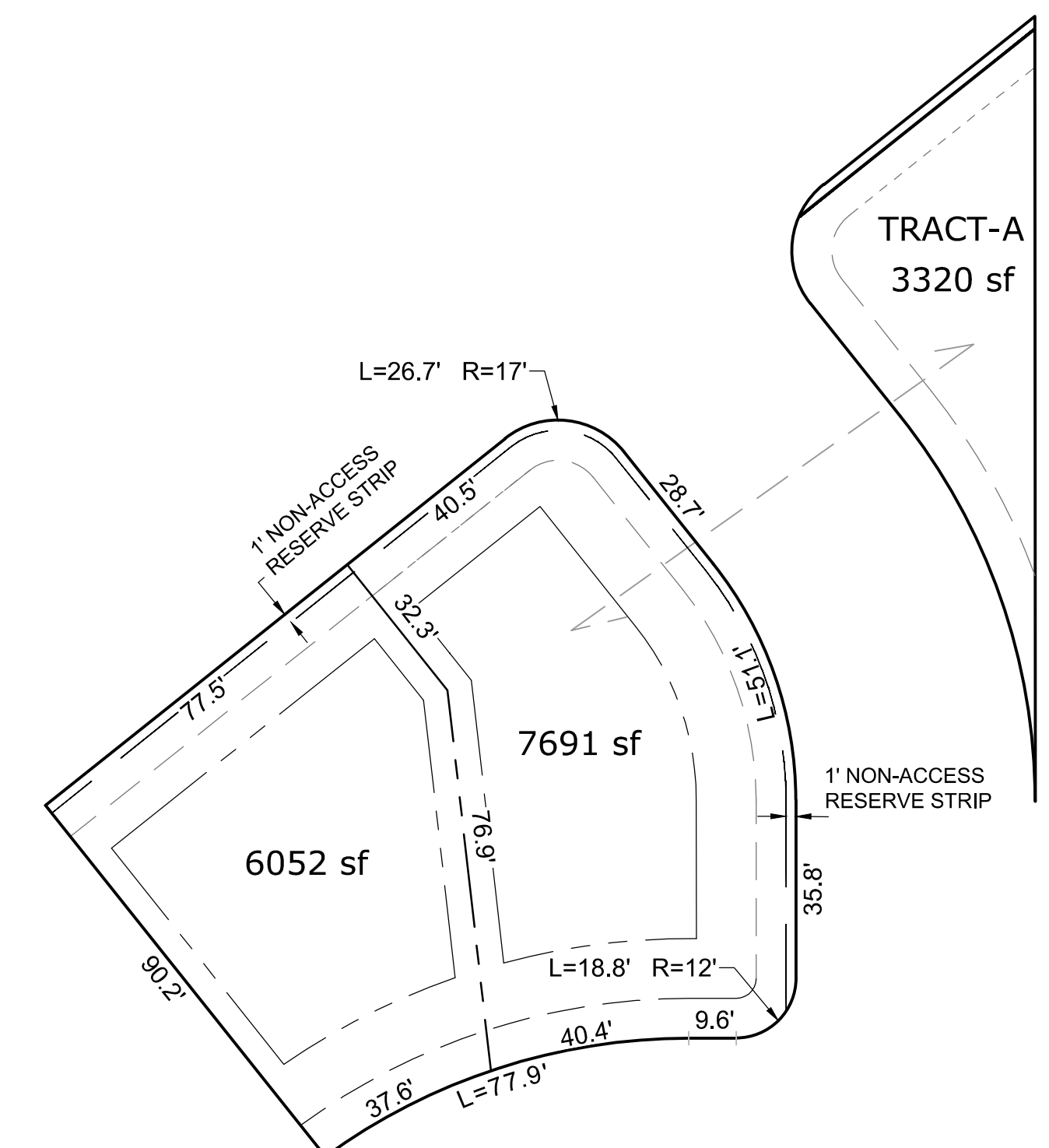
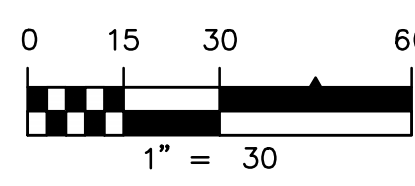
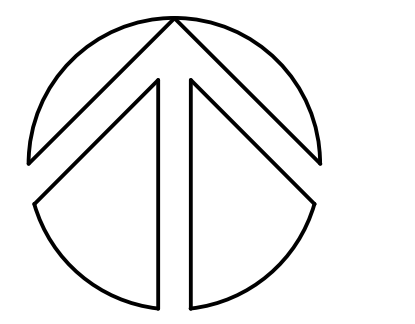
PRELIMINARY PLAT FOR  
**SWEENEY PROPERTY SUBDIVISION**  
TAX LOT 4320-300  
PARCEL 1 OF PARTITION 2005-33  
IN THE S1/2 SEC. 17 & N1/2 SEC. 20  
CITY OF DAYTON, YAMHILL CO., OREGON

SHEET **1** OF **3**  
PROJ. DAYTON SUBDIVISION  
DATE: 10.21.2018  
TYPE: PLAT



SUBDIVISION PRELIMINARY PLAT

SCALE: 1" = 30'



SHADOW PLAT LOT-1 POTENTIAL FUTURE PARTITION  
SCALE: 1"=30'

### DEVELOPER / APPLICANT:

FISHBONE CONSTRUCTION  
Darrick Price, President  
410 NE 3rd. St., Suite 4,  
McMinnville, OR 97128  
PHONE: (503) 857-2824  
EMAIL: Darrick@FishboneConstruction.com

### ENGINEER:

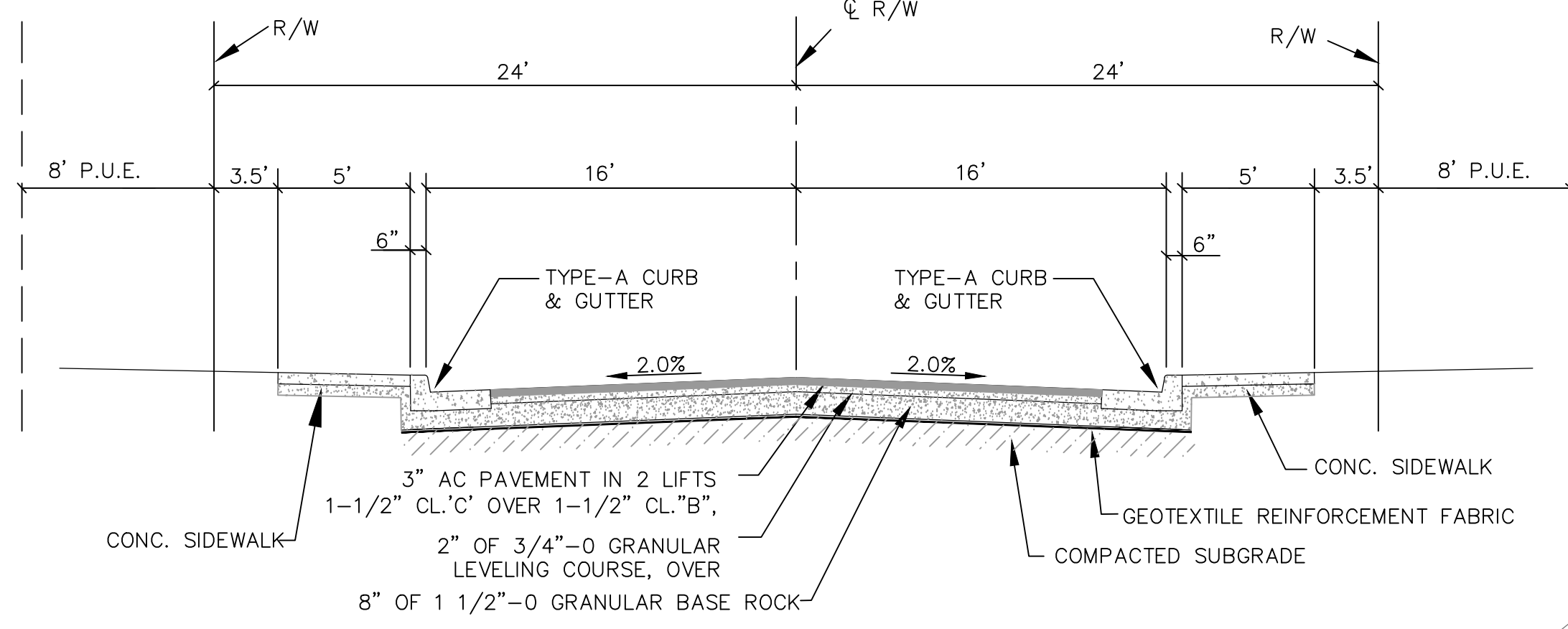
LARRY ANDERSON, PE  
PO Box 262  
Pacific City, OR 97135  
PHONE: (503) 816-2732  
EMAIL: andeng1@comcast.net

### SURVEYOR:

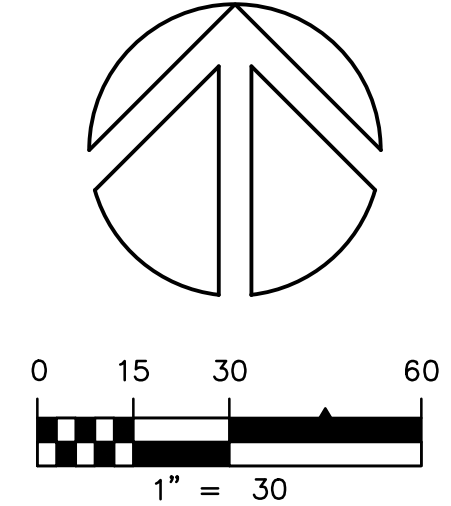
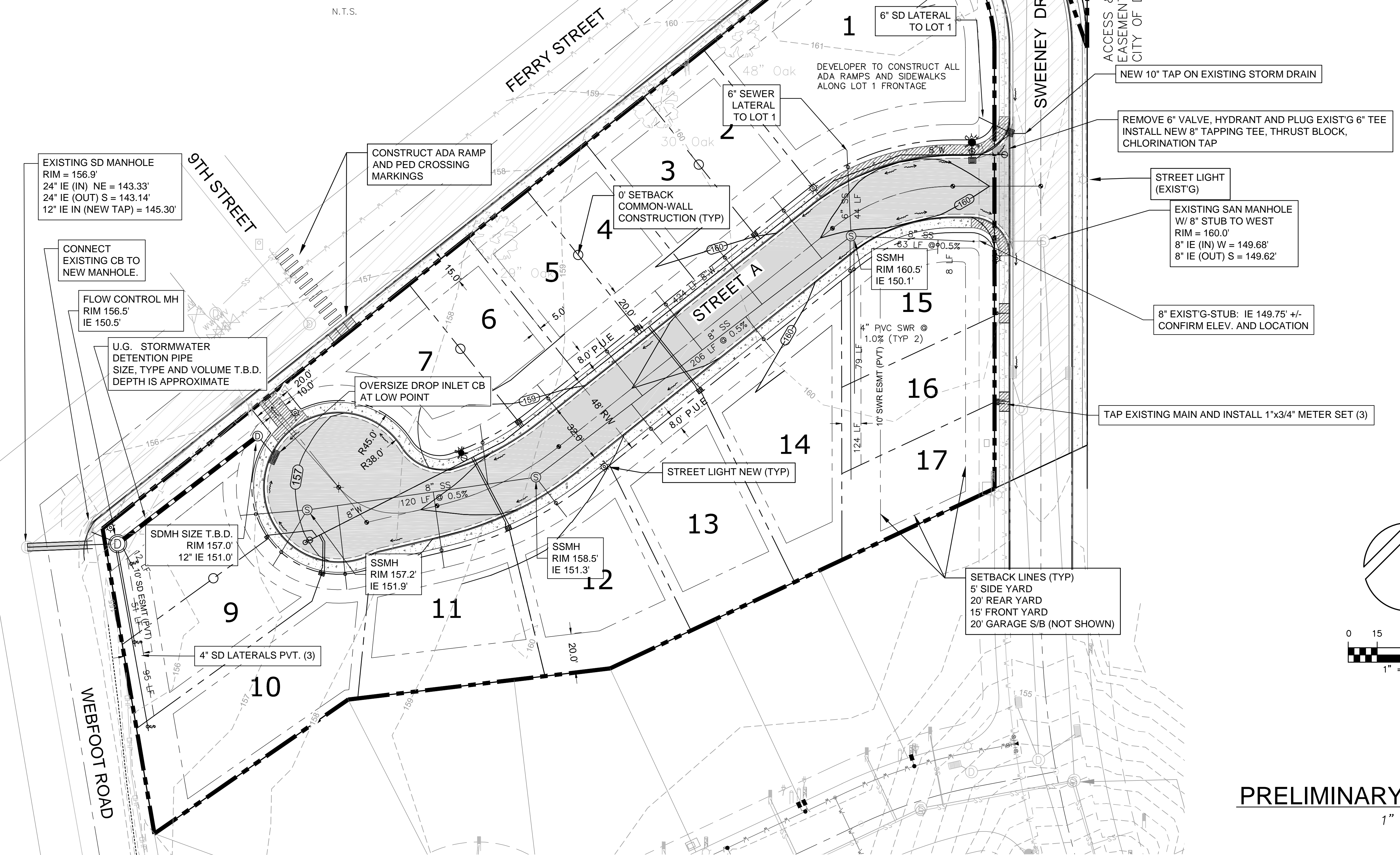
MACDONALD AND ASSOC. LAND SURVEYING  
3765 NE Riverside Drive  
McMinnville, OR 97128  
PHONE: (503) 472-7904  
EMAIL: Lee@macdonaldsurveying.com

WARNING  
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

# Exhibit 3



(DRY WEATHER SECTION)  
**STREET A TYPICAL SECTION**  
 (REFER TO CITY STD. DWG'S 200 SERIES FOR DETAILS)  
 N.T.S.



## PRELIMINARY UTILITY PLAN

1" = 30'

WARNING  
 IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

**LAEI**  
 35495 RIVERVIEW DRIVE  
 PACIFIC CITY, OR 97135  
 Ph. (503) 816-2732  
 Email: arndengr1@comcast.net



DESIGNED BY: LJA DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 REVIEWED BY: LJA DATE: \_\_\_\_\_  
 PROJECT NO.: 0691 REF.: \_\_\_\_\_  
 SCALE: AS SHOWN NA

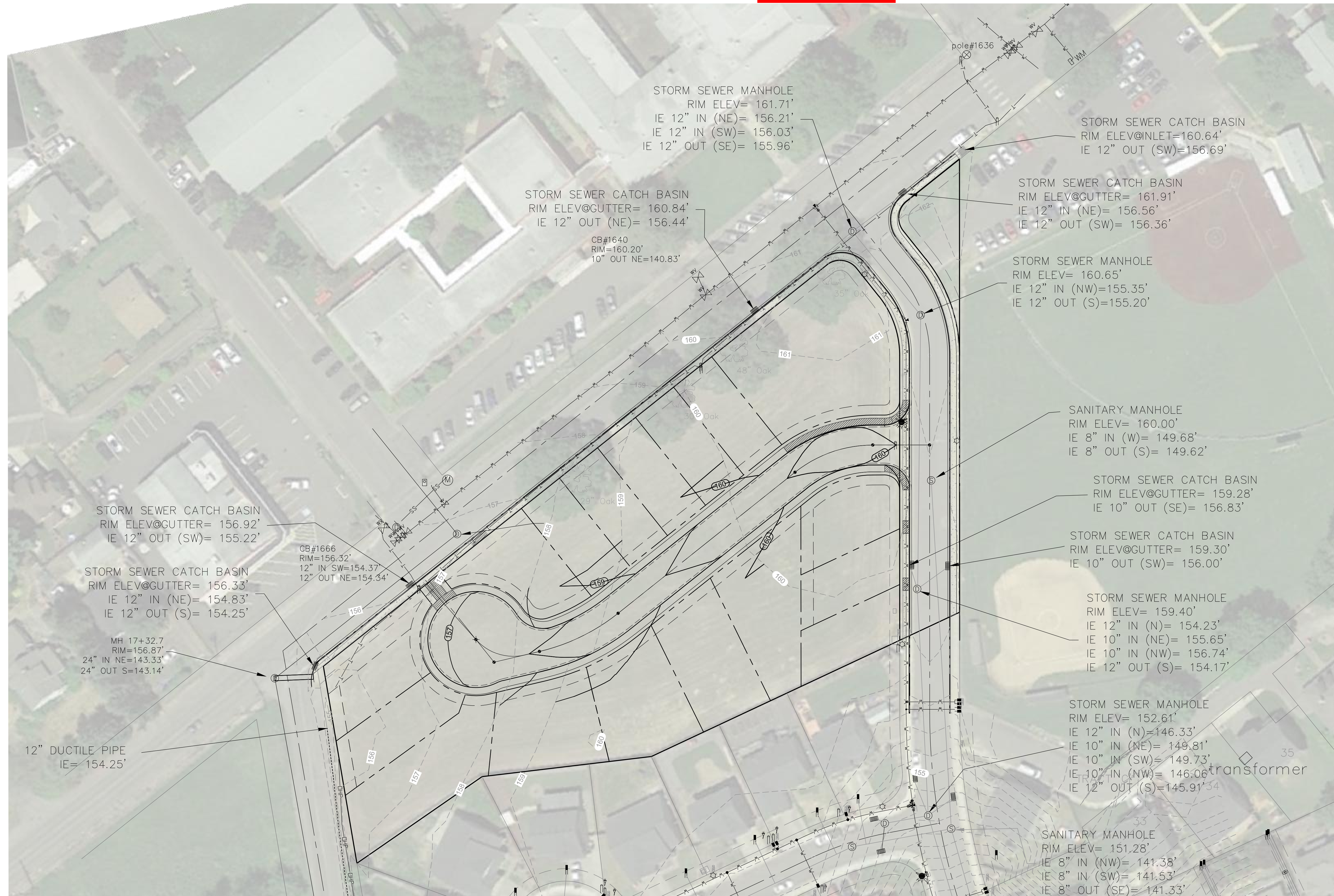


**PRELIMINARY UTILITY PLAN**  
**SWEENEY PROPERTY SUBDIVISION**

SHEET **2** OF **3**  
 PROJ.: DAYTON SUBDIVISION  
 DATE: 10.21.2018  
 TYPE: UTILITY PLAN

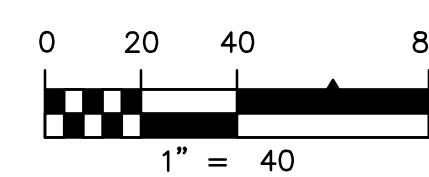
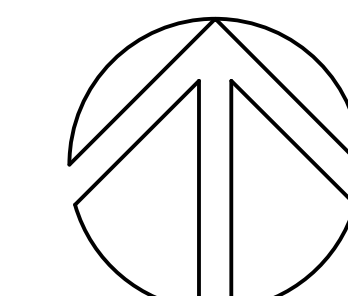


# Exhibit 4



## PRELIMINARY GRADING / EXISTING CONDITIONS

1" = 40'



WARNING

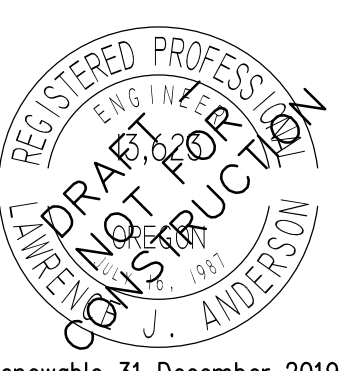


IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

**LAEI**  
35495 RIVERVIEW DRIVE  
PACIFIC CITY, OR 97135  
Ph. (503) 816-2732  
Email: ardteng1@comcast.net



DESIGNED BY: LJA DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
REVIEWED BY: LJA DATE: \_\_\_\_\_  
PROJECT NO.: 0691 REF.: \_\_\_\_\_  
SCALE: AS SHOWN NA



Renewable 31 December 2019

**EXISTING CONDITIONS/  
PRELIMINARY GRADING PLAN  
SWEENEY PROPERTY SUBDIVISION**

SHEET **3** OF **3**

PROJ: DAYTON SUBDIVISION  
DATE: 10.22.2018  
TYPE: EC/PRELIM. GRADING



# Land Use Application: Residential Subdivision

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Submitted to: City of Dayton, Planning Department  
416 Ferry Street  
Dayton, OR 97114

Land Owner: Tom and Pieper Sweeney  
7175 SE Wallace Road  
Dayton, OR 97114

Applicant: Fishbone Construction, LLC  
P.O. Box 143  
Dayton, OR 97114  
CEO – Darrick Price, DMgt  
Planning – Ron Pomeroy, AICP  
Engineering – Larry Anderson, PE

Contact Information:  
Phone: 503.857.2824  
Email: [darrick@fishboneconstruction.com](mailto:darrick@fishboneconstruction.com)

Yamhill County Assessor's Map/  
Tax Lot Number: T. 4 S., R. 3 W., W.M., 20, Tax Lot 00300

Site Size: Approximately 2.68 acres

Zoning: R-2 (Limited Density Residential; Dayton Land Use and  
Development Code, 7.2.103)

## **I. Application Request – Executive Summary**

Fishbone Construction, LLC is pleased to submit this land use proposal for consideration to the City of Dayton for approval of a tentative single-family residential subdivision plan on approximately 2.68 acres of land that, if approved, would provide the opportunity for the platting of 17 residential lots ranging in size from 3,510 to 17,048 square feet and averaging 5,471 square feet in size.

The submitted tentative plan proposes to extend a local public cul-de-sac street westward from Sweeney Street to serve the proposed lots. A pedestrian connection is also proposed to extend northward from the cul-de-sac bulb to provide direct pedestrian access from the neighborhood to Ferry Street.

## **II. Site Description**

While the Dayton street grid generally exhibits an approximately 40-degree rotation from geographic north, for purposes of this application Ferry Street is identified as the site's northern boundary for ease of description and discussion.

The subject site is located along the south side of Ferry Street, generally between its intersections with Sweeney Street and Webfoot Road; a 3,305 square foot portion of the site exists across Sweeney Street to the east and is currently improved with the exit-only driveway for the Dayton School District parking lot. Also across Sweeney Street to the east are located the ballfields for the Dayton High School and Dayton Middle School. Directly across Ferry Street to the north are the Dayton High School and Dayton Middle School main campuses with the Center Market convenience store also located to the north and across 9<sup>th</sup> Street to the west. Located south of Ferry Street and across Webfoot Road to the west is both vacant and residentially developed rural land lying outside the Dayton city limits and urban growth boundary. South of and adjacent to the site is located the Country Heritage Estates Phase 1 single-family residential development.

The subject site is designated as Residential on the Dayton Comprehensive Plan Map and is zoned R-2 (Limited-Density Residential) on the Dayton Zoning Map as is adjacent land to the south and east. Land to the north is designated as Public Facility on the Dayton Comprehensive Plan Map and zoned Public Facility on the Dayton Zoning Map. Land to the northwest is designated as General Commercial on the Dayton Comprehensive Plan Map and zoned General Commercial on the Dayton Zoning Map. Land directly to the west and across Webfoot Road is located beyond the City of Dayton urban growth boundary (UGB) and remains under the jurisdiction of Yamhill County.

The site is currently unimproved and relatively flat exhibiting a slight downward slope generally toward the west. Four mature Oak trees with trunk diameters ranging approximately from 29 inches to 48 inches line the eastern half of the site's Ferry Street frontage. Public improvements inclusive of fully improved public streets abut the north and east edges of the site. Webfoot Road along the site's western edge is improved with two paved travel lanes, an improved sidewalk and curb return at its intersection with Ferry Street and an open roadside drainage ditch. A dirt driveway currently exists near the northern terminus of Webfoot Road providing a functional, unapproved vehicle access point into the subject site.

It is of interest to note that while the entirety of Sweeney Street is currently a public street, the portion that extends through the subject site was originally constructed within an easement for the benefit of the public. When the residential subdivision(s) to the south were developed, the northern portion of Sweeney Street traversing the subject site was improved to City standards but remained within an easement. In January 2007, the portion of Sweeney Street extending from Ferry Street to the northern edge of Country Heritage Estates Phase I, became public right-of-way (Exhibit 1).

### **III. Subdivision Request**

Fishbone Construction, LLC, is requesting approval of a tentative residential subdivision plan on approximately 2.68 acres of land that, if approved, would provide the opportunity for the platting of 17 residential lots ranging in size from 3,510 to 17,048 square feet and averaging 5,471 square feet in size. It is proposed that the lots would be accessed by a local public cul-de-sac street designed to City standards extending westward from Sweeney Street. A paved, public pedestrian connection is proposed to be constructed extending from the sidewalk along the north side of the cul-de-sac bulb to the public sidewalk located along the south side of Ferry Street. This pedestrian connection would provide a direct, convenient, accessible walking route from the proposed neighborhood to Ferry Street, the Dayton Middle School and Dayton High School, Center Market, and other commercial opportunities located to the east.

As can be seen on the proposed preliminary plat (Exhibit 2), Lot 1, at 17,048 square feet in size, is much larger than any of the other lots of this proposal. It is the initial intent of the property owners to reserve this lot to allow the potential future pursuit of commercial development on Lot 1; due to the alignment of Sweeney Street it is noted that Lot 1 is split by the alignment of Sweeney Street as shown on the attached graphics. It is understood that any such future development of this lot would be contingent upon approval of the Dayton City Council of both a Comprehensive Plan Map Amendment from Residential to General Commercial and a Zone Change (Zoning Map Amendment) from R-2 to General Commercial. While these actions are not being proposed at this time, it is instructive to note the reason for the proposed larger size of Lot 1 in this current proposal. Should the property owners alternatively choose to residentially develop Lot 1 in the future, a Minor Land Partition could be proposed to request the division of Lot 1 to provide for the construction of additional single-family residences that would be provided public street access from "A" Street (the proposed cul-de-sac street which is identified on the preliminary plat as Street "A"). A conceptual shadow plat of Lot 1 showing how this might be accomplished by the future partitioning of Lot 1 into two single-family residential lots is provided and can be seen on the right side of the submitted preliminary plat (Exhibit 2). Although this lot (Lot 1) is currently being considered by the property owners for one of these possible future uses (if so approved at that time by the associated reviewing body), Lot 1 is currently proposed to be created as one legally buildable single-family residential lot. With this in mind, and for purposes of this review, the application before you considers Lot 1 as being one of the six lots to be created by this subdivision proposal designed for single-family detached development. At present, this proposal only considers Lot 1 to be one of the 17 single-family residential proposed by the application.

For general orientation to the main elements of the proposed preliminary plat, six lots (each exceeding 6,000 square feet in size) are designed for single-family detached residential development and are proposed to be located along the south side of "A" Street (Lots 1 and 10-14). The remaining eleven (11)

lots each exceed 3,500 square feet in size and are configured for single-family attached residential development. Vehicular access to all residences shall be from "A" Street with the exception of Lots 16 and 17 which are proposed to be provided vehicular access from Sweeney Street.

The proposed orientation of the future residences is of a unique and innovative design in that the "A" Street frontage of Lots 1-7 are considered the back of the lots while the front façade of the residences constructed on these lots shall be oriented toward Ferry Street. While residences on these seven lots will have "backyard" driveway entrances, their front facades will face the Dayton Middle School and Dayton High School and provide front lawns extending from each home to the Ferry Street sidewalk. This creative home orientation will provide an open view to the neighborhood by preventing the building of a long line of typical tall backyard fences that would likely otherwise face Dayton's public schools. Elimination of the establishment of driveways and garages as the main design feature of the neighborhood along this portion of Ferry Street will add to a more engaging pedestrian aesthetic for the benefit of the general public and for both of the public schools located directly across Ferry Street from the site.

Currently, both Ferry Street and Sweeney Street are constructed to full City standards inclusive of all requisite public utilities. "A" Street is proposed to be constructed to full applicable City local residential standards and will be publicly dedicated along with the public dedication of a proposed pedestrian connection to be located between Lots 7 and 8. Public utility easements shall be dedicated along the frontage of all public rights-of-way as required in addition to the recording of private easements as identified in Exhibit 2.

With the more pedestrian and aesthetically centered approach to lot and home orientation along Ferry Street as described above, and with the elimination of curb cuts along this length of Ferry Street, it is the intent of both the current property owners and Fishbone Construction to preserve the four mature Oak Trees located along the site's Ferry Street frontage as much as practicable. It is acknowledged that these trees are situated generally within the existing public utility easement located along the north property edge adjacent to Ferry Street. Any possible impact on these trees during home construction or by the installation of additional utilities, or upgrades to existing utilities associated with the public utility easement, as may be required by the City or other utility providers, is not known at this time.

#### **IV. Conclusionary Findings for Approval**

1. Fishbone Construction, LLC, is requesting approval of:
  - A tentative residential subdivision plan on approximately 2.68 acres of land that would provide for the platting of 17 residential lots ranging in size from 3,510 to 17,048 square feet and averaging 5,471 square feet in size.

The subject site is approximately 2.68 acres in size and is located generally south of Ferry Street, west of Sweeney Street, north of the Country Heritage Estates, Phase 1 residential subdivision, and east of Webfoot Road; an approximately 3,305 square foot portion of the site extends across Sweeney Street to the east and contains the exit-only driveway for the Dayton School District parking lot. The site is more specifically identified by the Yamhill County

Assessor as located at Township 4 South, Range 3 West, Willamette Meridian, Section 20, Tax Lot 00300.

2. The parcel that is identified as the subject site is currently located within the City of Dayton urban growth boundary (UGB) and city limits, designated as Residential on the Dayton Comprehensive Plan Map, zoned R-2 (Limited Density Residential (Dayton Land Use and Development Code, 7.2.103), and is currently undeveloped.
3. Across Sweeney Street to the east are located the ballfields for the Dayton High School and Dayton Middle School. Directly across Ferry Street to the north are the Dayton High School and Dayton Middle School main campuses with the Center Market convenience store also located to the north and across 9<sup>th</sup> Street to the west. Located south of Ferry Street and across Webfoot Road to the west is both vacant and residentially developed rural land lying outside the Dayton city limits and urban growth boundary. South of and adjacent to the site is located the Country Heritage Estates Phase 1 single-family residential development.
4. Sanitary sewer and municipal water and power can sufficiently serve the site. The site is located within the Palmer Creek Sanitary Sewer Basin and the associated municipal wastewater reclamation system has sufficient capability and capacity to accommodate expected flows resulting from development of the property as currently proposed. The stormwater management system will be designed to the City of Dayton PWDS Division 3 (Stormwater Management) requirements as approved by the City Engineer. Municipal water supplied by the jointly owned Dayton and Lafayette Wellfield and Treatment Plant (WTP) is sufficiently provided at the site's eastern edge. Dayton School District No. 8, Dayton Fire District and the Yamhill County Sheriff's Office also have sufficient capacity to adequately serve and accommodate the development impacts of this site.
5. Criteria and Findings: The following criteria and findings of fact are applicable to the request.

7.2.103 – Limited Density Residential – (R-2)

7.2.103.01 – Purpose

The R-2 zone is intended to provide for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermediate density. Other uses compatible with residential development are also appropriate. R-2 zones are located in areas designated Residential in the Comprehensive Plan.

7.2.103.02 - Permitted Uses

The following uses, when developed under the applicable development standards in the Code, are permitted in the R-2 zone:

- A. One detached single family dwelling on a separate lot or parcel.

7.2.103.03 – Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the R-2 zone:

D. The following uses, subject to the applicable standards in Section 7.2.4:

2. Attached dwelling units (Section 7.2.403).

**FINDINGS:** The current subdivision approval request is for the purpose of platting residential lots to make possible the construction of single-family detached and single-family attached residences. Sections 7.2.103.01, 7.2.103.02(A), and 7.2.103.03(D)(2) are satisfied by this proposal.

7.2.103.05 – Dimensional Standards

A. Minimum Lot Dimension and Height Requirements.

DIMENSION	Single Family	Duplex	Multi-Family	Non-Residential
Lot Size	6000 sq. ft. (1)	7000 sq. ft.	9000 sq. ft. (2)	(3)
Maximum Height	35 feet	35 feet	35 feet	35 feet

- (1) Attached single family dwellings shall have a minimum lot area of 3500 square feet.
- (2) Multi-family development must comply with the density standard in Section 2.103.06.
- (3) Parcel size shall be adequate to contain all structures within the required yard setbacks.

**B. Minimum Yard Setback Requirements**

SETBACKS	Single Family	Duplex	Multi-Family	Non-Residential
Front	15 feet	15 feet	15 feet	20 feet
Side	5 feet (1)	5 feet	(3)	10 feet
Rear	(2)	(2)	(3)	20 feet
Street-side	15 feet	15 feet	15 feet	20 feet
Garage (4)	20 feet	20 feet	20 feet	20 feet

- (1) Zero side yard dwelling units are subject to the setback provisions in Section 7.2.404.
- (2) The rear yard setback shall be as follows: 15 feet for a 1-story home; 20 feet for 2 or more stories.
- (3) The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet.
- (4) The garage setback shall be measured from the property line or the edge of a private access easement. The length of the driveway shall be determined by measuring along the centerline of the driveway.

**FINDINGS:** Sections 7.2.103.05(A) and (B) are satisfied by this proposal in that the preliminary plat submitted with this application proposes to create single-family residential lots larger than the minimum 6,000 square foot requirement and single-family attached residential lots larger than the 3,500 square foot lot minimum requirement. The building envelopes identified on the preliminary plat reflect the minimum yard setbacks for the R-2 zone and the intended residential uses for the lots proposed. Building height compliance and compliance with setback requirements shall be verified as part of the future building permit application review process.

7.2.103.06 – Development Standards

All development in the R-2 Zone shall comply with the applicable provisions of this Code. The following references additional development requirements:

- A. Off-street Parking: Parking shall be as specified in Section 7.2.303.
- B. Yards and Lots: Yards and lots shall conform to the standards of Section 7.2.308.

[..]



D. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows:

Maximum building coverage (primary building):	40%
Maximum parking area coverage (including garage):	35%
Combined maximum lot and parking area coverage:	70%

E. Landscaping: Undeveloped areas of the property shall be landscaped, including all required yards. Landscaping shall be provided pursuant to requirements in Section 7.2.306. [.]

F. Density: The following density provisions shall apply:

1. Subdivisions: The minimum density shall be 5 units per acre; the maximum density shall be 7 units per acre.

FINDINGS: Section 7.2.106.06 is satisfied by this application in that the findings of fact demonstrating this application's compliance with Standards 7.2.303 (Off-street Parking) and 7.2.308 (Yards and Lots) are provided further below. The maximum lot coverages specified by sub (D), above, are appropriately reviewed at the time of building permit application review prior to building permit issuance. All residential yards shall be improved with appropriate typical residential landscaping commensurate with that found in nearby residential neighborhoods as per the requirements of 7.2.306 (Landscaping) and shall be addressed at the time of building permit application review and completed or sufficiently bonded as may be required prior to final inspection approval.

The residential density of this proposal, at 6.34 dwelling units per acre (17 lots / 2.68 acres), complies with the residential density range set by 7.2.103.06 (F)(1) of being between 5 and 7 dwelling units per acre. -- It is important to note that, while not part of this review, a possible future decision by the City to amend the designations of Lot 1 to Commercial would not result in a scenario where this already approved subdivision would become noncompliant with this residential density limitation standard as the resultant residential density would then be 6.9987 dwelling units per acre and thereby still comply with this R-2 residential density limitation (116,632 square feet – 17,018 square feet (Lot 1) / 16 lots = 6.9987 dwelling units per acre).

### Section 7.3.101 – Summary of Application Types and Review Procedures

#### Section 7.3.101.02 – Type II Actions

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Staff has an advisory role. Public notice and a public hearing is provided. Section 3.202 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure:

[.] D. Subdivision, Planned Unit Development and a Partition including a Private Street.

**FINDINGS:** This criterion is satisfied in that this application is a request for approval of a 17-lot subdivision and is classified as Type II Action.

### 7.3.102 – General Provisions

#### 7.3.102.01 – Scope

These general provisions apply to all land use actions subject to requirements contained in Section 7.3.1.

#### 7.3.102.02 – Approval of a Land Use Action

Approval of a land use application shall only be granted if the application complies, or can comply with conditions, to all relevant decision criteria.

#### 7.3.102.03 – Approval and Conditions of Approval

Conditions of approval may be imposed to ensure compliance with the decision criteria. These conditions may include, but are not limited to, building location, buffering, setbacks, and, review and acceptance of development plans by the City Engineer without the need for further review by the decision authority.

#### 7.3.102.04 – Financial Assurances

The City may require performance bond or other guarantee acceptable to the City Attorney, to ensure compliance with the conditions of approval, public facility improvements or other requirements.

#### 7.3.102.05 – Time Limit

Approval shall be effective for a period of one year from the date of final approval.

#### 7.3.102.06 – Time Extension

Prior to the expiration of the one year time limit, an applicant may request a time extension for a period not to exceed one year, subject to the following:

- A. No changes are made to the approved land use application.
- B. The applicant can show intent to initiate construction on the site or begin the approved activity within the one year extension period.

- C. There have been no changes in the facts or applicable policies or Code provisions on which the original approval was based.
- D. Only one time extension may be granted.

**FINDINGS:** The requirements of Section 7.3.102 provided above are satisfied in that approval of this land use request shall demonstrate that the application complies, or can comply, with all relevant decision making criteria. The property owners and Development Team have the means and financial wherewithal to initiate construction on the site well within the initial one-year allotted by this requested City approval.

**Section 7.3.109 – Subdivisions and Planned Unit Developments**

**Section 7.3.109.01 – Area of Application.** A subdivision is required for any land division which creates more than three parcels in a calendar year.

**FINDINGS:** This Section is satisfied in that this proposal requests approval for the creation of more than three parcels within one calendar year and is therefore categorized as a subdivision.

**Section 7.3.109.04 A** – Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved or the development standards permit a modification of these requirements.

**FINDINGS:** This criterion is satisfied as the minimum lot size for a single-family detached lot in the R-2 zone is 6,000 square feet, and 3,500 square feet for single-family attached lots; there is no minimum average width or average depth requirement. All proposed lots either meet or exceed the minimum lot area requirements.

**Section 7.3.109.04 B** – Adequate public facilities shall be available to serve the existing and newly created parcels.

**FINDINGS:** This criterion is met in that the City Engineer's comments provided through the pre-application process for this project indicate this site is or can be sufficiently served by requisite public facilities. The applicant will be responsible for all system improvements required by the City Engineer or other associated City of Dayton Departments or Districts (e.g., Dayton Fire District). Final engineering plans must be reviewed and approved by the City prior to the issuance of such construction permits.

**Section 7.3.109.04 C** – The proposal shall comply with the applicable development standards in Section 7.2.307 (Land Division) [..]. Section 7.2.307.03 establishes design requirements for lots.

– The applicable development standards of Section 7.2.307 and Fishbone Construction's submitted findings are as follows:

Section 7.2.307 – Development Standards for Land Divisions

Section 7.2.307.01 – Purpose. To provide for the orderly, safe, efficient and livable development of land within the City of Dayton.

FINDINGS: This criterion is met as the proposal will be developed in a timely manner adhering to the applicable requirements for land division and public improvements as prescribed by the City of Dayton. Approval of this proposal and development of the subject site also provides orderly, safe, efficient and livable development for the City as it is surrounded on three sides by existing development, served by existing and sufficient adjacent public rights-of-way, and provides for needed housing options within the city limits.

Section 7.2.307.03 A – Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.

FINDINGS: Previous findings demonstrate the proposal's compliance with the lot area and dimensional requirements specified by adopted R-2 regulations.

Section 7.2.307.03 B - Access. All lots shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone.

Section 7.2.307.03 B(3) – Cul-de-sac lots shall have a minimum frontage of 25 feet.

FINDINGS: Sections 7.2.307.03 B and 7.2.307.03 B(3) are satisfied by this proposal in that all proposed lots comply with these requirements as shown on Exhibit 2. There is but one street proposed as part of this preliminary plat. This street is to be designed and constructed to full City standards as a local cul-de-sac street and will be dedicated to the public commensurate with platting.

Section 7.2.307.03 D – Through Lots. Through lots are discouraged unless essential to provide separation of residential development from major traffic arteries, adjacent nonresidential activities, or to overcome specific site disadvantages.

FINDINGS: This standard is satisfied in that, in addition to proposed Lots 16 and 17 taking access directly from Sweeney Street, one public cul-de-sac street is proposed to be constructed to full City standards to serve the balance of this site. Due to the north-south dimension of the site and its adjacency to Ferry Street (an arterial street), proposed Lots 1 through 7 are through lots as they will abut the proposed "A" Street to the south and Ferry Street to the north. Similarly, Lots 8 through 10 are also proposed as through lots as they will abut the proposed cul-de-sac bulb to the east and Webfoot Road to the west. Given the dimensions and shape of the site and that Section 7.2.307.03 D allows for the creation of through lots relative to a need to "overcome specific site disadvantages," this criterion has been satisfied as there is no other way to serve this site according to the requirements of applicable standards and current zoning. Vehicular access to all lots will be limited only to either "A" Street or Sweeney Street.

Section 7.2.307.03 E – Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than ½ the dimension of the front lot line.

FINDINGS: While all of the proposed lots, with the exception of Lot 14, meet the referenced rear lot line to front lot line length ratio, Section 7.2.307.03 E provides “as far as practicable” as the broader context within which to consider and apply this standard. Given the subject site size and configuration as described above, the creation of lots with a rear lot line being less than ½ the dimension of the front lot line has been avoided as far as practicable with only one such lot being proposed (Exhibit 2). As such, this criterion has been satisfied.

Section 7.2.307.03 F – Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities.

FINDINGS: This criterion is satisfied in that the location and width of the proposed utility easements are as shown and labeled on the submitted preliminary plat (Exhibit 2) and the preliminary utility plan (Exhibit 3).

#### 7.2.307.04 – Additional Design Standards for Subdivisions

7.2.307.04 A – Standards for Blocks. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic including pedestrian and bicyclist; and recognition of limitations and opportunities of topography. Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets may be greater in length but not more than 1,300 feet without an accessway. Block perimeters should not exceed 1,800 feet in length. Exceptions to block length and perimeter may be granted if any one or more of the following conditions exist: [..]

FINDINGS: The proposed public cul-de-sac street, “A” Street, does not exceed 600 feet in length between Sweeney Street and the west end of the proposed cul-de-sac bulb. The proposed public street will be designed and constructed to City standards providing for convenient access, vehicular circulation, control, and the safety of street traffic including pedestrian and bicycle traffic as required (Exhibits 2, 3 and 4 provide additional proposed street design to topographic detail). The block perimeter limitation does not apply to this proposed street design and no exceptions to these dimensional standards are proposed.

7.2.307.04 B – Traffic Circulation. The proposed subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide traffic circulation with safe convenient and reasonably direct access.

FINDINGS: This criterion is met in that, along with “A” Street being located and designed to City standards, the proposed preliminary plat provides for a public pedestrian pathway leading

from the north edge of the "A" Street cul-de-sac bulb directly to Ferry Street. This 20-foot wide pedestrian accessway is proposed to be improved with a ten-foot wide impervious surface centered within the accessway prior to its dedication to the City. This pathway provides convenient access to Ferry Street, across which is located the Dayton Middle School, Dayton High School and neighborhood convenience store. This connection also provides for convenient access to other commercial opportunities and city services located along Ferry Street as well as to Courthouse Square Park located further to the east.

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

1. Stub Streets: Where the potential exists for additional residential development on adjacent property.
2. Pedestrian/Bicycle Accessways: Public accessways to provide a direct connection to cul-de-sac streets and to pass through oddly shaped or unusually long blocks.

FINDINGS: As noted in the Finding provided for 7.2.307.04 B, above, a pedestrian/bicycle pathway connection is proposed to be provided connecting the proposed "A" Street cul-de-sac bulb sidewalk with Ferry Street to enhance pedestrian and bicycle connectivity and circulation. Provision of a street stub to other adjacent land is not proposed as part of this development as the north edge of this site is adjacent to Ferry Street (a State Highway) and would not be approvable for reasons including intersection spacing between Sweeney Street and 9<sup>th</sup> Street. The west property edge is adjacent to Webfoot Road (a County road) and would not meet the City's intersection separation standards between such a connection and the existing Ferry Street / Webfoot Road intersection. Adjacent land to the south is already fully developed and no opportunity for such an additional street connection exists.

7.2.307.04 D – Design Standards for Accessways. Accessways shall meet the following design standards:

1. Connections with adjoining arterial and collector streets shall be provided if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. [..]
2. Minimum dedicated width: 15 feet
3. Minimum improved width: 10 feet
4. Maximum length: 250 feet with a clear line of vision for the entire length of the accessway.
5. When an accessway is in excess of 100 feet in length, then pedestrian scale lighting fixtures shall be provided along the accessways and lighted to a level where the accessway can be used at night.
6. The accessway shall be designed to prohibit motor vehicle traffic.
7. The accessway shall be maintained by a homeowners' association or other mechanism acceptable to the City.

**FINDINGS:** These criteria are met in that, as noted in the Finding provided for 7.2.307.04 B, above, a pedestrian/bicycle pathway connection is proposed to be constructed and dedicated as part of this development connecting the proposed public sidewalk of "A" Street with existing Ferry Street sidewalk. This pathway is proposed at 20-feet in width with a 10-foot wide hard surface improvement that is acceptable to the City. Additionally, this pathway will not exceed 100-feet in length and will not be accessible to vehicular traffic.

**7.2.307.04 E – Parks Requirement for Residential Subdivisions.** Subdivisions shall provide for public parks by one of the following methods:

1. Dedication – The dedication of park land shall be subject to the following:
  - a. Area: Land shall be dedicated at an area equal to one acre per 100 potential residents. For the purposes of this section, the potential residential population shall be computed at the rate of 3.25 persons for each potential unit for single family homes and duplexes; and 2.75 persons for each potential unit for multiple family homes.
  - b. Location: The location of any dedicated park land shall be determined by the Planning Commission, consistent with the guidelines in the Comprehensive Plan or in a master Parks Plan adopted by the City Council.
2. Financial Contribution – If the Planning Commission determines there is no need for park land in this location, or, there is no suitable location on the subject property for a public park, the developer shall contribute toward a City park fund an amount equivalent to the amount of land that would have been required in item 1. Above. The financial contribution shall be subject to the following:
  - a. Appraisal Requirements: Market value shall be established by a professional land appraiser who is a member of the American Institute of Real Estate Appraiser of is certified by the State of Oregon as a certified appraiser. A date which is within 60 days of the final approval of the tentative plan shall be used for the purposed of fixing value.
  - b. Responsibility: The City shall be responsible for securing the services of a professional appraiser. The selected individual shall be acceptable to both the City and developer.
  - c. Annexation: If the property is subject to an annexation, the appraisal shall always be determined on a date subsequent to the parcel's annexation to the City.
  - d. Payment Schedule: The sum of money established by this procedure shall be paid to the City prior to the approval and recording of the final plat.

**FINDINGS:** This criteria is satisfied as this residential development proposal requests approval for the platting of 17 residential lots resulting in the potential to construct 17 single-family residential homes as previously described in this application. While the largest lot in this proposed subdivision could potentially be further residentially partitioned in the future, this action is not currently proposed for reasons articulated above and may never actually occur. Therefore, basing the parkland dedication of financial contribution calculations on the

actual number of lots being currently proposed is the most legally sound position. As such, utilizing the figure of 3.25 persons per single-family residence for the 17 currently proposed residential lots yields a projection of 56 (55.25) persons residing in this development. At the park land dedication ratio of one acre per 100 potential residents, this yields a park dedication calculation of 56% of an acre or 24,394 square feet (0.56 acres).

Publicly dedicating a minimum of 0.56 acres of park space from this 2.68 acre site would drastically change the functional form of this cul-de-sac neighborhood and the proposed cul-de-sac street as well as reduce the overall dwelling unit count. Toward the current availability of nearby public recreational spaces, it is noted that that Courthouse Square Park is located less than one-half mile east of the site along Ferry Street. Additionally, the subject site is located directly across Ferry Street from the Dayton Middle School and the Dayton High School open recreation spaces, football field and track, and directly across Sweeney Street from the Dayton Middle School and Dayton High School ball fields. The open recreation spaces and athletic fields of the Dayton Grade School are also located only some one-third mile to the east of the subject site.

In light of the subject site's close proximity to readily available public recreational spaces, Fishbone Construction respectfully requests that the Dayton Planning Commission utilize Option 2 as provided above and require a financial contribution according to the specifics of Section 7.2.307.4 E(2) prior to the approval and platting of the final subdivision plat in lieu of park land dedication for this proposal.

7.2.307.06 – Improvement Requirements – Subdivisions. The following improvements shall be required for all subdivisions:

- A. Frontage Improvements. Street improvement to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.302 of the Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development of the immediate neighborhood.

FINDINGS: The proposed subdivision fronts along Ferry Street, Webfoot Road and Sweeney Street rights-of-way. Full street improvements currently exist along the site's full length adjacent to Ferry Street and Sweeney Street while only two paved travel lanes currently exist along the site's frontage adjacent to Webfoot Road. As Yamhill County did not require additional street improvements along Webfoot Road commensurate with adjacent residential developments to the south, it is not anticipated that such improvements would be uniquely required of this development proposal; it is possible though that additional right-of-way may be required to be dedicated at and/or near the southeast quadrant of the intersection of Webfoot Road and Ferry Street to accommodate an improved sidewalk at the radius. Storm



and sanitary sewer improvements, water and other public utilities are addressed in other subsections of this Section, below.

- B. Project Streets. All public or private streets within the subdivision shall be constructed by the provisions of Section 7.2.302.

7.2.302 – Street Standards

The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Dayton:

- i. Section 7.2.302.03 A – General Requirement. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.

FINDINGS: The proposed street grades are within the range acceptable and do not exceed maximum grade limitations for construction of public streets in the City of Dayton (Exhibit 4). This application also provides for the construction of a local street connecting to Sweeney Street which is appropriate given the nearby land use pattern, site location and level of adjacent development.

- ii. Section 7.2.302.03 B – Continuation of Streets and Accessways. Where feasible, development proposals shall provide for the continuation of, and connection to, all streets, and accessways within and outside the development to promote appropriate vehicle, bicycle, and pedestrian circulation in the vicinity of the development. Exceptions may be granted if one or more of the following exist:
1. Physical or topographic conditions make a street or accessway connection impracticable;
  2. Building or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or,
  3. Where streets or accessways would violate provisions or leases, easements, covenant, restrictions, or other agreements existing as of May 1, 1995 which preclude a required street accessway connection.

FINDINGS: As demonstrated on the submitted preliminary plat, the proposed subdivision provides a public street connection to Sweeney Street. Given the location and physical configuration of the site, in addition to the presence and character of adjacent existing development, other street connections are not desired or required by the City, or found feasible as detailed further, above.

- iii. Section 7.2.302.03 C – Alignment. All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the

existing centerlines. Staggering of street alignments resulting a “T” intersections shall, whenever practical, be avoided. If unavoidable, the “T” Intersection shall meet with the approval of the City Engineer and minimally acceptable traffic safety standards.

**FINDINGS:** Given the approval of the Marion Court cul-de-sac street to the south of the site, the only feasible option to extending a public street to serve the subject site is the creation of a similar cul-de-sac street connecting to Sweeney Street with a “T” intersection designed to City standards. This street design, as shown on the attached graphic exhibits, has been preliminarily reviewed by the City Engineer and found to acceptable.

- iv. Section 7.2.302.03 D – Future Extension of Streets. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, said facilities shall be platted to a boundary of the subdivision. The street may be platted with a turnaround unless the Public Works Department or local Fire District finds a turnaround is necessary for reasons of traffic safety.

**FINDINGS:** Continuation of “A” Street or bicycle/pedestrian paths into a future subdivision or adjacent acreage is not feasible given the size, location and configuration of the subject site in addition to the configuration of platted adjacent development. However, a paved pedestrian/bicycle pathway is proposed to provide connection between the proposed sidewalk located along the north side of the “A” Street cul-de-sac bulb and the existing sidewalk located along the south side of Ferry Street to supplement and enhance pedestrian and bicycle connectivity and mobility within the surrounding street network and the associated established uses the network serves.

- v. Section 7.2.302.03 E – Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs and approval of the Public Works Department.

**FINDINGS:** This criterion is satisfied as “A” Street is proposed to intersect with Sweeney Street at a standard 90 degree angle.

- vi. Section 7.2.302.03 F – Existing Streets. Whenever existing public streets adjacent to or within a tract are or a width less than the street design standard, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.

**FINDINGS:** There are no existing public streets within this tract. Sweeney Street, adjacent and to the east, is currently improved to full City standards. Webfoot Road, adjacent and to the west, is located outside the Dayton city limits and urban growth boundary and under the jurisdiction of Yamhill County. While no additional street improvements adjacent to the portion of Webfoot Road adjacent to the western edge of

the subject site are anticipated for reasons articulate above, it is possible that an improved (increased) right-of-way radius may be required by Yamhill County and/or ODOT (Oregon Department of Transportation) at the south-east quadrant of the Webfoot Road and Ferry Street intersection. The applicant will comply with any such requirement(s) so imposed by either or both jurisdictional bodies. This criterion is satisfied.

- vii. Section 7.2.302.03 G – Cul-de-sacs. The City discourages the use of cul-de-sacs. When cul-de-sacs are necessary, the maximum length shall be 800 feet. Cul-de-sacs over 400 feet in length shall provide accessways to provide connectivity to adjacent streets and uses, unless physical constraints preclude a pedestrian/bicycle accessway.

FINDINGS: Please refer to Findings for Sections 7.2.302.3 C and D above. This criterion is satisfied.

- viii. Section 7.2.302.03 H – Street Names. Street names and numbers shall conform to the established standards and procedures in the City.

FINDINGS: “A” Street (or Street “A”) as shown on the preliminary plat submitted as part of this application request is a temporary name assigned solely for the purposes of this public subdivision review. Should the Planning Commission approve this subdivision request, a future proposed street name shall be submitted to the City for review, consideration and approval prior to submittal and recording of the final plat. Street numbers shall be assigned accordingly by the City. This criterion is met.

- ix. Section 7.2.302.03 I – Alleys. Alleys are encouraged in residential zones to preserve the integrity and safety of the local street. [..]

FINDINGS: While alleys are not part of the submitted subdivision design due to site size and configuration, the proposal does provide the look of an alley-oriented residential development from its Ferry Street frontage in that, while vehicular access will be provided from “A” Street, the homes on the north side of “A” Street (specifically those to be constructed on Lots 1-7) will be oriented with their front façade toward Ferry Street giving the appearance of alley-accessed residential lots.

- x. Section 7.2.302.03 J – Clear Vision Areas. Clear vision areas shall be maintained on corner lots at the intersection of public streets and at the intersections of a public street with a private street, alley or private access driveway.

FINDINGS: Compliance with this requirement is determined and enforced when building permits are submitted for residences that are to be constructed on corner lots.

- xi. Section 7.2.302.03 K – Lots Abutting a Partial Street. Development of property abutting an existing public street which does not meet the minimum right-of-way

standards in Section 7.2.3 shall provide sufficient yard setback equal to the minimum yard requirements of the zoning district, plus, the additional land required to meet the minimum right-of-way width.

**FINDINGS:** No additional right-of-way dedications or increased building setbacks are required as sufficient right-of-way exists for all existing adjacent public streets. This requirement is met.

- xii. Section 7.2.302.04 – General Right-of-Way and Improvement Widths. The following standards are general criteria for public streets in the City of Dayton. [.]

STREET STANDARDS

SERVICE AREA (a),(b),(c),(d)	WIDTH CURB/CURB	CURB(f),(g)	SIDEWALK (e)	TOTAL R-O-W WIDTH
LOCAL STREET II 20-79 d/u or 200-790 ADT or 79,999- 319,999 sf	Parking2 sides 32 feet	6"/side (1 ft. total)	5 ft. <u>curbline</u> Two sides	48 feet

**FINDINGS:** Fishbone Construction agrees with the preliminary comments offered by the City Engineer that, based on the number of lots proposed to access “A” Street and the projected service area, a curb-to-curb dimension of 32-feet within a 48-foot wide right-of-way is sufficient to serve this development and is proposed as shown on the preliminary utility plan (Exhibit 3) submitted as part of this subdivision application request. This criteria is met.

- C. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes pursuant to ORS Chapter 92.

**FINDINGS:** This is a development requirement which can be placed as a condition of approval.

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

**FINDINGS:** This is a development requirement which can be placed as a condition of approval.

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

**FINDINGS:** A new storm catch basin is proposed at the Sweeney Street intersection and a storm line connecting to an existing storm manhole on the west side of the Webfoot Road intersection; the new storm drain line will need to cross under Webfoot Road to connect to the existing manhole. Fishbone Construction proposes to install storm drain laterals to serve each of the new lots (either to a curb weep-hole if the lot slopes toward the fronting curb, or otherwise to a storm drain lateral pipe). Additionally, the onsite stormwater management system will be designed to the City of Dayton PWDS Division 3 requirements as applicable and appropriate and as approved by the City Engineer. Public and private utility easements as necessary are proposed as shown on preliminary utility plan (Exhibit 3) and shall be required as found to be acceptable to the City prior to platting. This requirement is met.

- F. Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. [..]

**FINDINGS.** Fishbone Construction proposes to serve the proposed subdivision by constructing a new sanitary sewer within the "A" Street right-of-way with a connection to the existing 8-inch sanitary line located within Sweeney Street as shown on the submitted preliminary utility plan (Exhibit 3). Additionally, the large proposed "oversized" lot is proposed to be served with a single 6-inch sanitary sewer lateral that can accommodate either additional residential or commercial development in the future. This requirement is therefore satisfied.

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

**FINDINGS.** This criteria is satisfied as an 8-inch water mainline is available in Sweeney Street and the municipal water system are sufficient to serve and accommodate the proposed development of this site. It is expected that all water system plans be reviewed and approved by the City Engineer prior to permit issuance. While an existing fire hydrant is currently located along the west side of Sweeney Street some 150 feet south of the intersection with Ferry Street, it is within the proposed alignment of "A" Street and will need to be relocated as shown on the preliminary utility plan (Exhibit 3). Fishbone Construction will follow the determination of the Dayton Fire District as to whether this fire hydrant is reusable and, if it is not, will install a new hydrant as directed. It is also understood that an additional hydrant will be required to

serve this development. This second hydrant is shown on the preliminary utility plan as being located toward the western end of "A" Street and in front of Lot 7.

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

FINDINGS: As shown on the submitted preliminary utility plan, 5-foot wide sidewalks are proposed to be constructed as part of the right-of-way improvements as required by City standards. It is requested that the construction of sidewalk improvements across the street frontage(s) of each lot be deferred as allowed by this standard until the completion of the residence on the corresponding lot with the following exceptions: Sidewalks at pedestrian ramps and at CBU (cluster box unit) mailboxes, and the pedestrian access connection to Ferry Street shall be completed prior to recording the final subdivision plat. The construction of the pedestrian walkway connecting the sidewalk along the northern side of the cul-de-sac bulb of "A" Street and the public sidewalk located along the south side of Ferry Street is also not proposed to be deferred but shall be completed prior to recording the final subdivision plat. As such, this standard has been met.

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

FINDINGS: The installation of street lights as per City standards can be placed as a condition of approval with the location determined when engineering plans are submitted to the City Engineer for review prior to permit issuance. This criteria is satisfied.

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

FINDINGS: The identification of the proposed cul-de-sac street as "A" Street on the submitted graphic Exhibits is temporary to help enable preliminary subdivision review only. The proposed street name, and installation of street sign(s) and traffic control sign(s) will comply with City specifications. It is requested that this be placed as a condition of development subsequent to approval of this land use request and, as such, this requirement is met.

K. Public Works Requirements. Facility improvements shall conform to the requirements and specifications of the Dayton Public Works Department.

FINDINGS: Proposed facility improvements are as shown on the submitted preliminary utility plan. All such facility improvements are required to comply with this provision and shall be reviewed by the City Engineer prior to permit issuance. This criteria is satisfied.

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

FINDINGS: This requirement is met in that curb cuts and driveway installations will be provided to each platted lot as required by the City. This requirement is enforced at the time of construction of each residence.

- M. Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond of other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.

FINDINGS: It is the applicant's intent to construct and complete all required street improvements prior to platting with the exception of public sidewalks as addressed in the Finding provided for Section 7.2.307.06 (H) above. In that instance, or should the City allow any other public improvement requirement(s) to be so deferred, Fishbone Construction, or assigns, shall provide a performance bond in the appropriate amount to the City, and if required by the City, to guarantee that all uncompleted improvements will be completed in conformance with applicable City standards and ordinances and that all associated conditions of approval will be satisfied thereby allowing their deferral to a time following the recording of the final subdivision plat. As with Public Works standards, this requirement is administered and enforced as part of the engineering design and construction process thereby meeting this criterion.

#### 7.2.307.07 – Improvement Procedures

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Code and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

- A. Plan Review. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.
- B. Notification. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. Underground Facilities. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the

streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.

- E. Final Engineering Plans. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one set of mylar based as-built drawings. The as-built drawings shall be submitted to the City Engineer by the Developer's engineer.

**FINDINGS:** Section 7.2.307.07 (A)-(E) is satisfied as all installed public improvements shall conform to the requirements of this Section including plan review and approval prior to permit issuance, notification to the City in advance of any such work, and inspection of work prior to the street surfacing ensuring quality and appropriateness of the improvement(s) as well as provision of any required service connection stub(s) to eliminate the necessity for disturbing the street improvements when service connections are made.

#### 7.2.307.08 – Land Division Design Requirements

Development and improvements associated with land divisions shall comply with the applicable provisions of this Code. The following includes referenced items and applicable requirements:

- A. Street Improvements. Streets, including public streets, private streets, and private access driveways shall be improved per requirements contained in Section 7.2.302. Requirements in Section 7.2.307.04.F, shall apply to small-scale subdivisions.
- B. Street Frontage Improvements. Frontage improvements for partitions shall be subject to provisions in Section 7.2.307.05; for subdivisions, applicable street improvement provisions in Section 7.2.302 shall apply.
- C. Storm Drainage. Storm drainage improvements shall be subject to provisions in Section 7.2.304.
- D. Sanitary Sewer Facilities. Sanitary sewer facilities shall be subject to provisions in Section 7.2.305.
- E. Water Facilities. Water facility improvements shall be subject to provisions in Section 7.2.305.
- F. Utilities General. All utility improvements shall comply with adopted Department of Public Works Standards of the City of Dayton. In addition to the street, storm water, sanitary sewer and water facility provisions noted above, partitions are required to comply with the remaining improvement provisions in Section 7.2.307.05 and subdivisions with Section 7.2.307.06.



G. Parking. The following parking provisions apply:

1. Public Streets - On-street parking on public streets shall conform to applicable right-of-way improvements contained in Section 7.2.302.
2. Private Streets - Land divisions involving private streets shall comply with parking provisions in Section 7.2.307.07.
3. Lots or Parcels - Off-street parking requirements for individual lots shall comply with provisions in Section 7.2.303.

**FINDINGS:** Section 7.2.307.08 (A)-(G) is satisfied by the associate Findings provided above relative to street improvements and design. In addition, while improvements to Webfoot Road are not proposed as part of this application or expected to be concurrently imposed by Yamhill County, with the possible exception of an additional right-of-way dedication related to an intersection sidewalk improvement identified on Exhibit 2, Fishbone Construction supports the Commission's option to adopt a condition of approval requiring the recording of a construction deferral/non-remonstrance agreement relative to future necessary associated improvement(s) to Webfoot Road adjacent to the subject site. Parking as required by Section 7.2.303, is addressed in the findings provided below. The remaining elements of 7.2.307.08 are sufficiently addressed in the findings provided above in this Section.

#### Section 7.2.303 – Off-Street Parking and Loading

##### 7.2.303.01 Purpose

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City.

##### 7.2.303.02 Scope

A. New Building. Any new building or structure erected after the effective date of this Code.

##### 7.2.303.03 General Provisions Off-Street Parking and Loading

D. Use of Parking Spaces. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons or employees only, and shall be used for storage of vehicles or materials or for the parking of trucks used in conducting the use.

##### 7.2.303.04 Location and Use Provisions

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use [..]

#### 7.2.303.06 Off-street Vehicle Parking Requirements

A. Number of Spaces. Off-street parking shall be provided in the amount not less than listed on the following chart [Parking Requirements]:

1. All dwelling types: 2 Motor vehicle spaces per dwelling unit.

#### 7.2.303.09 Parking and Loading Area Development Requirements

All Parking and loading areas shall be developed and maintained as follows:

A. Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete. These areas shall be improved prior to occupancy of the primary building.

B. Parking Spaces. Parking spaces shall be a minimum 9 feet wide and 18 feet in length.

C. Driveways. The following driveway width (or aisle) dimensions shall apply:

1. Without adjacent parking:

- a. Single family residence - No driveway width shall be less than 12 feet nor exceed 24 feet as measured at the property line.

**FINDINGS:** The applicable portions of Section 7.2.303 as listed above are, or will be, satisfied as while the code requires the provision of a minimum of two on-site parking stalls for each new residence, Fishbone Construction proposes to provide four on-site parking spaces per residence (twice that which is required) by way of a two-car garage and double-wide driveway as a feature of each home. The parking spaces provided for each vehicle shall be a minimum of 9-feet in width and driveways will not exceed the code maximum of 24-feet in width and will be a minimum of 20-feet in length from property line adjacent to the public right-of-way. All driveways and parking spaces shall be asphalt or concrete as required by 7.2.303.09 (A) above and are intended to be concrete.

#### Section 7.2.304 – Storm Drainage

##### 7.2.304.01 Purpose

To provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

##### 7.2.304.02 Scope

The provisions of this Section shall apply to all new residential land partitions and subdivisions, multi-family developments (3 or more units), commercial developments, and industrial development; and to the reconstruction or expansion of such developments.

#### 7.2.304.03 Plan for Storm Drainage and Erosion Control

No construction of any facilities in a development included in Subsection 2.301.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by a professional engineer, and, approved by the City. This plan shall contain at a minimum:

- A. Run-off. Minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
- B. Facilities. Plans for the construction of storm sewers, open drainage channels and other facilities which depict line sizes, profiles, construction specifications and other such information as is necessary for the City to review the adequacy of the storm drainage plans.
- C. Engineering Calculations. Calculations used by the engineer in sizing storm drainage facilities.

#### 7.2.304.04 General Standards

- A. Requirements. All development shall be planned, designed, constructed and maintained to:
  - 1. Protect and preserve existing natural drainage channels to the maximum practicable extent;
  - 2. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
  - 3. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing of grading;
  - 4. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
  - 5. Provide dry wells, bio-swales, or similar methods, as necessary to supplement storm drainage systems;
  - 6. Avoid placement of surface detention or retention facilities in road rights-of-way.

- B. Easements. Adequate easements for storm drainage purposes shall be provided to the City. This shall not imply maintenance by the City.
- C. Channel Obstructions. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Code.
- D. Inspection Required. Prior to acceptance of a storm sewer system by the City, the storm sewers shall be inspected by the City. All costs shall be borne by the developer.

**FINDINGS:** The requirements and standards of Section 7.2.304 are satisfied by this subdivision proposal in that the City of Dayton and Yamhill County storm drainage systems have capacity to sufficiently accommodate anticipated system impacts resulting from the proposed development. Public utility easements are proposed across the street sides of all lots to accommodate the necessary facilities. Additionally, as the subject site exhibits a slight downward slope toward the western edge, erosion control methods shall be employed as required by the Planning Commission and/or the City Engineer as part of the pre-platting infrastructure construction element of the project. Prior to issuance of permits for installation of the storm drainage system, engineering calculations related to anticipated flow should be included with said plans and provided to the City Engineer for review and approval. The stormwater management system will be designed to the City of Dayton PWDS Division 3 (Stormwater Management) requirements as approved by the City Engineer. No storm drainage channels will be obstructed as part of the designed system.

Section 7.2.305 – Utilities and Facilities

7.2.305.01 Purpose

To provide adequate services and facilities appropriate to the scale and type of development.

7.2.305.02 Standards

- A. Impact. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.
- B. Water. Development requiring water service shall install water facilities and grant necessary easements pursuant to the requirements of the City.
- C. Private Utilities. All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.
- D. Sanitary Sewers. All development which has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the city. Installation of such

facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.

- E. Street Lights. When required, installation of street lights shall be pursuant to the requirements of the city and the company serving the development.
- F. Easements. Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions and partitions.

**FINDINGS:** Sections 7.2.305.01 and 7.2.305.02 (A)-(F) are satisfied by the associated findings provided above addressing Section 7.2.307.06

### Section 7.2.308 – Yards and Lots

#### 7.2.308.01 Lot Coverage, Generally

Specific standards for lot size or area, for lot dimensions, and for lot coverage are set forth in the applicable zone. Where a standard for lot coverage is expressed as a percentage, such standard means the percentage of total lot area covered by buildings and by roofed but unenclosed structures, whether or not attached to buildings. Covered structures less than five feet in height and having less than 20 square feet of gross floor area shall not be included in calculating lot coverage.

#### 7.2.308.02 Yards and Yard Area, Generally

- A. Yards Apply Only to One Building. No required yard or other open space for any building or structure shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.
- B. Yards to be Unobstructed. A "required yard" is the minimum required setback area between a structure and a lot line, whether or not additional open space is actually provided between the structure and the lot line. Every required yard or setback area shall be open and unobstructed by buildings, or structures from the ground to the sky except for those exceptions permitted in this Section.
- C. Yard Areas not to be Reduced. No lot shall be so reduced or diminished that the required yards or other open space shall be smaller than prescribed by this zoning Code.

#### 7.2.308.03 Separation of Lot or Yard Areas

- A. Reduction in Lot Area. No portion of a lot necessary to provide the required area per dwelling unit shall be separated in ownership.

- B. Separation of Required Yards. No required yard or other open space around an existing building shall be separated in ownership from the lot upon which the building is located.

#### 7.2.308.05 Front Yard Projections

Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features of not more than two feet, from main buildings, uncovered porches and covered but unenclosed porches when not more than one story high and which do not extend more than ten feet beyond the front walls of the building are exempt from the front yard setback provisions.

#### 7.2.308.06 Side Yard Projections

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibitive by any other code, may project into a required side yard not more than one-third of the width of the side yard, nor more than four feet in any case.
- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project up to 1½ feet into a required side yard, provided, however, chimneys and flues shall not exceed six feet in width.
- C. Decks and Patios. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are three feet or less in height from ground level.

#### 7.2.308.07 Rear Yard Projections

- A. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project up to 1½ feet into a required rear yard, provided, however, chimneys and flues shall not exceed six feet in width.
- B. Building Features. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard and set back at least 6 feet from any property line.
- C. Steps and Porches. Planter boxes, steps, uncovered porches, covered but unenclosed porches, including covered patios when not more than one story high, which are not more than four feet above grade, are exempt from the minimum rear yard depth requirements.
- D. Setbacks. No permitted projection into a required rear yard shall extend within ten feet of the center line of an alley or of a rear lot line if no alley exists.

- E. Decks and Patios. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are three feet or less in height from ground level.

**FINDINGS:** Sections 7.2.308.01 – 7.2.308.03, and 7.2.308.05 – 7.2.308.07 are satisfied in that, while these requirements are addressed at the time of building permit review, Fishbone Construction proposes that all residential construction be located outside of the individual lot setbacks defined and required by the R-2 zone. No reductions in setbacks or any such exception are being requested as part of this application and required yards are proposed to remain unobstructed by buildings or structures except those as permitted by this code. Any projections into required setbacks shall occur as described and allowed by 7.2.308.05 through 7.2.308.07 above and reviewed as part of the building permit process for each residence.

#### 7.2.308.06 Clear Vision Area

A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform with the following:

- A. **Measurement.** A clear vision area at an intersection shall be the triangular area established according to the following procedure:
  - 1. A line extending a certain number of feet from the intersection along a public street right-of-way;
  - 2. A line extending a certain number of feet from the intersection along the intersecting access;
  - 3. A third line that creates the triangular clear vision area by connecting the ends of the lines described in 1, and 2,above.
- B. **Street-Driveway.** The clear vision area for a street-driveway intersection shall be 10 feet along the driveway from its intersection with the street right-of-way and 30 feet along the street right-of-way at the point of intersection with the driveway.

[.]

- E. **Corner Lots.** The clear visions area for corner lots shall be 20 feet along the right-of-way of each intersecting street.
- F. **Prohibited Development.** A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the clear vision area:

1. Trees, provided all branches and foliage are removed to a height of eight feet above grade;
2. Telephone, power, and cable television poles; and
3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension.

**FINDINGS:** The proposed preliminary plat demonstrates compliance with the requirements of this Section and this proposed development will continue to comply with the applicable standards through all phases of construction inclusive of the Street-Driveway and Corner Lot requirements. Verification of this intended and proposed future compliance will be provided through the City's review processes relative to infrastructure and right-of-way permits and inspections.

#### Section 7.2.308.09 – Fences and Walls

##### A. Residential, Public and Semi-Public Uses

1. Height, location: Fences and walls may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. A fence or wall may not exceed 6 feet, 6 inches in height without approval of a variance. Fences and walls shall not exceed a height of four feet along, and within, ten feet of any property line adjacent to the street and containing a street access.
2. Clear Vision Area. The placement and location of a fence shall not violate the clear vision requirements in Section 7.2.307.
3. Construction material: Fences or walls constructed of unsafe materials, including, but not limited to barbed wire, electric fencing, broken glass, and spikes shall be prohibited.
4. Swimming pool requirements: Swimming pools shall be enclosed by a locking fence of six feet in height. The dwelling may be used to meet part of the enclosure requirement.
5. An entrance wall to a subdivision or other residential development shall be permitted provided the wall or gate does not exceed six feet in height nor violate provisions of the clear vision area.

**FINDINGS:** The future construction/installation of fences and/or walls will be reviewed to guarantee compliance with the specifications of 7.2.308.09 at the time of building permit issuance, installation and inspection as required or deemed appropriate by the City.

#### Section 7.2.310 – Single Family Dwelling Design Standards



All new single family dwellings, including manufactured homes located on individual lots, shall contain at least three (3) of the following design elements on the side of the house which fronts the street, to provide architectural relief:

- A. Dormer(s) or gable(s).
- B. Cupola(s).
- C. Bay or bow window(s).
- D. Exterior shutters.
- E. Recessed entry or entries.
- F. Front porch at least 100 square feet in area.
- G. Covered porch entry or entries.
- H. Pillars or posts in the front entry or entries.
- I. Eave(s) (minimum 6").
- J. Off-set(s) on building face or roof (minimum 16")

FINDINGS: The requirements of Section 7.2.310 will be considered, reviewed and satisfied as part of the future building permit application process for each residence to be constructed within the proposed subdivision.

## **V. Conclusion and Approval Request**

The evidence in the record is substantial and supports approval of this proposal.

Fishbone Construction, LLC, respectfully requests that the submitted tentative residential subdivision proposal be approved with conditions as required and/or deemed appropriate.

**From:** Denny Muchmore  
**Sent:** Tuesday, November 27, 2018 2:54 PM  
**To:** Steve Sagmiller <[SSagmiller@ci.dayton.or.us](mailto:SSagmiller@ci.dayton.or.us)>; Cyndi Park <[cpark@ci.dayton.or.us](mailto:cpark@ci.dayton.or.us)>; Patty Ringnalda <[pringnalda@ci.dayton.or.us](mailto:pringnalda@ci.dayton.or.us)>  
**Subject:** RE: Dayton SUB 18-08 (Sweeney property subdivision), Land Use Application Review Comments & Proposed/Suggested Conditions

Steve, Cyndi & Patty:

We assume that Cyndi or Patty will forward the information below to the City Planner once Steve has reviewed it and added any additional comments that he may have.

We assume that the Planning staff has notified ODOT and Yamhill County of this subdivision application, and that ODOT will provide any application review comments they have directly to the City. Please cc' us with any ODOT or County application review comments, so that we know what they are requesting or requiring.

Per your request, we have reviewed the land use application and associated lot layout drawing submitted for the Sweeney property subdivision south of Ferry Street and west of Sweeney Street. We reviewed the application for conformance with applicable City requirements, with regards to recommended street, access and utility improvements to mitigate anticipated impacts. For the most part, our review is limited to public works & infrastructure issues. We understand that the City Planner will be reviewing the application from a planning/zoning standpoint and preparing the staff report.

If the Planning staff or Planning Commission wishes to modify any of the recommended conditions of approval outlined below, or grant variances based on information that we may not be aware of, we assume that this will be coordinated with Public Works as part of the land use approval process. The City planning staff should exercise care and coordinate with other staff if they reword any of the suggested conditions, to avoid changing the meaning of the requirements.

It is important to be aware that the PWDS (and Oregon Fire Code - OFC) provisions referenced herein are not land use regulations, and are not intended to have an impact on the decision as to whether to approve or deny the application, but are listed so that the applicant is made aware of some of the design/construction standards which must be addressed during the construction phase of the development (*ie. approval or denial should be based on the land use regulations, while conditions regarding specific improvements may reference the PWDS & OFC to clarify the extent of improvements required in order to provide service to or mitigate impacts from the development*).

We recommend that approval of this development be subject to the suggested conditions outlined below. As an alternative, this email and the suggested conditions below can be included by reference in an approval condition, if this approach is desired by the City Planner.

#### **Background Information**

*By City convention and to minimize confusion regarding directions, "plan" north (for purposes of this review) is considered to be parallel with 9<sup>th</sup> Street and perpendicular to Ferry Street.*

The applicant (*hereinafter called the Developer*) proposes to construct a 17 lot subdivision, along with associated street and utility improvements.

A preliminary lot layout drawing was included with the application, including proposed street widths, and proposed water/sewer/storm drain alignments.

Excerpts from the City utility maps are attached for reference. These maps show the approximate location and layout of the surrounding properties and known utilities.

The development consists of the following tax lot.

- TL 4320-00300 (*vacant parcel across Ferry from High School/Middle School campus*).

The property is inside City Limits.

The property is currently zoned Residential (R-2). The zoning of land bordering the development is as follows:

- North: Public (P), school campus
- South: Residential R-2 (CHE phase 1)
- West: EF-80 (outside City limits, across Webfoot Road)
- East: Residential R-2 (softball field, across Sweeney Street)

**SUGGESTED APPROVAL CONDITIONS.** As discussed above, we recommend including or referencing the following suggested conditions in the land use approval (**SOLID BULLETED PARAGRAPHS BELOW**).

**Prior Land Use Conditions affecting Property.**

We are not aware of any previous land use conditions impacting the development of this property. We assume that this will be verified by the City planning staff.

**Existing Plats, Easements, etc.**

This property is part of two previous partition plats (*1995-25 & 2005-33, copies attached*).

Our records indicate that there is an existing PUE along the Sweeney Street and Ferry Street frontages, but not along Webfoot Road.

Prior to our tenure as City Engineer, the Country Heritage Estates Phase 1 plat was inadvertently recorded without including the dedication of the Sweeney Street right-of-way between the subdivision and Ferry Street.

- The Sweeney Street right-of-way was subsequently dedicated by deed, along with associated easements (attached).
- The dedication of the Sweeney Street right-of-way is what created the small triangle shaped remnant parcel on the east side of the ROW. Almost all of the triangle shaped parcel is taken up by various easements, including the access to the ballfield parking lot. There does not appear to be enough unencumbered area left on this remnant parcel to utilize for any traditional purposes.

A title report was provided with the land use application. There are no easements or other recorded restrictions listed which would affect reconfiguration and development of the property.

This property is not included on the historic property index map.

**Existing buildings, setbacks, lot size, etc.**

There are no existing buildings shown on the property.

*Setbacks.* The development code contains information on standard building setbacks for this zone (*setbacks are typically verified at the building permit stage*). It should be noted that the required garage setback is 25 feet from the edge of the right-of-way or access easement (*LUDC 7.2.103.05.B.4*).

*Lot/Parcel Size (excluding access easement).* The property is located within the R-2 zone, with a minimum lot size of 6,000 ft<sup>2</sup> for detached single family homes, or a minimum lot size of 3,500 ft<sup>2</sup> for attached (*ie. common wall, or zero lot line*) single family homes.

**General Items.**

- Except for items specifically exempted by the planning approval, the development shall fully comply with the public facility requirements of the Dayton Land Use & Development Code (LUDC) and the Public Works Design Standards (PWDS). The applicant/developer is responsible for the construction costs of required public or private infrastructure improvements associated with the development (*both onsite and offsite*).
- After issuance/finalization of the land use approval, the developer and his engineer shall schedule and participate in a pre-design conference with the City Public Works for the purpose of coordinating any required site / street / sidewalk / utility work (PWDS 1.9.b). This conference shall occur after the issuance of land use approval (*and expiration of any appeal period*), but prior to submitting final site / street / sidewalk / utility construction drawings for review by Public Works. Participants shall include City Public Works and the City Engineer, as well as public/franchise utility providers as applicable. The developer shall provide all information required under PWDS 1.9.b prior to the predesign conference (including a title report), as well as providing information on how each land use approval condition will be addressed.
- After the pre-design conference, the applicant shall prepare and submit final street, grading, parking, storm drainage, sewer and water plans conforming to the requirements of the Public Works Design Standards (PWDS) for review by the City Engineer and Public Works.
- Public Works construction permits for site / street / sidewalk / utility work shall not be issued until after the developer has received final approval of any required engineered site, street/sidewalk or utility construction drawings per PWDS requirements, a Developer-City construction agreement has been executed, and a performance security satisfactory to the City has been submitted guaranteeing that all improvements will be completed in accordance with the approved drawings and City Standards within the specified time period (PWDS G.10). The engineered site / street / sidewalk / utility construction drawings shall be based on a topographic survey showing the location of all property lines, right-of-way lines and existing easements (*including recording references*), and existing utilities. The construction drawings shall show any new easements required (*including recording references*), and all required site and utility improvements, addressing site grading, street improvements/repairs, sidewalk & pedestrian plans, street lights, waterlines, fire hydrants, sanitary sewer, storm drainage, access driveways/fire lanes and parking area layout/dimension plans as applicable, and irrigation plans & backflow device locations for all phases of the development as applicable, as well as information on how streets and/or utilities can be extended to serve adjacent or upstream undeveloped property.

- Any required off-site easements shall be approved by the City and recorded by the Developer prior to approval of the construction drawings by the City.
- Building permits for new residential structures shall not be issued prior to completion of all required improvements and conditions of approval, and written acceptance by the City, including submission of maintenance bonds and reproducible as-built drawings.

It should be noted that the application does not address whether an HOA or CCRs are proposed for the project. Some type of mechanism or entity will be required to ensure that the common private improvements are maintained in conformance with City standards (*ie. such as the common driveway/fire lane, common storm drainage improvements, etc.*).

- The developer shall determine the legal mechanism or entity under which ownership and maintenance the common private improvements will be addressed and assured (*ie. including the common private driveway, any common storm drainage improvements, detention system, etc.*). The approach shall be acceptable to the City and conform all applicable LUDC requirements.

While the small triangle shaped tract currently is part of the subdivision property (*since the Sweeney Street right-of-way was dedicated by deed, rather than by a plat*), City standards do not provide for platted lots on opposite sides of a public right-of-way to remain legally connected together. Therefore, the triangle remnant parcel on the east side of Sweeney Street will need to be labeled as a tract on the final plat.

As noted above, most of the triangle shaped parcel is taken up by various easements, including the access to the ballfield parking lot, and there does not appear to be enough unencumbered area left on this remnant parcel to utilize for any traditional purposes.

- The triangle shaped remnant parcel on the east side of Sweeney Street shall be labeled as a separate tract on the final plat.

**Phasing.**

The application did not include a proposal to construct the development in multiple phases. As such, any approval of construction drawings by Public Works will be based on the assumption that all street, site, access and utility construction will be completed as a single phase. Construction shall include all on-site and off-site improvements required as conditions of approval or required by agencies having jurisdiction.

**Site Layout, Grading, Vehicular Access, etc.**

The preliminary layout drawing included information on proposed lot layout, as well as a proposed grading plan and information on the proposed location of the water & sewer services to serve each of the proposed new lots. This information will be verified in conjunction with the predesign conference and the final subdivision construction drawings.

- Any fills within public rights-of-ways or fire lanes, or lot fills shall be compacted and tested to City standards and per the Oregon Structural Specialty Code requirements as applicable (*95% optimum per ASTM D1557 within right-of-ways, and 90% optimum within lot building envelopes*).

- Any existing unsuitable fills within proposed roadway or common driveway alignments or building envelopes will need to be removed or remediated in conjunction with the development and infrastructure construction.

Driveways and/or parking spaces shall be constructed as required to provide a minimum of two off-street parking spaces for each new parcel at the time of house construction. Per LUDC 7.2.303.09.A, all driveways and parking areas shall be paved with asphalt or concrete.

No more than two dwelling units may take access from the any common driveway (LUDC 7.2.303.08.A.4).

### **Streets, Sidewalks, etc.**

The property fronts on Ferry Street, Sweeney Street and Webfoot Road. The property will have vehicular access from Sweeney Street or the new internal street. All of the lots fronting on Ferry Street and Webfoot Road can take vehicular access from the new interior street.

Ferry Street is an ODOT right-of-way. Webfoot Road is a County right-of-way. Sweeney Street is a City right-of-way. The new internal street will be City right-of-way.

#### **Ferry Street.**

Ferry Street is an ODOT R/W, classified as an arterial or major collector street.

Ferry Street is fully improved on the development side (*ie. curbs & sidewalks*), and additional street improvements do not appear to be required. Ferry Street is uncurbed on the north side across most of the school campus frontage.

The developer will need to coordinate with ODOT to verify the standards required for any improvements required within the ODOT right-of-way.

An updated pedestrian crossing at 9<sup>th</sup> Street is required in conjunction with the development, per LUDC 7.2.302.B, *“development proposals shall provide for the continuation of, and connection to, all . . . access ways within and outside the development to promote appropriate . . . bicycle, and pedestrian circulation in the vicinity of the development.”*

- New pedestrian crossing(s) shall be constructed at the 9<sup>th</sup> Street intersection, including pedestrian ramp improvements on the north side of Ferry Street as required to connect to existing sidewalks in accordance with City and ODOT standards. If approved by ODOT, the Ferry Street crosswalk on the west side of 9<sup>th</sup> Street may be signed as closed, subject to the east and west pedestrian ramps for the 9<sup>th</sup> Street crossing being upgraded to meet current ADA standards.

#### **Webfoot Road.**

Webfoot Road is a County R/W. Dayton City Limits and the Dayton UGB are located along Webfoot Road.

Webfoot Road is a turnpike road (*no curbs or sidewalks*).

The frontage of this property along Webfoot Road appears to be 160 feet. Although the total frontage is more than the 150 feet, and this would normally trigger a requirement for street improvements (LUDC 7.2.307.06.A), since this is a County Road which does not provide access to any of the subdivision lots, and

since future improvements to Webfoot Road across the frontage of in the Country Heritage Estates Phase 1 subdivision were previously be addressed by a construction deferral/non-remonstrance approach, we suggest that this same approach be approved for this subdivision as well (*procedures similar to LUDC 7.2.307.05.B*).

- The Developer shall sign and record a Construction Deferral Agreement and Waiver of Rights to Remonstrance Agreement for the construction of future street and public utility improvements for Webfoot Road fronting the property. This agreement shall cover scope of improvements as approved by Public Works, and shall be submitted to the City for review and approval prior to recording. The Developer shall be responsible for recording the agreement with the County and having a recorded copy of the agreement returned to the City.

A PUE is required along the Webfoot Road frontage.

A small portion of additional right-of-way will also need to be dedicated at the corner of Webfoot & Ferry as required to maintain a constant distance from the back of the sidewalk.

- Right-of-way radii shall be dedicated at the Ferry & Webfoot intersection as required to maintain a constant distance between the right-of-way line and the curblines and sidewalk (*PWDS 2.21.e*).

#### Sweeney Street.

Sweeney Street is a City R/W, and is classified as a local street.

Sweeney Street is fully improved across the development frontage (*ie. curbs & sidewalks on both sides*). Further street improvements do not appear to be required, except at the intersection of the new internal street.

Sidewalk improvements at the new driveway approaches for Lots 16 & 17 (*driveways fronting on Sweeney Street*) will be required at the time of house construction.

#### New internal street.

The new internal street will be classified as a local City street, and is configured as a cul-de-sac.

Full Street improvements will be required for the new internal street, to City standards. Based on the number of lots accessing the new street, the 32 foot curb-to-curb width proposed appears to be acceptable. The proposed cul-de-sac bulb appears to meet City standards for size. Sidewalks along both sides of will be required, although some of the sidewalks may be deferred until house construction.

As required under LUDC 7.2.302.03.G, the cul-de-sac bulb is provided with a pedestrian access way connecting to the Ferry Street sidewalk.

City standards require driveways for corner lots to be on the lower classification street, and as far from the intersection as feasible (*PWDS 2.29.b*). As such, driveway access to Lot 1 and Lot 15 will be restricted to the new internal street.

#### Street Improvement Conditions.

- The design of all streets shall conform to the requirements of the Dayton PWDS. Full street improvements shall be constructed for new streets within the development, based on a local street classification (*32 foot street width, 48 foot minimum right-of-way width, 5 foot curblin sidewalks on both sides per PWDS 2.21*).
- Storm drainage improvements shall be provided in conjunction with all new or reconstructed streets (*PWDS 3.2.c*).
- Street and traffic control signs shall be installed at locations conforming to City standards. The name of the new street shall be approved by the City and listed on the construction drawings.
- New public street lights shall be installed along all new and existing frontage public streets, with spacing and locations to be approved by the City Engineer and Public Works based on City standards. As a minimum, street lights will be required along the new street, at the Ferry & Webfoot intersection, and adjacent to the pedestrian access from the cul-de-sac to Ferry Street.

The following apply to this subdivision.

- Vehicular non-access reserve strips (*1 foot minimum width*) shall be provided and dedicated to the City on non-access frontages of corner or double frontage lots (*ie. lots fronting on Ferry Street & Webfoot Drive, as well as the Sweeney Street frontage of Lots 1 & 15*).
- 8 foot wide PUE easements to City standards shall be granted along all fronting street right-of-ways where such easements do not already exist (*PWDS 1.10.j*), and franchise utilities shall be installed within PUEs except at crossings. Language per *PWDS 1.10.j* will need to be included on the plat for these PUEs.
- Right-of-way radii shall be dedicated at intersections as required to maintain a constant distance between the right-of-way line and the curblin and sidewalk (*PWDS 2.21.e*).

(*CBU Mailboxes, PWDS 1.10.h.2.k & 2.21.j*).

- CBU mailboxes per City & postal service standards (*and CBU access*) shall be installed by the Developer per City and state standards. An ADA compliant pedestrian ramp from the street must be located within 50 feet of the new CBU mailboxes, per City standards.

#### Storm Drainage.

The preliminary drawings included general information on proposed storm drainage improvements. However, there is not enough information at this stage to determine whether these preliminary layouts fully meet City standards, particularly in relation to detention requirements.

The new storm drains within the development will connect to the existing 24" City storm line along Webfoot Road. From the information provided, it appears that storm drainage & detention system can be provided in accordance with PWDS standards. The drainage design will need to provide for drainage from existing and new lots (*with the detention provided per PWDS requirements*).



- The Developer shall submit storm drainage construction drawings conforming to the requirements of the PWDS. The storm drainage plan shall demonstrate that there are no impacts to the downstream properties. Drainage maps and a summary of flow calculations for existing and developed conditions shall be included on the construction drawings. The storm drainage plan shall be designed to accommodate roof and foundation drains, as well as drainage from new and reconstructed streets, and shall convey storm water runoff to an approved point of disposal. The storm drainage plan shall include replacement of impacted storm drain pipes or inlets which are undersized or which do not meet current City standards. Any downstream improvements required to provide required capacity shall be constructed to City standards, and shall be the responsibility of the Developer. The stormwater detention system (*PWDS 3.18*) shall conform with PWDS requirements, which requires the detention basin to be located on private property (*unless otherwise approved by the Public Works Director*) and provided with a recorded detention easement & maintenance agreement per City standards. All weather maintenance access shall be provided to all public storm manholes and other structures unless otherwise approved by Public Works. Detention systems shall include provisions for inspection and maintenance access, with open basins designed for off-stream storage per PWDS 3.18.d.1.b. Easements meeting PWDS requirements shall be provided for any storm drains located outside of street right-of-ways, or for private storm lines that cross property other than that which they serve. Storm drain laterals shall be provided for all lots which cannot drain to the fronting curblines.

Sanitary Sewer.

The preliminary drawings include information on proposed sanitary sewer improvements. The preliminary sewer layout shows connection to the existing gravity sewer along Sweeney Street.

- The developer shall submit sanitary sewer drawings conforming to the requirements of the PWDS, including new mainlines at depths conforming with City standards. Gravity sanitary sewer mainlines and/or service laterals shall be provided to serve all existing, proposed and potential lots in the development. Sewers crossing private property shall be located within easements conforming to PWDS 4.15.d as approved by the City Engineer. Easements meeting PWDS requirements shall be provided for any sewers located outside of street right-of-ways, or for private sewer lines that cross property other than that which they serve.

Water.

The preliminary drawings include information on proposed water system improvements, reflecting the new waterlines within the development.

*(Existing Waterlines & Hydrants)*

- There is an existing 8-inch water mainline along the west side of Sweeney Street fronting this property (*8" PVC per utility maps*).
- There is an existing fire hydrant on Sweeney Street, which will conflict with the new street. A new hydrant will be required at this intersection.

A new 8-inch waterline is proposed along the new street, located under the sidewalk on the north side.

New fire hydrants are proposed at the new street intersection and by the cul-de-sac bulb. Unless otherwise required by the Fire Chief, this appears to meet the spacing standards under PWDS 5.17.a.

*(Water Services).*

New water services & meters will be required for each lot. If duplexes are proposed, separate water services & meters are required for each side of a duplex (PWDS 5.19.a.3).

- The Developer shall submit water system construction drawings conforming to the requirements of the PWDS, and shall demonstrate that the required fire flows are available to all hydrants at the site. All water system improvements required to provide the minimum fire flows (*with or without fire sprinklers*) shall be the sole responsibility of the developer. The developer shall construct new waterlines as required to supply all water services and fire hydrants. Fire hydrants per PWDS standards will be required at intersections and other locations approved by the City Engineer and the Fire Chief. Existing hydrants serving the property shall be provided with Storz adapters per City & Fire District standards, as applicable. Easements per City standards shall be provided by the Developer for any waterlines located outside of public street right-of-ways.

*Franchise Utilities.*

LUDC 7.2.305.02.C states in part that: *“All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.”*

If you have any questions or need additional information regarding this review, please contact us to discuss.

*Denny Muchmore, PE (OR, WA)  
Westech Engineering, Inc.  
3841 Fairview Industrial Drive SE, Suite 100, Salem, OR 97302*

**From:** KNECHT Casey

**Sent:** Wednesday, December 05, 2018 3:16 PM

**To:** Patty Ringnalda <[pringnalda@ci.dayton.or.us](mailto:pringnalda@ci.dayton.or.us)>; Cyndi Park <[cpark@ci.dayton.or.us](mailto:cpark@ci.dayton.or.us)>

**Cc:** EARL Robert <[Robert.Earl@odot.state.or.us](mailto:Robert.Earl@odot.state.or.us)>; KAGAWA Leia <[Leia.KAGAWA@odot.state.or.us](mailto:Leia.KAGAWA@odot.state.or.us)>

**Subject:** ODOT Comments for City of Dayton File SUB 18-08 - Sweeney Subdivision

Patty,

Thank you for notifying the Oregon Department of Transportation (ODOT) of the proposed subdivision on the corner of Ferry Street and Sweeney Street in Dayton. Please include these comments in the public hearing record and notify ODOT of the staff decision by sending a copy to [odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us) when available.

The property has frontage on Ferry Street, which is the Amity-Dayton Highway No. 155 (OR-233). The property is not currently served by direct approaches to the highway. (Sweeney Street bisects the property.) The proposal includes an emergency access to the highway, which will require an [Application for State Highway Approach](#).

If any frontage improvements are needed, either due to the site layout or because of conditions set by the city, civil plans will be required by ODOT for review prior to issuance of a construction permit. Frontage improvements near intersections will require installation of ADA-compliant pedestrian ramps.

Please contact me with any questions.

**Casey Knecht, P.E.**

Development Review Coordinator | ODOT Region 2  
885 Airport Rd SE, Bldg P | Salem OR 97301

**From:** Bill Anderson  
**Sent:** Friday, December 28, 2018 2:20 PM  
**To:** MWVCOG <[mwvcog@mwvcog.org](mailto:mwvcog@mwvcog.org)>  
**Cc:** Bill Gille <[gilleb@co.yamhill.or.us](mailto:gilleb@co.yamhill.or.us)>  
**Subject:** Sweeney Subdivision

Lisa,

Thank you for the heads up on the Sweeney development. We see no potential conflicts with how it effects our Webfoot Road. However just as an FYI that portion of Webfoot Rd. has a good chance of receiving an asphalt overlay this summer from Ferry Street south to Stringtown Road. But I'm sure it will be just a covering of the existing width that is there now.

Hope this helps.

Regards,  
Bill Anderson