
Ironhorse

Tentative Subdivision Application

Submitted to:	City of Prineville Community Development Department 387 NE Third Street Prineville, OR 97754
Applicant:	Ironhorse Development LLC 409 NW Franklin Ave Bend, OR 97703
Property Owners:	Ironhorse Development LLC 409 NW Franklin Ave Bend, OR 97703
Applicant's Consultant:	AKS Engineering & Forestry, LLC 2777 NW Lolo Drive, Suite 150 Bend, OR 97703 (541) 317-8429
	Contact(s): Joey Shearer, AICP Email: shearerj@aks-eng.com Phone: (541) 317-8429
Site Location:	West of the Ironhorse Drive and NE Combs Flat Road intersection, East of the existing Ironhorse Subdivision.
Crook County Assessor's Map and Tax Lot:	1416000001608, 141632DD08300
Site Size:	±11.22 acres
Land Use Districts:	General Residential (R2)



I. Executive Summary

Ironhorse Development, LLC (Applicant) is submitting this Tentative Subdivision Application to create new lots for future single-family homes, permanent open space, future subdivision, and rights-of-way for future City street extensions and Ochoco Irrigation District facilities. The property is zoned general residential (R2) within the IronHorse Outline Development Plan (ODP).

The essential components of this project include:

- Three new, buildable lots for future single-family homes (Lots 1-3)
- A ±0.48-acre lot for permanent open space (Lot 4)
- Three lots for future subdivision or other development, subject to a subsequent land use application (Lots 5-7)
- Dedication of right-of-way for future construction of Combs Flat Road (Major Collector) and NE Hudspeth Road (Minor Collector)
- Dedication of land to accommodate the realignment and piping of the IronHorse section of Ochoco Irrigation District's Crooked River Distribution Canal

This application includes the City application forms, written materials, and preliminary plans necessary for staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The site totals ±11.22 acres within Prineville city limits. The subject property is zoned R2 and is located within the IronHorse ODP. The City of Prineville approved partition LC 2021-106, which describes the subject property as Parcel 2. (At the time of this tentative subdivision application, the final plat for LC 2021-106 has not been recorded but is under review with the Crook County Surveyor.) Land to the west has been subdivided and contains single-family homes within the IronHorse ODP. Land to the north, south, and east is largely undeveloped except for Barnes Butte Elementary School located on the north side of NE Ironhorse Drive.

The Prineville Transportation System Plan shows a Major Collector Street (NE Combs Flat Road) and a Minor Collector Street (NE Hudspeth Road) planned for extension through the site. There are three additional local streets that are stubbed for future connection through the site (NE Looper Avenue, NE Discovery Loop, and NE Perspective Drive.) Ochoco Irrigation District's Crooked River Distribution Canal runs along the eastern edge of the site, separating it from the planned extension of NE Combs Flat Road.

III. Applicable Review Criteria

This subdivision application involves the development of land for housing. ORS 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. This subdivision application involves a "limited land use application" as that term is defined in ORS 197.015 (12), as it involves a tentative subdivision plan for property within an urban growth boundary.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an applicant “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development” (Rogue Valley Association of Realtors v. City of Ashland, 35 Or LUBA 139, 158 [1998] aff’d, 158 Or App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. The exceptions in ORS 197.307(4)(a) and 197.307(5) do not apply to this application. ORS 197.307(7)(a) is controlled by ORS 197.307(4).

ORS 197.195(1) describes how certain standards can be applied to a limited land use application. The applicable land use regulations for this subdivision application are found in the Prineville Municipal Code. Pursuant to ORS 197.195(1), Comprehensive Plan provisions (as well as goals, policies, etc. from within the adopted elements of the Comprehensive Plan) may not be used as a basis for a decision or an appeal of a decision unless they are specifically incorporated into the Prineville Municipal Code.

While this application addresses all applicable standards and criteria, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective as well as Comprehensive Plan provisions that are not specifically listed in the Prineville Municipal Code.

CITY OF PRINEVILLE MUNICIPAL CODE

Title XV – Land Usage

Chapter 153 Land Development

153.036 Residential dimensional standards

Residential Dimensional Standards					
	R-1	R-2	R-3	R-4	R-5
	Limited	General	Low Density	Redevelopment	High Density
Minimum Lot Area (public water and sewer required)					
Single-family dwelling/duplex	6,500 sf	5,000 sf	10,000 sf	4,000 sf	Zone standards
(***)					
Minimum Street Frontage (ft.): See § 153.191(C) for exceptions.					
Standard street	50	50	100	40	Zone standards

Response: The Preliminary Plat (Exhibit A) shows the planned lots meet applicable dimensional standards for single-family dwellings with public water and sewer. Setbacks, building heights, and other dimensional standards in Section 153.036 will be evaluated with future building permit applications. The applicable standards are met.

[...]

153.156 **Applicability.** No person may subdivide, replat, partition, consolidate or otherwise divide land, or create a planned unit or cluster development, or create a street for the purpose of developing land except in accordance with the provisions of this subchapter, this chapter and ORS Chapter 92. (ORS 92.012 and 277.100).

Response: This application involves the subdivision of a single parcel. This chapter and the standards of ORS 92 apply.

153.157 **Subdivisions – Applications**

(A) *Application.* Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the City Planning Department. The application shall be accompanied with ten copies of either an outline development plan as provided for in subsection (B) of this section, or a tentative plan as set forth in subsection (C) of this section, together with improvement plans and other supplementary material as may be required, and the appropriate filing fee as established by the City Council. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official

Response: This application includes the requirements for a tentative plan and includes all required materials and documentation. The requirements of subsection C are addressed below.

(B) *Outline development plan (ODP).* The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer unless required as part of a nonstandard subdivision such as a planned unit development (PUD) or cluster development. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth in this subsection (B).

[...]

Response: This proposal does not include a Planned Unit Development (PUD), cluster development, or other nonstandard subdivision. Therefore, this requirement is not applicable.

(C) *Tentative plan required.* Following submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application, any person proposing a subdivision shall submit a tentative plan together with the required application form, accompanying information and supplemental data and required filing fee, prepared and submitted in accordance with the provisions of this subsection (ORS 92.040). Note: Applicants should review the design standards set forth in § 153.190 et seq. prior to preparing a tentative plan for a development.

(1) **Scale of tentative plan.** The tentative plan of a proposed subdivision shall be drawn on a sheet 18 inches by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the City Planning Official (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper measuring 11 inches by 17 inches shall be provided for public notice requirements.

Response: The submitted plans have been provided with a compliant scale and page size. This requirement is met.

(2) **Information requirements.** Along with showing compliance with the Comprehensive Plan and applicable land use standards and policies, the following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered

complete, unless all such information is provided unless approved otherwise by the Planning Official.

(a) *General information required.*

1. Proposed name of the subdivision.
2. Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, and surveyor and any assumed business names filed or to be filed by the owner or subdivider in connection with the development.
3. Date of preparation, north point, scale and gross area of the development.
4. Identification of the drawing as a tentative plan for a subdivision. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.
5. Title report issued in the last 90 days and supporting documents of all easements identified on the property.

Response: The above information is included on the submitted materials. This requirement is met.

(b) *Information concerning existing conditions.*

1. Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed development.
2. Location of any existing features such as section lines, section corners, city and special district boundaries and survey monuments.
3. Location of existing structures, fences, irrigation canals and ditches, pipelines, waterways, railroads and natural features, such as rock outcroppings, marshes, wetlands, geological features and natural hazards.
4. Location and direction of watercourses, and the location of areas subject to erosion, high water tables, storm water runoff and flooding.
5. Location, width and use or purpose of any existing easements or rights-of-way within and adjacent to the proposed development.
6. Existing and proposed sewer lines or septic tanks, water mains, wells, fire hydrants, culverts and underground or overhead utilities within and adjacent to the proposed development, together with pipe sizes, grades and locations.
7. Contour lines related to some established bench mark or other engineering acceptable datum and having minimum intervals of two feet for slopes less than 5%, five feet for slopes less than 15%, ten feet for slopes less than 20% and 20 feet for slopes greater than 20%.
8. Address numbers of adjoining properties.
9. Existing covenants, codes and restrictions.
10. Distance to nearest park or recreational area.

Response: The required information is shown on the Existing Conditions, provided in Exhibit A.

(c) *Information concerning proposed subdivision.*

1. Location and size of all required and proposed public infrastructure and connections to existing infrastructure. This includes but is not limited to names, width, typical improvements, cross-sections, approximate grades, curve radii and length of streets. Connections to future infrastructure associated with an outline development plan, master plan or the City Master Plans for Water, Sewer, Transportation and Storm Water shall also be shown.
2. Location, width and purpose of all proposed easements or rights-of-way, and the relationship to all existing easements or rights-of-way.
3. Location of at least one temporary bench mark within the proposed subdivision boundary.
4. Location, approximate area and dimensions of each lot and proposed lot and block numbers.
5. Location, approximate area and dimensions of any lot or area proposed for public, community or common use, including park or other recreation areas, and the use proposed and plans for improvements or development thereof.
6. Proposed use, location, area and dimensions of any lot which is intended for nonresidential use and the use designated thereof.
7. An outline of the area proposed for partial recording on a final plat if phased development and recording is contemplated or proposed.
8. Source, method and preliminary plans for domestic water supply, sewage disposal, solid waste collection and disposal and all utilities.
9. Storm water, drainage facility and grading plans.
10. Statement from each utility company proposed to serve the subdivision stating their willingness to serve the subdivision as set forth in the tentative plan.
11. Proposed fire protection or fire hydrant system and written approval thereof by the appropriate fire protection agency.
12. Solar access. Demonstrate that this proposal will not unduly affect the solar access of existing homes.
13. Location and type of street trees.
14. Availability of open space, parks and recreational areas meets the requirements of § 153.193, Land for public purposes.

Response: This information is provided in the Tentative Subdivision Plans, included as Exhibit A.

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- (D) Master development plan required. An overall master development plan shall be submitted for all developments planning to utilize phase or unit development. In addition to the tentative plan requirements of subsection (C) of this section, the plan shall include, but not be limited to, the following elements:

[...]

Response: This application does not include a phase or unit development; therefore, a master plan development is not required.

- (E) Supplemental information required. The following supplemental information shall be submitted with the tentative plan for a subdivision:

- (1) Proposed deed restrictions or protective covenants, if such is proposed to be utilized for the proposed development.
- (2) Reasons and justifications for any variances or exceptions proposed or requested to the provisions of this subchapter, the applicable zoning regulations or any other applicable local, state or federal ordinance, rule or regulation.

Response: Covenants, conditions, and restrictions (CC&Rs) for the existing Ironhorse subdivision are included as Exhibit C. No variances or exceptions are requested in this application.

- (F) Tentative plan review procedures.

- (1) Tentative plan review shall follow the requirements for review of land use action procedures, hearings and decisions in §§ 153.254 through 153.256 et seq.
- (2) The decision on a tentative plat shall be set forth in a written decision, and in the case of approval shall be noted on not less than two copies of the tentative plan, including references to any attached documents setting forth specific conditions.

- (G) Tentative approval relative to final plat. Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision for recording. However, approval of the tentative plan shall be binding upon the city for preparation of the final plat and the city may require only such changes as are deemed necessary for compliance with the terms of its approval of the tentative plan. (ORS 92.040)

- (H) Resubmission of denied tentative plan. If the tentative plan for a subdivision is denied, resubmittal of an application for a subdivision of the subject property thereof shall not be accepted by the city for a period of six months after the date of the final action denying the plan. Resubmittal shall be considered a new filing, but shall require the applicant to consider all items for which the prior denial was based, in addition to the other filing requirements set forth by this chapter.

Response: These requirements are understood. The developer intends to comply with all applicable review procedures.

- (I) Requirements for approval. The reviewing authority shall not approve an outline development plan (ODP) or a tentative plan for a subdivision unless the reviewing authority finds, in addition to other requirements and standards set forth by this chapter and other applicable city ordinances, standards and regulations, the following:

- (1) The proposal is in compliance with ORS Chapter 92, applicable goals, objectives and policies set forth by the City's Comprehensive Plan, Master Plans, Standards and Specifications and applicable zoning. (ORS 92.090(2)(c), 197.175(2)(b) and 227.175(4))

Response: The Tentative Sub is a “Limited Land Use Decision” as that term is defined in ORS 197.015(12) because it is a local government decision on a subdivision, as described in ORS 92.040, within the City of Bend Urban Growth Boundary (UGB). Oregon Revised Statutes 197.195(1) prohibits a local government from directly applying comprehensive plan requirements as a basis for its decision on an application for a limited land use decision where the comprehensive plan requirements have not been incorporated into the local government’s land use regulations. Therefore, Comprehensive Plan policies may not be applied to the Subdivision application under ORS 197.195(1) because the applicable Bend Development Code (BDC) approval criteria do not make the application subject to specific Comprehensive Plan policies. This Tentative Subdivision Application complies with ORS 92 and the applicable goals, objectives, and policies of the City’s long-range plans. The proposed subdivision will help the City make substantial progress towards achieving several goals within the transportation, housing, and public facilities elements of the Prineville Comprehensive Plan.

- (2) Each lot is suited for the use intended or to be offered, including but not limited to sewage disposal, water supply, guaranteed public street access and utilities.

Response: The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “suited for the use intended” and “including but not limited to” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of completeness, the criteria are addressed below. The Preliminary Street and Utility Plan (Exhibit A) shows that the lots planned for immediate development are presently served with utilities. Future development lots are configured to allow for the construction of planned street and utility extensions, as shown on the Conceptual Future Lot Layout incorporated with the Preliminary Plat (Exhibit A) The applicable requirements are met.

- (3) The proposal is in compliance with the design and improvement standards and requirements set forth in § 153.190 et seq. and the City’s Standards and Specifications or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.

Response: The referenced design and improvement standards are addressed in the responses to Section 153.190. The project complies with all applicable standards and specifications.

- (4) The subdivision will not create an excessive demand on public facilities and services required to serve the proposed development, or that the developer has proposed adequate and equitable improvements and expansions to the facilities with corresponding approved financing therefor to bring the facilities and services up to an acceptable capacity level (Goal 11).

Response: The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “excessive” and “adequate and equitable” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of

completeness, the criteria are addressed below. The planned subdivision is located within, and is generally consistent with, the approved IronHorse ODP. The original IronHorse ODP approval included findings that public facilities—including City water, sewer, and streets—could accommodate planned development. The IronHorse ODP planned for parks and other public open spaces, including land since acquired by the City such as the Barnes Butte Recreation Area, which is open to the public. The Ironhorse ODP established the amount and locations of open space necessary to meet the applicable requirement. The Applicant and its consultants have coordinated with City of Prineville staff on the current application, the three residential lots are already served with water and sewer. Future subdivision or site development of the larger lots will extend street and construct sewer and water infrastructure. The demand on public facilities and services generated by the planned subdivision for future single-family homes has been contemplated since the 2006 approval of the IronHorse ODP and will not be excessive. The applicable requirements are met.

(5) The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this chapter and the Comprehensive Plan (Goal 5).

Response: The subject property does not include any inventoried Goal 5 resources. Therefore, the planned subdivision will not affect the preservation of any significant scenic, archeological, natural, historic, and unique resources. The requirement is met.

(6) The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six-mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)

Response: The planned subdivision is contiguous to and platted as an extension of the existing Ironhorse Subdivision.

(7) The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern. (ORS 92.090(2)(a))

Response: The Preliminary Plat (Exhibit A) shows that the planned subdivision utilizes existing streets and dedicates right-of-way for extension of streets that will be constructed with future subdivisions and/or site development. These street extensions comply with the plats of adjoining subdivisions. The project will provide right-of-way for NE Hudspeth Road and Combs Flat Road in alignments coordinated with City staff and generally consistent with the TSP. The requirement is met.

(8) Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements. (ORS 92.090(2)(b))

Response: The Preliminary Plat (Exhibit A) shows right-of-way dedications for public streets to the City. No private streets are proposed at this time. The requirement is met.

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- (9) Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.

Response: The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “adequate” and “adverse impacts” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of completeness, the criteria are addressed below. The planned subdivision is located within, and is generally consistent with, the IronHorse ODP approved by the City in 2006. In the 2006 decision, the City Council found the project to “create harmony with adjoining land uses and natural resources.” The applicable requirement is met.

- (10) Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.

Response: The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “provisions” and “likely need” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of completeness, the criteria are addressed below. The Preliminary Plat (Exhibit A) shows right-of-way dedication to allow for vehicular and pedestrian traffic through the site and to reduce barriers to development by allowing for the completion of the transportation system. Construction of streets connecting to Combs Flat Road is generally deferred until that alignment is established and the Crooked River Distribution Canal has been realigned and undergrounded. The requirement is met.

- (11) Provisions of the proposed development to provide for a range of housing needs, particularly those types identified as needed or being in demand. (Goal 10 and ORS 197.303 through 197.307)

Response: The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “provisions” and “identified as needed or being in demand” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of completeness, the criteria are addressed below. The planned subdivision is located within, and is generally consistent with, the IronHorse ODP approved by the City in 2006. The IronHorse ODP provides for a variety of housing types, including “needed housing” as defined in ORS 197.303. The requirement is met.

- (12) Provisions for open space, parks and recreational areas shall be provided for in accordance with § 153.193, Land for public purposes.

Response: Provisions for open space parks and recreational areas are addressed in the responses to Section 153.193, below. The applicable requirements are met.

(j) Improvement requirements. In the approval of any subdivision, the need for a survey and the need for street and other public facility improvements shall be required as a condition of approval. Streets and roads for private use are approved by the city as a variance to public access requirements. (ORS 92.090(2)(b))

(1) Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.

Response: The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “provisions” and “likely need” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of completeness, the criteria are addressed below. Private streets are not proposed in this application. Streets and sidewalks have already been built to serve Lots 1 through 3. The Preliminary Plat (Exhibit A) shows right-of-way dedication to allow for vehicular and pedestrian traffic through the site and to reduce barriers to development by allowing for the completion of the transportation system. Construction of streets connecting to Combs Flat Road is generally deferred until that alignment is established and the Crooked River Distribution Canal has been realigned and undergrounded. Access to abutting properties is guaranteed with the dedication of right-of-way for Combs Flat Road and adjacent street. Utilities will be extended with future construction of streets to abutting properties. The requirement is met.

(2) All required agreements shall be recorded at the Crook County Clerk’s office at the same time of recording of the final subdivision plat.

Response: The applicant will record all related agreements at the time of recording the final subdivision plat. This requirement can be met.

(3) If the existing street right-of-way is not consistent with city standards or new right-of-way is required through a city master plan or “to and through” standard, street right-of-way shall be dedicated, in compliance with the City’s Standards and Specifications and frontage requirements.

Response: The Preliminary Plat (Exhibit A) shows planned right-of-way dedications, including ±50 to ±130 feet for Combs Flat Road and ±64 feet for Hudspeth Road. The requirement is met.

(4) Public infrastructure including right-of-way, water, sewer, streets, and sidewalks shall be extended and constructed, per the City’s Standards and Specifications, “to and through” each lot created by the subdivision, unless otherwise approved by the city due to the following:

(a) Phased development.

(b) Certain aspects of the “to and through” standard may be deferred for one clearly defined remainder lot of at least five acres where future development or division is likely and the infrastructure will be brought through the remainder lot at that time. Right-of-way shall be extended to and through but street, water and sewer infrastructure may be deferred until new development or division of the remainder lot.

Response: The Preliminary Street and Utility Plan (Exhibit A) shows public infrastructure is already provided to Lots 1-3. Lot 4 is planned as open space and has access to public water and sewer facilities in Perspective Drive. Lots 5-7 are effectively remainder lots for future division or development. Consequently, right-of-way is provided to and through the subject property, but Hudspeth Road and Discovery Loop will be constructed when the abutting lots are further subdivided or otherwise developed. The applicable requirement is met.

(5) All public utilities are available to each lot line within an adjacent street or alley.

Response: The Preliminary Street and Utility Plan (Exhibit A) shows that public utilities are available to each buildable lot. This requirement is met.

(6) Paved access is guaranteed to each lot.

Response: The Preliminary Street and Utility Plan (Exhibit A) shows that paved access is available to each proposed lot. The requirement is met.

(7) Future development is to be connected to the city's sewer and water systems.

Response: The Preliminary Plat (Exhibit A) shows right-of-way dedicated to and through the subject property. The larger lots reserved for future development will have connections to City water and sewer service when those abutting streets are constructed. The requirement is or can be met.

[...]

153.190 Compliance Required. Any land division or development and the improvements required therefor, whether by subdivision, PUD, partitioning, creation of a street or other right-of-way, zoning approval or other land development requiring approval pursuant to the provisions of this chapter, shall be in compliance with the design and improvement standards and requirements set forth in this subchapter, in any other applicable provisions of this chapter, in any other provisions of any other applicable city ordinance, in any applicable provisions of county ordinances or regulations or in any applicable state statutes or administrative rules.

Response: The proposed subdivision complies with the provisions of this chapter and all other relevant statutes. Responses to specific approval criteria are provided in this narrative.

153.191 Lots and Blocks

(A) Blocks. The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.

(1) No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.

Response: The Preliminary Plat (Exhibit A) shows that this subdivision does not create any new blocks that exceed 1,000 feet in length. The criterion is met.

(2) The recommended minimum length of a block along an arterial street is 1,800 feet.

Response: Because there are no arterial streets abutting this project, this recommendation does not apply.

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- (3) A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or major collector street.

Response: The Preliminary Plat (Exhibit A) shows planned lots and blocks. Lots 1-3 are located within previously approved blocks. The remainder lots reserved for future development have sufficient width to provide two tiers of lots. The criterion is met.

- (B) Lots. The resulting or proposed size, width, shape and orientation of building lots shall be appropriate for the type of development, and consistent with the applicable zoning and topographical conditions.

Response: The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “appropriate for the type of development” and “consistent with the...topographical conditions” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of completeness, the criteria are addressed below. The Preliminary Plat (Exhibit A) shows the planned lots meet the dimensional standards in Section 153.036 applicable to single-family development in the R2 zone. The applicable criteria are met.

- (C) Access. Each resulting or proposed lot or parcel shall have legal access and abut or front upon a public street, other than an alley, for a width of at least 50 feet or 35 feet in the case of a cul-de-sac.

- (1) The following are situations where the reviewing authority may allow reductions to the frontage rule:
- (a) When listed otherwise in the dimensional tables.
 - (b) Cluster developments or PUD.
 - (c) R-5 Residential High Density Zone.
 - (d) Other commercial and industrial zones that can demonstrate proper traffic function with regard to parking, ingress and egress.
 - (e) Mixed Use Zone.

Response: The Preliminary Plat (Exhibit A) shows each lot has legal access and abuts a public street for at least 50 feet. This criterion is met.

- (2) The following is a situation where the reviewing authority may allow an elimination of the frontage rule; however, legal access shall be provided:
- (a) An area of steep slopes or other natural barriers where a full public street is not practical and will not be a part of the street grid system; as determined by the city. In this case an easement for access may be allowed for a limited number of newly created residential lots as determined by a ratio of one unit per acre. Emergency access and turnaround shall be required and approved by the Fire Department.

Response: This application does not include an exception to the frontage rule. Full public access is provided to each lot.

- (D) Side lot lines. The side lines of lots and parcels, as far as practicable, shall be perpendicular to the street upon which they front; or radial to the curve as applicable.

Response: The Preliminary Plat (Exhibit A) shows side lines are perpendicular to abutting streets to the extent practical. This criterion is met.

- (E) Division by boundary, ROW and drainage ways. No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way or by an easement for utilities or other services, except as approved otherwise.

Response: Planned Lots 5-7 currently contain Ochoco Irrigation District's Crooked River Distribution Canal. However, this facility is planned to be undergrounded realigned adjacent to the future Combs Flat Road. This project dedicates right-of-way necessary to realign the canal. The criterion is met.

- (F) Flag lots. The intent of the following criteria is to promote infill in residential areas but not disrupt the existing nature of the neighborhood. It is also to provide dedicated public street access for these infill lots while avoiding the need for joint access easements that lead to neighbor disputes. Flag lots may be created by a boundary line adjustment, partition or subdivision with the following limitations:

[...]

Response: Flag lots are not planned with this project, so the flag lot criteria does not apply.

- (G) Through or double-frontage lots and parcels. Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential development from major traffic arterials or collectors and from adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. When through or double-frontage lots or parcels are desirable or deemed necessary, a planting screen easement of at least four to six feet in width, and across which there shall be no right of vehicular access, may be required along the line of building sites abutting such a traffic way or other incompatible uses.

Response: Through lots are not proposed with this project. This criterion is met.

- (H) Special building setback lines. If special building setback lines, in addition to those required by the applicable zoning, are to be established in a development, they shall be shown on the final plat of the development and included in the deed restrictions.

Response: The Preliminary Plat (Exhibit A) shows required right-of-way dedications. No special building setback lines are required.

- (I) Large building lots; redivision. In the case where lots or parcels are of a size and shape that future redivision is likely or possible, the Commission may require that the blocks be of a size and shape so that they may be redivided into building sites, and the development approval and site restrictions may require provisions for the extension and opening of streets at intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.

Response: Lots 5-7 are effectively remainder lots for future division or development. The Preliminary Plat (Exhibit A) shows a conceptual future lot layout. Right-of-way is dedicated where street alignment is generally known, but future development of Lots 5-7 will have the ability to modify internal street, as necessary. These lots are not planned to be developed until the Crooked River Distribution Canal is realigned and piped. The criterion is met.

153.192 Easements

-
- (A) Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 12 feet wide and centered on a rear and/or side lot line unless approved otherwise by the city. Utility pole anchor or guy wire easements may be reduced to six feet in width.

Response: The Preliminary Plat (Exhibit A) shows planned utility easements. Final locations and easement widths will be coordinated with the City and platted on the final plat.

- (B) Watercourses. If a lot is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the watercourse, and such further widths as deemed necessary.

Response: The Crooked River Distribution Canal currently crosses through the subject property but is planned to be realigned and piped abutting Combs Flat Road. The Preliminary Plat (Exhibit A) shows right-of-way dedicated to accommodate the realignment of the canal. No additional easements are required.

- (C) Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than five feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation.

Response: The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “when desirable for public convenience” and “unusually long or oddly shaped” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of completeness, the criteria are addressed below. Additional pedestrian and/or bicycle ways are not necessary at this time to support alternative modes of transportation. Existing streets contain sidewalks, which will be extended when Lots 5-7 are further subdivided or otherwise developed.

- (D) Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Department of Public Works.

Response: The Preliminary Street and Utility Plan shows sewer and water lines located in the public streets. No additional easements are required.

153.193 Land for Public Purposes

- (A) If the city has an interest in acquiring a portion of a proposed development for a public purpose, or if the city has been advised of the interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the city may require that portion of the development be reserved for public acquisition for a period not to exceed one year.

Response: The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “has an interest” and “reasonable assurance” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of completeness, the criteria are addressed below. The planned subdivision is

located within, and is generally consistent with, the approved IronHorse ODP. The original IronHorse ODP approval included findings that public facilities—including City water, sewer, and streets—could accommodate planned development. The IronHorse ODP planned for parks and other public open spaces, including land since acquired by the City such as the Barnes Butte Recreation Area, which is open to the public. The Ironhorse ODP established the amount and locations of open space necessary to meet the applicable requirement. The Preliminary Plat (Exhibit A) shows dedication of right-of-way for future public street.

- (B) Subdivisions containing 20 or more residential lots may be required (based on size and potential density) to develop and dedicate to the public a parcel of land at least 5% of the gross area of the development for parks and recreation purposes. The parcel of land shall be determined to be suitable for the park and/or recreation purpose(s) intended. This land may be within the development or adjacent to the development on continuous property owned by the developer. Parks approved as part of a subdivision may not be used to satisfy obligations of adjacent subdivisions.

Response:

The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “may be required” and “determined to be suitable” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of completeness, the criteria are addressed below. The planned subdivision is located within, and is generally consistent with, the approved IronHorse ODP. The IronHorse ODP planned for parks and other public open spaces, including land since acquired by the City such as the Barnes Butte Recreation Area, which is open to the public. The Ironhorse ODP established the amount and locations of open space necessary to meet the applicable requirement. The Preliminary Plat (Exhibit A) shows the planned subdivision contains less than 20 residential lots. Nonetheless, Lot 4 provides ±21,118 square feet of open space that is planned to be dedicated to the HOA. The standard does not apply.

- (C) In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land, to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.
- (D) The foregoing land and development or a monetary contribution may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency (Crook County Parks and Recreation) in accordance with the applicable provisions of the SDC Ordinance. If the collecting agency will not accept the land or monetary contribution in lieu of an applicable systems development charge, the land and development of a park may still be required by the city. Such a park would need to be managed with a homeowners association unless an alternate arrangement can be reached with Crook County Parks and Recreation.
- (E) If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to the public such as parks, rights-of-way, water or sewer system facilities and the like, then the requirements shall be reduced so that the total obligation of the developer to the public does not exceed 35%.

Response: The Applicant asserts that the criteria listed above are neither clear nor objective, therefore conflicting with ORS 197.307(4) and rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “may be required” and “found to be suitable” necessitate subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria. Nonetheless, for purposes of completeness, the criteria are addressed below. The planned subdivision is located within, and is generally consistent with, the approved IronHorse ODP. The IronHorse ODP planned for parks and other public open spaces, including land since acquired by the City such as the Barnes Butte Recreation Area, which is open to the public. The Ironhorse ODP established the amount and locations of open space necessary to meet the applicable requirement. The Preliminary Plat (Exhibit A) shows Lot 4 provides ±21,118 square feet of open space that is planned to be dedicated to the HOA. No fee-in-lieu or other exaction is necessary. The standards do not apply.

153.194 Streets and Other Public Facilities

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

Response: Streets, curbs, sidewalks, sewer, and water necessary to serve Lots 1 through 3 have already been constructed. Dry utilities are available near these lots and services will be extended. When the lots reserved for future subdivision or other development are developed, they will extend abutting streets and necessary utilities. The applicable standards are met.

(B) Underground installation of utility lines. All electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

Response: All utilities are planned for underground installation. The criterion can be met.

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

Response: No new streets are proposed with this application, though the Preliminary Plat (Exhibit A) shows right-of-way dedications adequate to construct streets meeting applicable standards in the future. The applicable standards can be met.

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

Response: No new streets are proposed for this subdivision. The existing streets appropriately serve the proposed development. Future planned street extensions can comply with the City’s standards and specifications and adequately serve the future development sites.

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

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- (1) Provide for the continuation or appropriate projection of existing principal streets to surrounding areas or adjacent lots;
 - (2) Conform to a plan for the general area of the development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and
 - (3) Conform to the adopted Urban Area Transportation System Plan as may be amended.
- (F) Minimum right-of-way and roadway widths. Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths set forth in the City's Standards and Specifications. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be dedicated at the time of land division or development.
- (G) Alignment. All streets, as far as practicable, shall be in alignment with existing streets by continuations of the centerlines thereof. Necessary staggered street alignment resulting in intersections shall, wherever possible, leave a minimum distance of 200 feet between the centerlines of streets of approximately the same direction, and in no case shall the offset be less than 100 feet.
- (H) Future street extensions. Where necessary to give access to or permit future subdivision or development of adjoining land, streets shall be extended to the boundary of the proposed development or subdivision.
- (I) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the City Engineer. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.
- (J) Inadequate existing streets. Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required.
- (K) Cul-de-sacs. A cul-de-sac shall terminate with a circular turnaround with a minimum paved surface and right-of-way determined by the City's Standards and Specifications or Fire Code whichever is greater.
- (L) Marginal access streets. Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen plantings contained in a nonaccess reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.
- (M) Streets adjacent to railroad or canal right-of-way. Whenever a proposed land development contains or is adjacent to a railroad or main canal right-of-way, provisions may be required for a street approximately parallel to the ROW at a distance suitable for the appropriate use of land between the street and the ROW. The distance shall be determined with consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting or other separation requirements along the ROW.
- (N) Reserve strips. Reserve strips or street plugs controlling access to streets shall not be approved.

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- (O) Half streets. Half streets, while generally not acceptable, may be approved where reasonably essential to a proposed land development, and when the Commission or other reviewing authority finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.
 - (P) Streets. All street design criteria shall conform to the City's Standards and Specifications and state design standards as determined by the City Engineer.
 - (Q) Street names. Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance.
 - (R) Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.
 - (S) Traffic control signs. Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.
 - (T) Alleys. Alleys are not necessary in residential developments, but should and may be required in commercial and industrial developments unless other permanent provisions for access to off-street parking and loading facilities are approved by the city.
 - (U) Curbs. Curbs shall be required on all streets in all developments and with all new commercial and multifamily construction. Curbs shall be installed by the developer in accordance with the City's Standards and Specifications unless otherwise approved by the city.
 - (V) Sidewalks. Unless otherwise required in this chapter or other city ordinances or other regulations, sidewalks shall be required as set forth hereinafter on all streets in all developments and with all new commercial and multifamily construction. In lieu of these requirements, however, the reviewing authority may approve a development without sidewalks if alternative pedestrian routes and facilities are provided.
 - (1) All streets. In general all streets shall have sidewalks at a minimum of five feet in width in residential and industrial areas and eight feet in width in commercial areas unless otherwise provided for in the applicable zone or conditional use approval.
 - (W) Bike lanes. Unless otherwise required in this chapter or other city ordinances or other regulations, bike lanes shall be required as follows, except that the Planning Commission may approve a development without bike lanes if it is found that the requirement is not appropriate to or necessary for the extension of bicycle routes, existing or planned, and may also approve a development without bike lanes in the streets if alternative bicycle routes and facilities are provided.
 - (1) Local streets. Bike lanes may be required on local streets, and if required shall not be less than five feet in width for one-way bike lanes and eight feet in width for two-way bike lanes.
 - (2) Collector streets. Bike lanes are required on both sides of major collector streets, and may be required on minor collector streets, and shall not be less than six feet in width.
 - (3) Arterial streets. Bike lanes are required on both sides of arterial streets, and shall not be less than six feet in width.

-
- (X) Street lights. Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company.
 - (Y) Utilities. The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.
 - (Z) Drainage facilities. Drainage facilities shall be provided as required by the City's Standards and Specifications.

Response: No new streets are required to provide access or utilities for Lots 1-4. Lots 5-7 will extend street and utilities when they subdivide or otherwise develop in the future. The Preliminary Plat (Exhibit A) shows right-of-way dedications adequate to construct streets meeting applicable standards in the future. The applicable standards can be met.

153.195 Access Management

- (A) General. Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility improvements that are designed to maximize the intended function of a particular street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement.
- (B) Access management techniques and considerations. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities:
 - (1) Access points to arterials and collectors may be restricted through the use of the following techniques:
 - (a) Restricting spacing between access points based on the type of development and the speed along the serving major collector or arterial.
 - (b) Sharing of access points between adjacent properties and developments.
 - (c) Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.
 - (d) Constructing frontage or marginal access roads to separate local traffic from through traffic.
 - (e) Providing service drives to prevent spill-over of vehicle queues onto adjoining roadways.
 - (f) Requiring internal circulation with adjoining lots for pedestrians and vehicles (internal parcel circulation) to avoid additional access points and unnecessary trips on and off the public street.
 - (2) Consideration of the following traffic and facility improvements for access management:
 - (a) Providing of acceleration, deceleration and right-turn-only lanes.
 - (b) Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.
 - (c) Installation of median barriers to control conflicts associated with left turn movements.

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- (d) Installing side barriers to the property along the serving arterial or major collector to restrict access width to a minimum.

Response: No new streets are required to provide access or utilities for Lots 1-4. Lots 5-7 will extend street and utilities when they subdivide or otherwise develop in the future. The Preliminary Plat (Exhibit A) shows right-of-way dedications adequate to construct streets meeting applicable standards in the future. The applicable standards can be met.

(C) General access management guidelines. In the review and approval of new developments, the reviewing authority shall consider the following guidelines:

(1) Minimum spacing between driveways and/or streets:

Major arterial 500 feet

Minor arterial 300 feet

Major collector 50 feet

Minor collector access to each lot

Local streets access to each lot

(2) Minimum spacing between street intersections:

Major arterial ¼ mile

Minor arterial 600 feet

Collector 300 feet

Local streets 300 feet

Response: No new streets are required to provide access or utilities for Lots 1-4. Lots 5-7 will extend street and utilities when they subdivide or otherwise develop in the future. The Preliminary Plat (Exhibit A) shows right-of-way dedications adequate to construct streets meeting applicable standards in the future. The applicable standards can be met.

153.196 Improvement Procedures. Improvements to be installed by the subdivider, either as a requirement of this chapter, conditions of approval or at the developer's option as proposed as a part of the subject development proposal, shall conform to the following requirements:

(A) Plan review and approval. Improvement work shall not be commenced until plans therefor have been reviewed and approved by the City Engineer or a designated representative thereof and a "Notice to Proceed" has been issued by the city. The review and approval shall be at the expense of the developer.

Response: This requirement is understood and can be met.

(B) Modification. Improvement work shall not commence until after the city has been notified and approval thereof has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.

Response: This requirement is understood and can be met.

(C) Improvements as platted. Improvements shall be designed, installed and constructed as platted or approved. Engineered plans shall be filed with the city prior to recordation of the final plat or as otherwise required by the city.

Response: This requirement is understood and can be met.

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- (D) Inspection. Improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefor shall be borne by the developer. The city, through the City Engineer, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.

Response: This requirement is understood and can be met.

- (E) Utilities. Underground utilities, including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets.

Response: Utility locations are shown on the attached utility exhibit.

- (F) As built plans. As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the city upon the completion of all such improvements.

Response: This requirement is understood and can be met.

153.197 Completion or Assurance of Improvements

- (A) *Agreement for improvements.* Prior to final plat approval for a subdivision, partitioning, PUD or other land development, or the final approval of a design review application, land use or development pursuant to applicable zoning provisions, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.

Response: No new streets are required to provide access or utilities for Lots 1-4. Lots 5-7 will extend street and utilities when they subdivide or otherwise develop in the future. The Preliminary Plat (Exhibit A) shows right-of-way dedications adequate to construct streets meeting applicable standards in the future. The applicable standards can be met.

- (B) *Bond or other performance assurance.* The developer shall file with the agreement, to assure his/her full and faithful performance thereof, one of the following, pursuant to approval of the City Attorney and City Manager, and approval and acceptance by the City Council:
- (1) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 - (2) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
 - (3) Cash deposit.
 - (4) Such other security as may be approved and deemed necessary by the City Council to adequately assure completion of the required improvements.

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- (C) *Amount of security required.* The assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20% for contingencies.
- (D) *Default status.* If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.

Response: No new streets are required to provide access or utilities for Lots 1-4. Lots 5-7 will extend street and utilities when they subdivide or otherwise develop in the future. The Preliminary Plat (Exhibit A) shows right-of-way dedications adequate to construct streets meeting applicable standards in the future. Therefore, performance bonds or other assurances are not required for this project.

153.198 Building and Occupancy Permits

- (A) *Building permits.* No building permits shall be issued upon lots to receive and be served by sanitary sewer and water service, streets as improvements and other required site improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the city, and the service connections fees therefor are paid, or all such cost and improvements are bonded for or otherwise assured as set forth by § 153.197 and accepted by the city.

Response: Necessary improvements have been installed during prior phases of development. Bonding is not required for this proposal.

- (B) *Sale or occupancy.* All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the city, or be bonded for or otherwise assured as set forth by § 153.197 and accepted by the city prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision, partitioning, PUD or other development.

Response: This requirement is understood and can be met.

153.199 Maintenance Surety Bond. Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the City Council may require a one-year maintenance surety bond in an amount not to exceed 20% of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

Response: Necessary improvements have been installed during prior phases of development. Bonding is not required for this proposal.

153.200 Engineering/Special Services for Review. In regard to any development proposal for which the city deems it necessary to contract for engineering and/or other special technical services for the review thereof or for the design of facility expansions to serve the development, the developer may be required to pay all or part of the special services. In such cases, the choice of the contract service provider shall be at the discretion of the city, and the service provider shall perform the necessary services at the direction of the city. The costs for the services shall be determined reasonable, and an estimate of the costs shall be provided to the developer prior to contracting therefor.

Response: This requirement is understood.

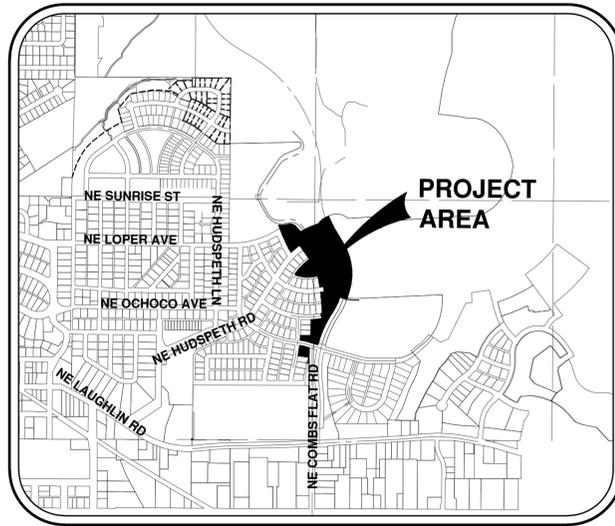
IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Prineville Municipal Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this Subdivision application.

IRONHORSE SUBDIVISION

TENTATIVE SUBDIVISION PLANS

CITY OF PRINEVILLE, CROOK COUNTY, OREGON
TAX LOTS 1608 TAX MAP 14S16E AND 8300 TAX MAP 14S16E32DD



VICINITY MAP

SCALE: 1" = 1000'



EXISTING	PROPOSED	LEGEND
---	---	ROW/PROPERTY LINE
---	---	EASEMENT LINE
---	---	CURB
---	---	ASPHALT ROAD SURFACE
---	---	EDGE OF PAVEMENT
---	---	ROAD CENTERLINE
---	---	LOT LINE
---	---	SAWCUT LINE
8"W	8"W	WATER LINE/MAIN (SIZE AS SHOWN)
8"W	8"W	WATER SERVICE AND METER
8"W	8"W	FIRE HYDRANT
8"W	8"W	WATER VALVE
8"SS	8"SS	SANITARY SEWER LINE/MAIN (SIZE AS SHOWN)
8"SS	8"SS	SANITARY SEWER SERVICE
8"SS	8"SS	SANITARY SEWER MANHOLE
8"SD	8"SD	STORM LINE (SIZE AS SHOWN)
8"SD	8"SD	STORM CATCH BASIN
8"SD	8"SD	DRYWELL
8"SD	8"SD	STORM SEDIMENTATION MANHOLE
UT	UT	COMMON UTILITY TRENCH
UT	UT	DRY UTILITY PEDESTAL/VAULT
UT	UT	STREETLIGHT
UT	UT	OVERHEAD UTILITY POLE
UT	UT	OVERHEAD WIRE
UT	UT	POWER STRUCTURE/VAULT
UT	UT	POWER LINE
UT	UT	COMM STRUCTURE/VAULT
UT	UT	COMMUNICATIONS LINE
UT	UT	CFO LINE
UT	UT	GAS LINE
UT	UT	NATURAL GAS STRUCTURE
UT	UT	MAILBOX
UT	UT	SIDEWALK CONSTRUCT/BONDED
UT	UT	SIGN
UT	UT	GROUND MAJOR CONTOUR
UT	UT	GROUND MINOR CONTOUR
UT	UT	TREE
UT	UT	CLEAR VISION AREA AT INTERSECTIONS



SITE MAP

SCALE: 1" = 150'



SHEET INDEX

- P1 COVER SHEET
- P2 EXISTING CONDITIONS
- P3 PRELIMINARY PLAT
- P4 PRELIMINARY PLAT
- P5 PRELIMINARY STREET & UTILITY PLAN

APPLICANT

IRONHORSE DEVELOPMENT LLC
409 NW FRANKLIN AVENUE
BEND, OR 97703

OWNERS

TAX LOT 1608 & 8300
IRONHORSE DEVELOPMENT LLC
409 NW FRANKLIN AVENUE
BEND, OR 97703

PLANNING/CIVIL ENGINEERING/SURVEYING/ LANDSCAPE ARCHITECTURE FIRM

AKS ENGINEERING & FORESTRY, LLC
ENGINEER: ALEX VAN LOO, PE
PLANNER: JOEY SHEARER, AICP
SURVEYOR: JACOB CARSON, PLS
2777 NW LOLO DRIVE, SUITE 150
BEND, OR 97703
PH: 541-317-8429

PROJECT LOCATION

LOCATED EAST OF NE HUDSPETH LN, WEST OF NE COMBS FLAT RD, AND SOUTH OF NE LOPER AVE IN PRINEVILLE, OREGON.

PROJECT PURPOSE

3 LOTS FOR FUTURE SINGLE-FAMILY DETACHED HOMES, 3 LOTS FOR FUTURE DEVELOPMENT, AND 1 LOT FOR OPEN SPACE

SITE AREA

±11.22 ACRES

PROPERTY DESCRIPTION

TAX LOT 1608, TAX MAP 14S16E LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SEC. 33, T14S, R16E, W.M., CITY OF PRINEVILLE, CROOK COUNTY, OREGON.

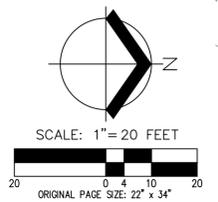
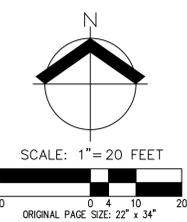
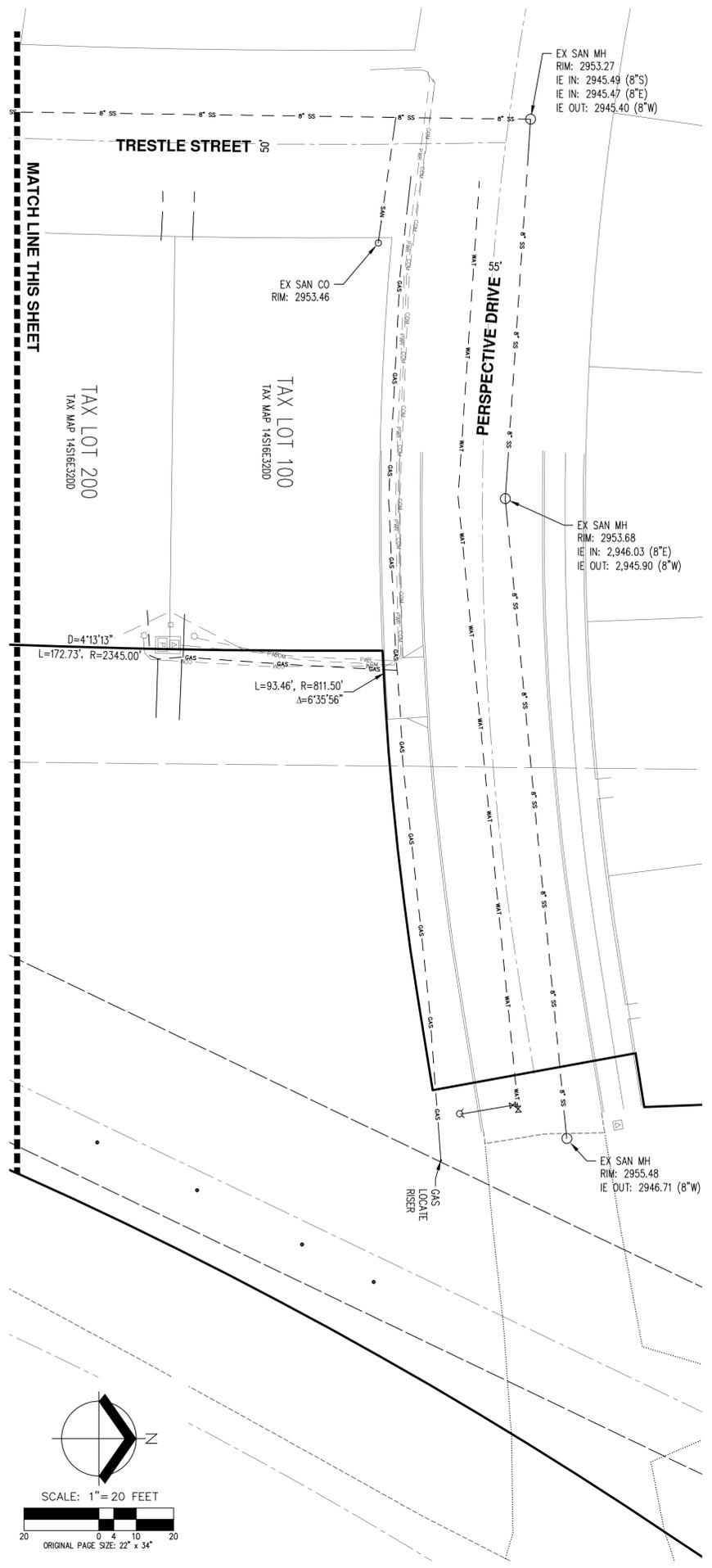
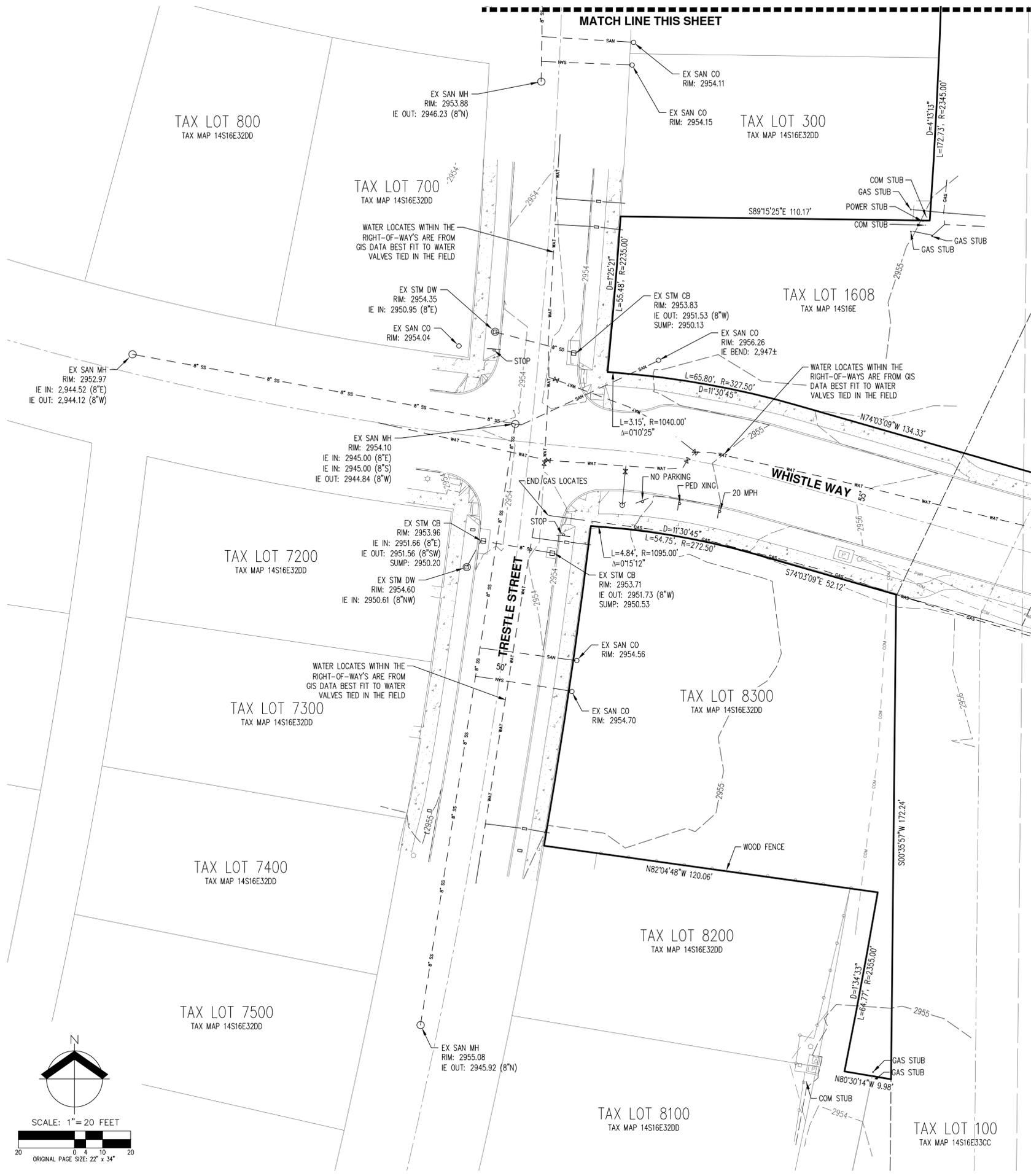
TAX LOT 8300, TAX MAP 14S16E32DD LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SEC. 32, T14S, R16E, W.M., CITY OF PRINEVILLE, CROOK COUNTY, OREGON.

VERTICAL DATUM

ELEVATIONS ARE NAVD 88 DERIVED FROM PROVIDED W&H PACIFIC CONTROL FOR IRONHORSE DEVELOPMENT.



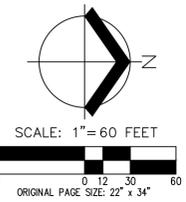
RENEWAL DATE:	06/30/2022
JOB NUMBER:	6561-02
DATE:	11/12/2021
DESIGNED BY:	AZV
DRAWN BY:	HLP
CHECKED BY:	BW



EXISTING CONDITIONS
IRONHORSE SUBDIVISION
IRONHORSE DEVELOPMENT LLC
PRINEVILLE, OREGON



RENEWAL DATE:	06/30/2022
JOB NUMBER:	6561-02
DATE:	11/12/2021
DESIGNED BY:	AZV
DRAWN BY:	HLP
CHECKED BY:	BW



**PRELIMINARY PLAT
 IRONHORSE SUBDIVISION
 IRONHORSE DEVELOPMENT LLC
 PRINEVILLE, OREGON**

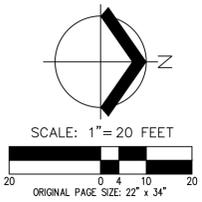


RENEWAL DATE:	06/30/2022
JOB NUMBER:	6561-02
DATE:	11/12/2021
DESIGNED BY:	AZV
DRAWN BY:	HLP
CHECKED BY:	BW

**PRELIMINARY PLAT
 IRONHORSE SUBDIVISION
 IRONHORSE DEVELOPMENT LLC
 PRINEVILLE, OREGON**



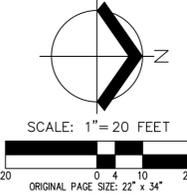
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JOB NUMBER:	6561-02
DATE:	11/12/2021
DESIGNED BY:	AZV
DRAWN BY:	HLP
CHECKED BY:	BW





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 FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE



SCALE: 1" = 20 FEET
 ORIGINAL PAGE SIZE: 22" x 34"



PRELIMINARY STREET & UTILITY PLAN
IRONHORSE SUBDIVISION
IRONHORSE DEVELOPMENT LLC
PRINEVILLE, OREGON



RENEWAL DATE: 06/30/2022
 JOB NUMBER: 6561-02
 DATE: 11/12/2021
 DESIGNED BY: AZV
 DRAWN BY: HLP
 CHECKED BY: BW

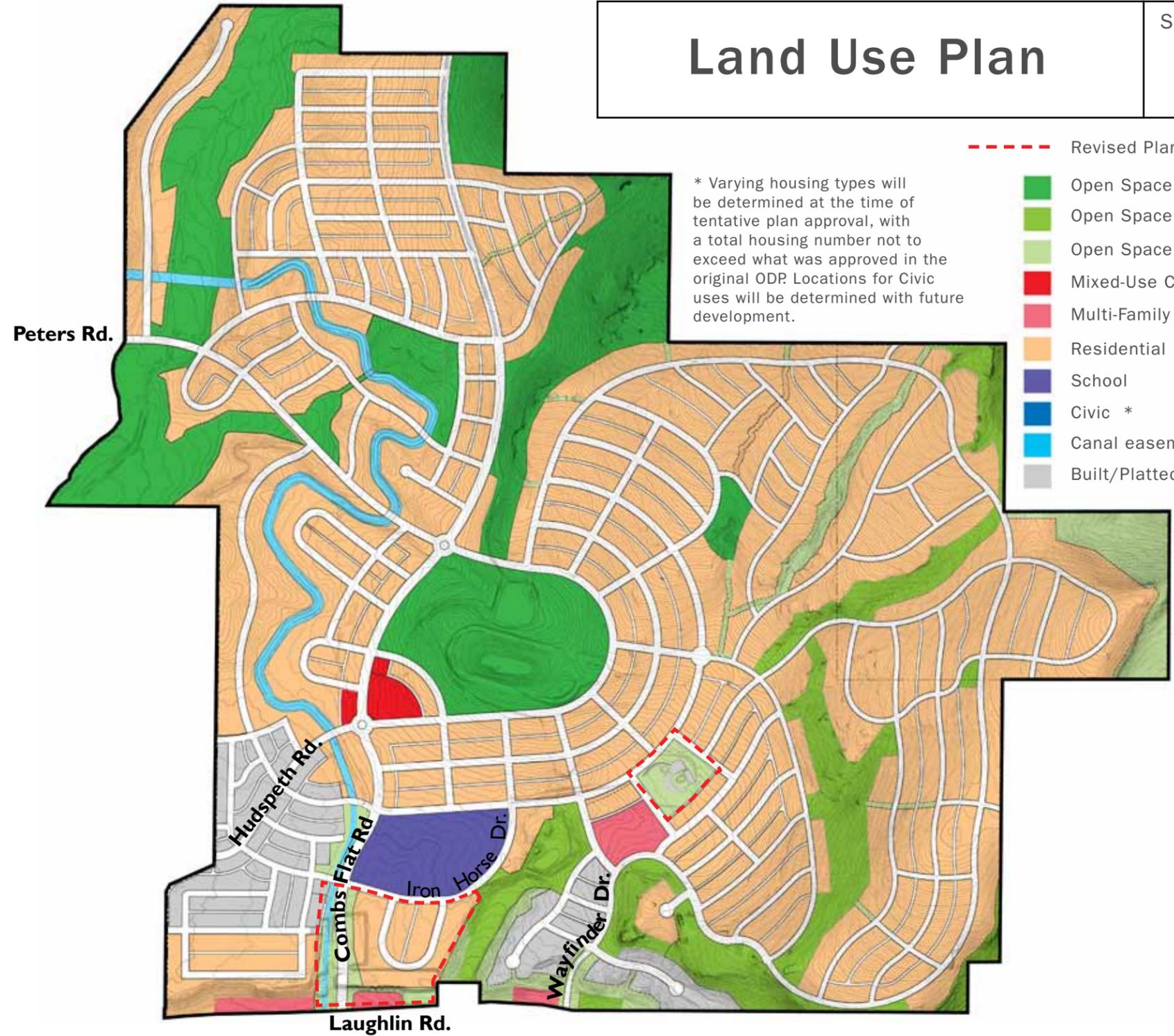
Land Use Plan

Sheet Number

1



Alternate Plan with Piped Canal



Plan with Open Canal

* Varying housing types will be determined at the time of tentative plan approval, with a total housing number not to exceed what was approved in the original ODP. Locations for Civic uses will be determined with future development.

- Revised Plan Layout
- Open Space Public Parks
- Open Space General
- Open Space Private-easement
- Mixed-Use Commercial
- Multi-Family
- Residential *
- School
- Civic *
- Canal easement
- Built/Platted

