



PLANNING COMMISSION Agenda

520 E. Cascade Avenue - PO Box 39 - Sisters, Or 97759 | ph.: (541) 549-6022 | www.ci.sisters.or.us

THURSDAY, AUGUST 20, 2020

REGULAR MEETING 5:30 PM

520 E. Cascade Avenue, Sisters, OR 97759 - Council Chambers

The Planning Commission meeting will be open to the public via Zoom. Using Zoom is free of charge. The public is invited to join the meeting with your computer or telephone by going to the following link: www.ci.sisters.or.us/bc-pc/page/planning-commission-29

5:30 PM REGULAR MEETING/PUBLIC HEARING

I. CALL TO ORDER / DETERMINATION OF QUORUM / ADOPTION OF AGENDA

II. APPROVAL OF MINUTES: *None.*

III. VISITOR COMMUNICATION: *There will be no verbal Visitor Communication. Written communication can be submitted for the record to nmardell@ci.sisters.or.us or dropped in the utility mail drop by 4:00 pm on Thursday, August 20, 2020.*

IV. DELIBERATIONS 5:30 P.M.

FILE NUMBER(S): CP 20-02, ZM 20-01

APPLICANT/

OWNER: THREE SISTERS HOLDINGS, LLC

LOCATION: 800 W Barclay Drive, Sisters, OR 97759: Map and Taxlot: 151005D000100

REQUEST: The Applicant is requesting approval of a Zoning Map Amendment and Comprehensive Plan Map Amendment to rezone and redesignate the property from Urban Area Reserve to Light Industrial. The applicant is also proposing text amendments to the Comprehensive Plan related to the subject property and industrial land needs. Files associated with the project can be reviewed by visiting the project webpage: <https://www.ci.sisters.or.us/community-development/page/n-barclay-rezone-application-cp-20-02-zm-20-01>

V. STAFF AND COMMISSIONER UPDATES

VI. ADJOURN

This agenda is also available via the Internet at www.ci.sisters.or.us. The meeting location is accessible to persons with disabilities. Requests for an interpreter for the hearing impaired or for other disability accommodations should be made at least 48 hours before the meeting by contacting Kerry Prosser, City Recorder at kprosser@ci.sisters.or.us



SUPPLEMENTAL STAFF REPORT

FILE NUMBERS: CP 20-02, ZM 20-01
LOCATION: 800 W Barclay Drive, Sisters OR 97759
Tax Map/Lot Number: 151005D000100
**APPLICANT/
OWNER:** Three Sisters Holdings LLC
STAFF: Nicole Mardell, Principal Planner

REQUEST: The Applicant is requesting approval of a Comprehensive Plan Map and Zoning Map Amendment (Type III/IV) to redesignate the property from Urban Area Reserve to Light Industrial.

DELIBERATION DATE: **August 20, 5:30 pm**, Sisters City Council Chambers, 520 E. Cascade Avenue, Sisters, Oregon

PROJECT WEBSITE: <https://www.ci.sisters.or.us/community-development/page/n-barclay-rezone-application-cp-20-02-zm-20-01>

SUMMARY

On July 16, 2020, the Planning Commission held a public hearing to receive public testimony related to file nos: CP 20-02/ZM 20-01. Following the applicant testimony, two members of the public provided verbal testimony in support of the application: Caprielle Foote-Lewis, Economic Development of Central Oregon and Kevin Eckert. No verbal testimony was received by those neutral or against the proposed application.

After receiving public testimony, the Commission closed the oral portion of the hearing and deferred deliberations to August 20, 2020. The Commission chose to leave the written record open for additional evidence for 21 days following the hearing. Materials provided during the open record period are included as Attachment A to this document.

In response to testimony provided during the public hearing, and discussions between staff and the Applicant, staff has provided revised draft conditions of approval for the Planning Commission's consideration. The conditions are included as Attachment B. A summary of the changes is provided below.

UPDATED STAFF CONDITIONS OF APPROVAL

Within a rezoning and comprehensive plan re-designation application, applicants are required to demonstrate that the property can and will be adequately served by City infrastructure (such as water, sewer, transportation, etc.). The applicant must also ensure that this infrastructure has capacity to support maximum anticipated levels of development allowed by the new zoning district, without impacting current levels of service citywide. Based on the City Engineer and City Traffic Engineer's analysis, several projects are required to upgrade city facilities in order to mitigate impacts from the proposed development. The applicant is required to contribute a proportionate share to these projects, either through financial contribution or installation of new equipment where applicable. These infrastructure related conditions of approval were discussed at length during the July 16, 2020 public hearing.

Prior to and during the hearing, the applicant expressed concern with several conditions of approval. Staff and the applicant were able to reach agreement on the revised conditions of approval in Exhibit B during the open record period. Staff has outlined each of these concerns noted during the public hearing below, staff's response, and amended condition of approval language if applicable. Conditions of approval not listed below remain unchanged.

Transportation

Applicant Request:

- Allow payment of \$98,604 transportation mitigation amount through prorated payments paid equally during phases of development.
- Remove condition regarding a trip cap of 201 pm peak hour trips or keep trip cap and allow for a flat fee to cover any trips exceeding the cap amount, without any additional required transportation analysis or mitigation requirements.

Staff Response: The development is anticipated to add 201 pm peak hour trips to the system in a worst-case scenario. As several key city intersections are anticipated to be impacted, the City Traffic Engineer is requiring a mitigation amount of \$98,604 to cover the cost of improvements to the City's alternate route to US 20, along Barclay Drive. Staff initially conditioned this item to reflect the actual impact on the transportation system as development occurs, by requiring half of the payment at the time of Master Plan application, and the remaining half to be paid prior to approving a building permit for development on the property that would exceed 100 pm peak hour trips in aggregate. This was also intended to provide relief from a large sum payment at the time of Master Plan application. As the application does not include any definite phasing plans, or subdivision level detail noting how the property would be divided, staff found that phasing the payments could lead to concerns if the initial development of the property yields unproportionally high uses, or subsequent phases are delayed and payments do not align with the City's timeline for Barclay Drive upgrade projects.

In addition to this mitigation payment, staff added a condition of approval vesting a trip cap (also referred to as a trip bank) of 201 trips to carry forward with the property and to be included in the conditions of approval agreement. The intent of the trip cap is to provide a tracking mechanism for city staff to monitor as future development occurs, without the need for additional full-scale transportation analysis.

Following discussions with the applicant team following the public hearing, the applicant expressed the willingness to pay the full \$98,604 transportation mitigation fee at the time of Master Plan application, if the trip cap were to be removed. The applicant found the trip cap to be onerous to manage, and therefore was willing to provide the full transportation mitigation amount to reduce the amount of tracking needed by staff. Transportation trips will continue to be monitored during each subsequent land use application as required by the Sisters Development Code. The applicant is agreeable to the revised conditions below.

Revised Condition #3: *Prior to master plan approval, a payment of \$98,604 shall be paid by Applicant as its proportionate share of improvements along US 20 and the parallel Alternate Route to support east-west mobility needs along the US 20 corridor.*

Revised Condition #4: *Additional traffic analysis will be required for subsequent land use applications as prescribed in the Sisters Development Code, which may require additional mitigation.*

Water

- **Applicant Request:** Extension of a 12” water main from the NE corner of Ponderosa Lodge to N Pine Street is required by staff to be constructed prior to recording the initial land division plat, or the issuance of the initial building permit, whichever comes first. The applicant requests allowance for phased construction of the water main to align with road construction as the property develops.

Staff Response: As stated previously in this report, the application does not include details regarding the phasing plan, timing, and estimated intensity of uses per phase. Due to this uncertainty, staff finds that an allowance for phased construction of the water main is not appropriate at this time, but could potentially be allowed as more details surrounding the development are provided through subsequent applications. Staff has added language to condition #6 to clarify that a phasing plan could be approved during the master planning process as more detail is provided. The applicant stated they are agreeable to the revised condition below.

Revised Condition #6: *Prior to recording the initial land division plat or issuance of the initial building permit, whichever occurs first, Applicant shall construct a 12” water main extending from the existing water main at the northeast corner of the Ponderosa Lodge to the existing water main in North Pine Street, per the City Water Capital Facilities Plan. Notwithstanding the foregoing, a phasing plan for construction of the water main may be approved as part of a master plan for the subject property.*

- **Applicant Request:** Alter the reporting requirements for water reporting to include simple water pressure and fire flow confirmation.

Staff Response: Condition #8 as written required the applicant to provide a stamped engineering memo for two purposes: 1) to ensure water systems were operating at an acceptable level of service at the time a development proposal is submitted to ensure adequate capacity is available in the system and; 2) to track the Equivalent Dwelling Units (EDUs) on the property to ensure development is consistent with the worst case scenario provided by the applicant during this rezoning process. If EDUs were to exceed the worst-case scenario, staff may require a full water analysis and potentially additional mitigation. Acknowledging the applicant’s concerns regarding the scope for the engineering memo, staff has modified the condition below for clarity. The applicant stated they are agreeable to this requirement.

Revised Condition #8: *A stamped engineering memo must be included as part of each site plan application indicating the number of EDUs proposed, total EDUs for all development on the subject property to date, and confirmation of required system pressure at peak demand for the development subject to site plan approval. If required system pressures cannot be met, mitigation satisfactory to the City shall be required prior to the issuance of any building permits in furtherance of the proposed site plan.*

Sewer

- **Applicant Request:** Allow for payment toward Locust Interceptor (\$19,546) and Pump Station #2 upgrades (\$27,027) to be pro-rated and paid in phases as the property is developed.

Staff Response: As stated previously in this report, the application does not include details regarding the phasing plan, timing, and estimated intensity of uses per phase. Due to this uncertainty, staff finds that an allowance for phased payment of the mitigation fees is not appropriate at this time. Due to the need surrounding these projects, staff is continuing to recommend that the developer be required to pay these

contribution amounts prior to initial land division plat, or issuance of initial building permit – whichever may come first. The applicant has stated they are agreeable to the timing requirements.

- **Applicant Request:** Telemetry equipment is required to be installed by the applicant, but may not be needed prior to the initial land division or building permit, applicant requests to add dollar value for a bond or payment in lieu of installation. Also seeking time limit for bond to be used or condition shall be removed.

Staff Response: Telemetry equipment is required per the City Engineer to monitor operations at Pump Station #2 and Pump Station #4 due to an anticipated increase in usage resulting from the proposed development. The applicant proposed inserting a figure of \$6,000 to cover the cost of the telemetry equipment. Staff is unable to condition a specific dollar amount at this time, as the technology is continuously advancing and estimates for the equipment are rapidly outdated. Additionally, the applicant requested the ability to bond for the telemetry equipment rather than purchase and install it, although if a bond is posted, they would be seeking a time limit of three years in which a bond could be active or it would expire and the condition would not longer be required. As this application is only for a rezoning and comprehensive plan re-designation of the property, the timeline in which the property will be developed is uncertain. As the submittal date for a final plat application could be tomorrow, or in 10 years, staff prefers to allow the amount to be determined by the City Engineer with no expiration date. In the event the equipment were not needed due to infrastructure upgrades in other areas of the City, staff has added a statement that the City Engineer may alter or waive the condition at the time of subsequent land use review. The applicant stated they are agreeable to this requirement.

Revised Condition #12: *Prior to recording the initial land division plat or issuance of the initial building permit, whichever occurs first, developer shall install telemetry equipment at Pump Station #2 and Pump Station #4 to eliminate simultaneous pumping or pay a fee in lieu or bond in an amount determined by the City Engineer. The City Engineer may alter or waive this condition at the time of subsequent land use review.*

- **Applicant Request:** Alter the reporting requirements for sewer reporting to include simple pressure and flow confirmation.

Staff Response: Condition #14 as written required the applicant to provide a stamped engineering memo for two purposes: 1) to ensure sewer systems were operating at an acceptable level of service at the time a development proposal is submitted to ensure adequate capacity is available in the system and; 2) to track the Equivalent Dwelling Units (EDUs) on the property to ensure development is consistent with the worst case scenario provided by the applicant during this rezoning process. If EDUs were to exceed the worst-case scenario, staff may require a full sewer analysis and potentially additional mitigation. Acknowledging the applicant's concerns regarding the scope for the engineering memo, staff has modified the condition below for clarity. The applicant stated they are agreeable to this requirement.

Revised Condition #14: *A stamped engineering memo must be included as part of each site plan application indicating the number of EDUs proposed, total EDUs for all development on the subject property to date, and peak flow for the proposed development subject to site plan review. If peak flows exceed maximum operating conditions as determined by AWWA guidelines applicant shall be required to provide mitigation satisfactory to the City prior to any building permits in furtherance of the proposed site plan.*

- **Applicant Request:** Include statement that contributions toward Pump Station #1 upgrades and Locust Interceptor Improvements are eligible for SDC credits.

Staff Response: System Development Charges (SDCs) are governed by state statute and the City's SDC policy, administered through the Public Works Department. As the collection of SDCs and reimbursements are submitted through a separate process, outside of land use review, staff is recommending to omit any condition of approval language regarding SDC reimbursements or credits, as it is not a matter governed by this decision process. The applicant stated they are agreeable to this interpretation.

-----End of Supplemental Staff Findings-----

EXHIBIT A: OPEN RECORD MATERIALS

Nicole Mardell

From: Nicole Mardell
Sent: Wednesday, July 22, 2020 3:45 PM
To: Tammy Wisco
Subject: RE: Draft Amended C of As 7.21.20 CP 20-02/ZM 20-01

Hi Tammy,

Agreed, we are trying to get at the same goal. Your comments below will be in the record and I can rework the condition to be more clear.

Yes, I believe our standards are aligned with AWWA.

Best,
Nicole

Nicole Mardell, LEED GA

Principal Planner
City of Sisters | Community Development Dept.
PO Box 39 | 520 E. Cascade Ave., Sisters, OR 97759
Direct: 541-323-5208 | City Hall: 541-549-6022
nmardell@ci.sisters.or.us | www.ci.sisters.or.us



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From: Tammy Wisco <twisco@retiaconsult.com>
Sent: Wednesday, July 22, 2020 2:15 PM
To: Nicole Mardell <nmardell@ci.sisters.or.us>
Subject: Re: Draft Amended C of As 7.21.20 CP 20-02/ZM 20-01

Thanks for this update, Nicole. I think we are getting very close.

The remaining comments are just to clarify conditions #8 and 14 and make the language more clear. Based on our conversations, I think we are all of the same understanding, but let me know if not.

It is our understanding that future site plans will need to verify water pressure, fire flow, and sewer capacity for the individual site plans only (no comprehensive full development analysis of the 15+ acres). To that regard, I believe the red highlighted text below would be clearer if it read "proposed site plan" or "proposed site plan development" or "development subject to site plan approval" that you used in #8.

For the sewer capacity confirmation, it is desirable to have the condition note that the peak flows will be based on land use assumptions (i.e XX sf of light industrial exists, with standard rate of EDU per square footage), unless more accurate information is available from the City. This is simply an effort to quantify what the analysis will need to require, to avoid

large development-wide detailed research into every facility for an individual site plan. Please let me know if you have another suggestion.

One clarifying question - the sewer conditions require compliance with AWWA guidelines. Do the City's standards reflect the AWWA guidelines? Would like to minimize future conflict between those two sets of requirements.

8. A stamped engineering memo must be included as part of each site plan application indicating the number of EDUs proposed, total EDUs for all development on the subject property to date, and confirmation of required system pressure at peak demand for the development subject to site plan approval. If required system pressures cannot be met, mitigation satisfactory to the City shall be required prior to the issuance of any building permits in furtherance of the proposed site plan.
14. A stamped engineering memo must be included as part of each site plan application indicating the number of EDUs proposed, total EDUs for all development on the subject property to date, and peak flow for the **proposed development**. If peak flows exceed maximum operating conditions as determined by AWWA guidelines applicant shall be required to provide mitigation satisfactory to the City prior to any building permits in furtherance of the proposed site plan.

Thanks!

Tammy Wisco, PE, AICP, MPA | RETIA CONSULT, LLC

c. 210 896 3432
P.O. Box 831, Bend, OR 97709

On Jul 22, 2020, at 7:35 AM, Nicole Mardell <nmardell@ci.sisters.or.us> wrote:

Thanks Tammy – the change is reflected in the attached doc.

Best,

Nicole

Nicole Mardell, LEED GA

Principal Planner

City of Sisters | Community Development Dept.

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Direct: 541-323-5208 | City Hall: 541-549-6022

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<image001.png>

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From: Tammy Wisco <twisco@retiaconsult.com>
Sent: Tuesday, July 21, 2020 5:30 PM
To: Nicole Mardell <nmardell@ci.sisters.or.us>
Subject: Re: Draft Amended C of As 7.21.20 CP 20-02/ZM 20-01

Thanks, Nicole. The area that appears to still need revision based on our conversation is the required memo for water and sewer analysis, to tie it to review just for the specific site plans and not require every site plan to review the entire development. Once that's updated, please send my way and I'll get it off to the team to review.

Have a good night -

Tammy

Tammy Wisco, PE, AICP, MPA | RETIA CONSULT, LLC
c. 210 896 3432
P.O. Box 831, Bend, OR 97709

On Jul 21, 2020, at 5:14 PM, Nicole Mardell <nmardell@ci.sisters.or.us> wrote:

Hi Tammy,

Attached are the draft conditions for your review based on the public hearing feedback and our discussion today. These may still need a few minor tweaks from Erik and Garrett prior to the hearing.

Best,

Nicole

Nicole Mardell, LEED GA

Principal Planner

City of Sisters | Community Development Dept.

PO Box 39 | 520 E. Cascade Ave., Sisters, OR 97759

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<image001.png>

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<Amended Conditions of Approval 07.21.20.docx>

<Amended Conditions of Approval 07.22.20.docx>

EXHIBIT H: STAFF RECOMMENDED CONDITIONS OF APPROVAL

Staff Recommended *DRAFT* Conditions of Approval for CP 20-02/ZM 20-01

AMENDED 07.22.2020

Based on the submitted plans and foregoing findings, Staff recommends that the Planning Commission recommend that the City Council approve the land use applications in files CP 20-02/ZM 20-01 subject to the following conditions of approval. **All conditions shall be met prior to master plan application,** unless otherwise stated within each condition of approval. References to the subject property refer to the property subject to this CP 20-02/ZM 20-01. All payment amounts are in 2020 dollars. Amounts will be adjusted for inflation on January 1 of each calendar year proportionate to the yearly change in the Consumer Price Index for All Urban Consumers for the West Region, as published by the U.S. Bureau of Labor Statistics or similar inflation index.

Planning

1. Prior to dividing the property or obtaining site plan approval, the applicant shall submit a master plan application for the entirety of the subject property.
2. Applicant will record a conditions of approval agreement against the subject property in form satisfactory to City to place future owners on record notice of these conditions of this approval.

Public Works & Engineering

Transportation

3. A payment of \$98,604 shall be paid by Applicant as its proportionate share of improvements along US 20 and the parallel Alternate Route to support east-west mobility needs along the US 20 corridor.
4. Additional traffic analysis will be required for subsequent land use applications as prescribed in the Sisters Development Code, which may require additional mitigation.
5. Transportation System Development Charges still apply to this property and will be assessed at the time of site plan application and/or building permit.

Water

6. Prior to recording the initial land division plat or issuance of the initial building permit, whichever occurs first, Applicant shall construct a 12" water main extending from the existing water main at the northeast corner of the Ponderosa Lodge to the existing water main in North Pine Street, per the City Water Capital Facilities Plan. Notwithstanding the foregoing, a phasing plan for construction of the water main may be approved as part of a master plan for the subject property.
7. The applicant must pay \$705.45 per EDU, payable at the time of building permit issuance for the number of EDUs subject to the building permit, to mitigate impacts to water supply.
8. A stamped engineering memo must be included as part of each site plan application indicating the number of EDUs proposed, total EDUs for all development on the subject property to date, and confirmation of required system pressure at peak demand for the development subject to site plan approval. If required system pressures cannot be met, mitigation satisfactory to the City shall be required prior to the issuance of any building permits in furtherance of the proposed site plan.
9. Water System Development Charges still apply to this property and will be assessed at the time of site plan application and/or building permit.

Sewer

10. Prior to recording the initial land division plat or issuance of the initial building permit, whichever occurs first, applicant will contribute \$1,372 toward Pump Station #1 upgrades.
11. Prior to recording the initial land division plat or issuance of the initial building permit, whichever occurs first, applicant will contribute \$19,546 toward Locust Interceptor Improvements.
12. Prior to recording the initial land division plat or issuance of the initial building permit, whichever occurs first, developer shall install telemetry equipment at Pump Station #2 and Pump Station #4 to eliminate simultaneous pumping or pay a fee in lieu or bond in an amount determined by the City Engineer. The City Engineer may alter or waive this condition at the time of subsequent land use review.
13. Prior to recording the initial land division plat or issuance of the initial building permit, whichever occurs first, applicant will contribute \$27,027 towards Pump Station #2 wet well capacity improvements and an emergency backup generator.
14. A stamped engineering memo must be included as part of each site plan application indicating the number of EDUs proposed, total EDUs for all development on the subject property to date, and peak flow for the proposed development. If peak flows exceed maximum operating conditions as determined by AWWA guidelines applicant shall be required to provide mitigation satisfactory to the City prior to any building permits in furtherance of the proposed site plan.
15. Sewer System Development Charges still apply to this property and will be assessed at the time of site plan application and/or building permit.

-----*End of Conditions*-----

Nicole Mardell

From: Tammy Wisco <twisco@retiaconsult.com>
Sent: Monday, July 20, 2020 12:05 PM
To: Nicole Mardell; Bessman Joe; Erik Huffman; Garrett Chrostek
Subject: Spencer Phasing Plan - Draft
Attachments: P1.5 Phasing Plan.pdf

Sisters Team,
Here is a draft of Kevin Spencer's phasing plan, for use in our discussion today.

Tammy Wisco, PE, AICP, MPA | RETIA CONSULT, LLC
c. 210 896 3432
P.O. Box 831, Bend, OR 97709

EXHIBIT B: STAFF RECOMMENDED CONDITIONS OF APPROVAL

Staff Recommended *DRAFT* Conditions of Approval for CP 20-02/ZM 20-01 08.13.2020

Based on the submitted plans and foregoing findings, Staff recommends that the Planning Commission recommend that the City Council approve the land use applications in files CP 20-02/ZM 20-01 subject to the following conditions of approval. **All conditions shall be met prior to master plan application**, unless otherwise stated within each condition of approval. References to the subject property refer to the property subject to this CP 20-02/ZM 20-01. All payment amounts are in 2020 dollars. Amounts will be adjusted for inflation on January 1 of each calendar year proportionate to the yearly change in the Consumer Price Index for All Urban Consumers for the West Region, as published by the U.S. Bureau of Labor Statistics or similar inflation index.

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2. Applicant will record a conditions of approval agreement against the subject property in form satisfactory to City to place future owners on record notice of these conditions of this approval.

Public Works & Engineering

Transportation

3. A payment of \$98,604 shall be paid by Applicant as its proportionate share of improvements along US 20 and the parallel Alternate Route to support east-west mobility needs along the US 20 corridor.
4. Additional traffic analysis will be required for subsequent land use applications as prescribed in the Sisters Development Code, which may require additional mitigation.
5. Transportation System Development Charges still apply to this property and will be assessed at the time of site plan application and/or building permit.

Water

6. Prior to recording the initial land division plat or issuance of the initial building permit, whichever occurs first, Applicant shall construct a 12" water main extending from the existing water main at the northeast corner of the Ponderosa Lodge to the existing water main in North Pine Street, per the City Water Capital Facilities Plan. Notwithstanding the foregoing, a phasing plan for construction of the water main may be approved as part of a master plan for the subject property.
7. The applicant must pay \$705.45 per EDU, payable at the time of building permit issuance for the number of EDUs subject to the building permit, to mitigate impacts to water supply.
8. A stamped engineering memo must be included as part of each site plan application indicating the number of EDUs proposed, total EDUs for all development on the subject property to date, and confirmation of required system pressure at peak demand for the development subject to site plan approval. If required system pressures cannot be met, mitigation satisfactory to the City shall be required prior to the issuance of any building permits in furtherance of the proposed site plan.
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15. Sewer System Development Charges still apply to this property and will be assessed at the time of site plan application and/or building permit.

-----*End of Conditions*-----