

ORDINANCE NO. 13-1009

AN ORDINANCE AMENDING TITLE 17: ZONING, CHAPTER 17.06.030: OF THE OFFICIAL ZONING MAP, OF THE OREGON CITY MUNICIPAL CODE, BY CHANGING THE PROPERTIES IDENTIFIED AS CLACKAMAS COUNTY MAP 3-2E-16BB, TAX LOT 300 FROM R-10 SINGLE-FAMILY DWELLING DISTRICT TO R-6 SINGLE-FAMILY DWELLING DISTRICT AND APPROVING A 10-LOT SUBDIVISION.

WHEREAS, the City of Oregon City has adopted a Zoning Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use Goals;

WHEREAS, the City of Oregon City Zoning Map implements the Comprehensive Plan Map by illustrating the location best suited for specific development;

WHEREAS, the City of Oregon City Zoning Map may be amended and updated as necessary upon findings of facts that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020;

WHEREAS, the owners of the subject site, located at 14270 Canyon Ridge Drive (Clackamas County Map 3-2E-16BB, TL 300) have requested the approval of a zone change from R-10 Single-Family Dwelling District to R-6 Single-Family Dwelling District, along with a 10-lot subdivision;

WHEREAS, notice of the proposed zone change and subdivision hearings were mailed to residents within 300 feet of the subject site, signs were posted on the property, notice was published in a local newspaper and the City held public hearings where the objectives and concepts of the proposal were presented and discussed;

WHEREAS, on June 24, 2013 the Planning Commission held a public hearing and, after considering all the public testimony and reviewing all the evidence in the record, recommended approval with conditions to the City Commission by a 5 – 1 vote for the requested Zone Change and Subdivision;

WHEREAS, the comprehensive plan designation of the site as Low Density Residential supports the R-6 Single-Family Dwelling District zoning designation,

WHEREAS, the zone change from R-10 Single-Family Dwelling District to R-6 Single-Family Dwelling District, will result in the timely provision of public services and facilities and, with the imposition of conditions, will have no significant unmitigated impact on the water, sewer, storm drainage, or schools, and police services;

WHEREAS, the projected transportation impacts resulting from a zone change from R-10 Single-Family Dwelling District to R-6 Single-Family Dwelling District have been found to meet the City's transportation requirements and no required off-site mitigation measures are required;

WHEREAS, the proposed zone change and 10-lot subdivision applications do, or can meet through the conditions of approval, the design requirements of the Oregon City Municipal Code; and

WHEREAS, approving the zone change is in compliance with the Goals and Policies of the Oregon City Comprehensive Plan and the proposed 10-lot subdivision application as proposed and conditioned is in compliance with all applicable city requirements.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:


Section 1. The zone change request from R-10 Single-Family Dwelling District to R-6 Single-Family Dwelling District (ZC 13-01) is hereby approved as proposed by the applicant for the properties located at 14270 Canyon Ridge Drive (Clackamas County Map 3-2E-16BB, TL 300) subject to conditions referred to below.

Section 2. The 10-lot subdivision application (TP 13-02) is hereby approved as proposed by the applicant for the properties located at 14270 Canyon Ridge Drive (Clackamas County Map 3-2E-16BB, TL 300) subject to conditions referred to below.


Section 3. The zone change and subdivision applications are approved as proposed by the applicant with the conditions of approval attached to this Ordinance as Attachment A, Exhibit 1.

Section 4. The Commission adopts the findings and conclusions that are attached to the Ordinance as Attachment A, Exhibit 2, and incorporated herein to support the City's approval to amend the zoning map and approve the subdivision applications.

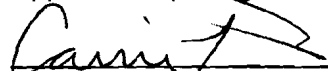
Read for the first time at a regular meeting of the City Commission held on the 17th day of July 2013, and the City Commission finally enacted the foregoing ordinance this 7th day of August 2013.


DOUG NEELEY, Mayor

Attested to this 7th day of August 2013:


Nancy Ide, City Recorder

Approved as to legal sufficiency:


City Attorney

REVISED CONDITIONS OF APPROVAL
As amended by the Planning Commission on June 24th, 2013
TP 13-02 and ZC 13-01

1. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. This includes attending a pre-design meeting with the City. *(DS)*
2. Prior to final plat approval, the Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water and/or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. *(DS)*
3. All new water services shall be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter. *(DS)*
4. Prior to final plat, the Applicant shall submit the proposed development plans to Clackamas County Fire District No. 1 for review and install any required fire hydrants. *(F)*
5. All new sanitary sewer laterals shall be constructed with individual laterals connecting to the sanitary sewer main. *(DS)*
6. Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage in a manner suitable to the Public Works Department. *(DS)*
7. The storm system improvements shall include on-site infiltrators for each lot, a standard collection system in the street right-of-way, erosion control and repair improvements at the outfall including rip-rap, and construction of a flow dispersal basin at the outfall. The applicant shall submit engineering plans to Clackamas County for review and approval. *(DS)*
8. A final storm water report shall be completed as part of the design, and it shall include an evaluation of the estimated impact to the steep slopes of any additional storm water flow. The evaluation of the impact to the steep slopes shall be conducted by a geotechnical engineer. *(DS)*
9. Prior to final plat approval, the Applicant shall provide an Erosion Prevention and Sedimentation Control Plan suitable to the Public Works Department to meet the Public Works requirements for erosion control. The Applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or other ponding situations. The plan shall show the existing and proposed swales. *(DS)*
10. The applicant shall construct a 5-foot planter strip and 5-foot sidewalk and relocate street lights behind the curb on the south side of Canyon Ridge Drive along the frontage of the development. The applicant shall submit engineering plans to Clackamas County for review and approval. *(P)*
11. Ten-foot public utility easements along all street frontages and all easements required for the final engineering plans shall be dedicated to the public on the final plat. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this project, such as for work on the storm outfall, shall be obtained and submitted to the City prior to approval of the construction plans. *(DS)*
12. The Applicant shall construct improvements on the proposed new street that includes dedication of 53-feet of right-of-way, and improvements that include, but are not limited to, base rock, paved street width of 32 feet, curb and gutter, 5-foot landscape strip including curb width, 5-foot concrete sidewalk (curb, landscape strip and sidewalk on both sides of the street),

curb return radii, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. *(DS)*

13. The Applicant shall construct the cul-de-sac with a 56-foot radius right-of-way, and improvements that includes, but are not to limited to, base rock, paved street radius of 45 feet, curb and gutter, 5-foot landscape strip including curb width, 5-foot concrete sidewalk (curb, landscape strip and sidewalk on both sides of the street), curb return radii, centerline monuments in boxes, traffic control devices, street trees, and street lights. *(DS)*
14. Prior to final plat the Applicant shall submit a final Street Tree Plan for the frontage of the properties that includes the number, location, size, and species of the trees. The Applicant shall plant twenty-six street trees. *(P)*
15. Prior to final plat approval the Applicant shall submit a tree mitigation plan in accordance with OCMC 17.41 and plant 56 mitigation trees, in addition to the 26 required street trees.. *(P)*
16. Prior to final plat, the applicant shall coordinate with the City to select an appropriate name for the new street. *(P)*
17. Prior to final of building permits, the applicant must submit street lighting plan and documentation from a lighting professional that confirms that the lighting meets the City's requirements under OCMC 16.12.090. *(DS)*

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(F) = Verify that condition of approval has been met with the Clackamas County Fire Department.



OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TYPE IV APPLICATION STAFF REPORT AND RECOMMENDATION June 17, 2013

FILE NO.: TP 13-02: 10-Lot Subdivision
ZC 13-01: Zone Change

OWNER: Mike Waddell

APPLICANT: Welkin Engineering

REQUEST: The Applicant is seeking approval for a Zone Change from “R-10” Single-Family Dwelling District to “R-6” Single-Family Dwelling District as well as a 10-lot subdivision.

LOCATION: 14270 Canyon Ridge Drive, Oregon City, Oregon 97045
Clackamas County Map 3-2E-16BB, Tax Lot 300

REVIEWER: Kelly Moosbrugger, Planner
Todd Martinez, Development Services

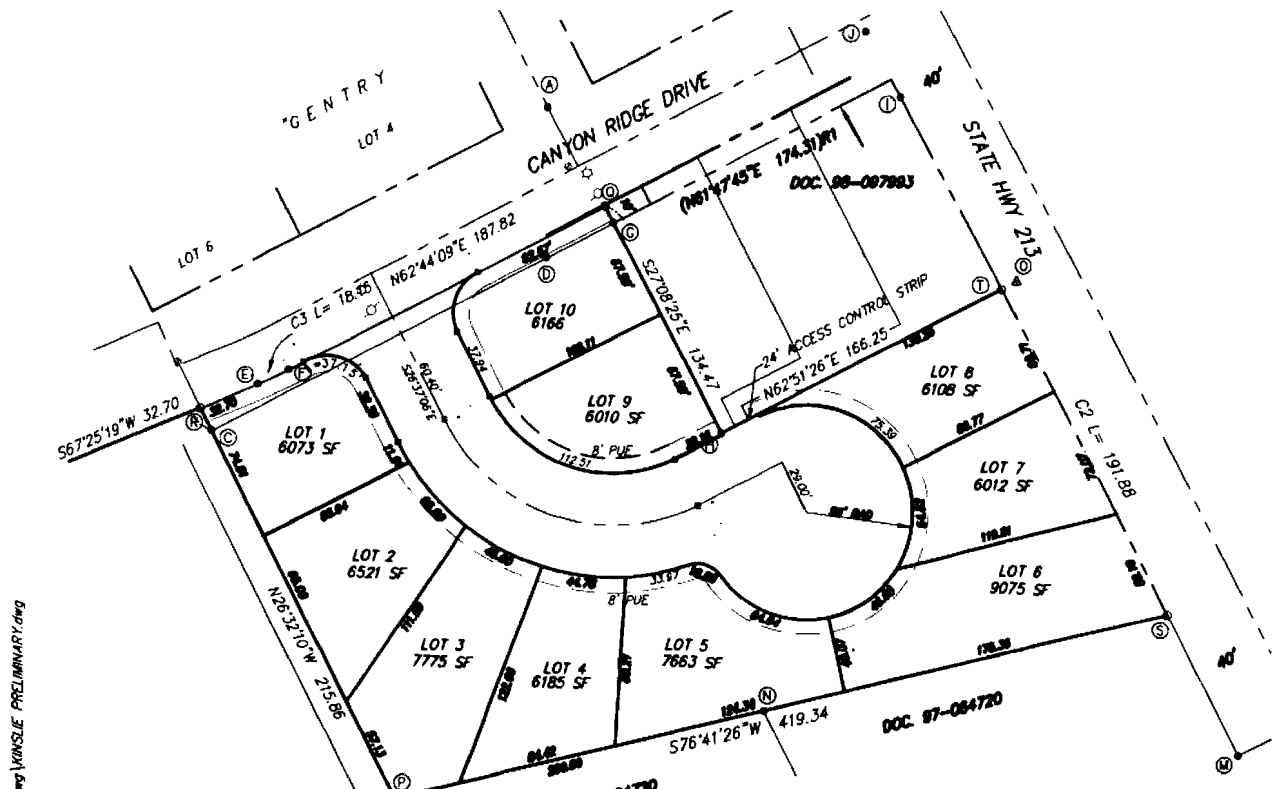
RECOMMENDATION: Staff recommends the Planning Commission recommend approval with conditions of Planning files TP 13-02, ZC 13-01 to the City Commission for their consideration at the July 17, 2013 hearing.

PROCESS: Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

I. BACKGROUND AND PROPOSED DEVELOPMENT:

The property located at 14270 Canyon Ridge Drive, Oregon City, Oregon 97045 and identified as Clackamas County Map 3-2E-16BB, Tax Lot 300 was annexed into Oregon City from Clackamas County in 1994. As with all properties within the "LR" Low Density Residential Comprehensive Plan Designation, the 1.98 acre property was assigned the "R-10" Single-Family Dwelling District zoning designation upon annexation. The Applicant is seeking approval for a Zone Change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District as well as a 10-lot subdivision.



The site is an underdeveloped 1.98 acre lot fronting Canyon Ridge Drive that recently contained an existing single-family home and accessory buildings. These structures have recently been removed to allow development of the site. The site is relatively flat, mostly sloping from Hwy. 213 at the eastern edge of the site, in a southwesterly direction with a relative slope of just over 2%. Much of the site is at a higher elevation than Canyon Ridge Dr. and some of the site drains to Canyon Ridge Dr. A very small portion of the site in the grove of trees at the front of the proposed Lot 6 has some localized steeper slopes, well buttressed by large trees and rocks outcroppings.

There are many mature trees on the property, some over 30 inches in diameter with most in the 20 inch range. The site canopy is about 30%.

Surrounding Uses:

The southern boundary of the site is the Urban Growth Boundary. Properties to the south are designated Rural Reserve (RUR). The property to the south and west are zoned RRFF5; to the east R-3.5 and R-6, to the northwest R-10.

City/Public Comments:

Notice of the public hearings for this proposal was mailed to property owners within 300 feet of the subject site, the neighborhood association and the Citizen Involvement Council. The notice was advertised in the Clackamas Review, Oregon City News and Estacada News and the site was posted with land use notification signs. The notice requested comments and indicated that interested parties could testify at the public hearing or submit written comments prior to or at the hearing. The application was transmitted to the Clackamas River Water District, Oregon Department of Transportation, Clackamas County, Oregon City Police Department, City Engineer, Public Works Operations Manager, Development Services Manager, Oregon City School District, GIS Coordinator, and the City transportation consultant for comment. Comments from John Replinger, a City consultant for Replinger and Associates, have been incorporated into this staff report.

Comments received before the staff report was written include the following:

Betty Johnson, Engineering Associate with Clackamas River Water:

This property is within the city limits of Oregon City and will be the water provider for this property. CRW has no objections to this application, however these comments are introductory and may change based on the preliminary/final design.

For further information regarding application please contact Betty Johnson, 503-723-2571.

II. DECISION-MAKING CRITERIA:**Oregon City Municipal Code Standards and Requirements****Title 16: Land Division:**

Chapter 16.08, Subdivisions-Process and Standards

Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions

Title 12: Streets, Sidewalks and Public Places:

Chapter 12.04, Street Design Standards

Chapter 12.08, Public and Street Trees

Title 13: Public Services

Chapter 13.12, Stormwater Management

Title 17: Zoning:

Chapter 17.08, R-10 Single Family Dwelling District

Chapter 17.12, R-6 Single Family Dwelling District

Chapter 17.41, Tree Protection

Chapter 17.47, Erosion and Sediment Control

Chapter 17.68, Zone Changes and Amendments

III. COMPLY WITH APPROVAL CRITERIA

CHAPTER 17.68.020 ZONE CHANGES AND AMENDMENTS

A. *The proposal shall be consistent with the goals and policies of the comprehensive plan.*

Goal 1: Citizen Involvement

Goal 1.2: Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.

Finding: Complies as Proposed. Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in zone change applications. The Applicant met with a neighborhood association prior to submitting this application. Once the application was deemed complete, the City noticed the application to properties within 300 feet and the neighborhood association, and Citizens Involvement Council, and posted the application on the City's website. In addition, the Applicant posted signs on the subject site. All interested persons have the opportunity to comment in writing or in person through the public hearing process. By following this process, the requirements of this policy are met.

Goal 2: Land Use

Goal 2.1: Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.

Finding: Complies as Proposed. The Applicant requested a zone change from "R-10" Single-Family Dwelling District to the "R-6" Single-Family Dwelling District. The zone change would allow additional dwellings to be constructed and the property to be utilized in an efficient manner, consistent with the adjacent properties. This standard has been met.

Goal 2.7: Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

Finding: Complies as Proposed. The Oregon City Comprehensive Plan designates the subject property as within the "LR" Low Density Residential Development designation. The "LR" Low Density Residential Development designation includes the R-10, R-8 and R-6 zoning designations. The Applicant has not proposed to alter the Comprehensive Plan designation of the site. The subject site is located adjacent to R-3.5 and R-6 zoned properties, and thus the density of R-6 development is appropriate.

Goal (5) Natural Resources

Policy 5.4.4: Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.

Finding: Complies as Proposed. This policy is implemented by the application of the Natural Resources Overlay District (NROD). The subject property is not located within the NROD boundary.

Goal 6: Quality of Air, Water and Land Resources

Goal 6.1.1: Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Finding: Complies as Proposed. The proposed R-6 development pattern will be consistent with this policy by creation of a more compact land use pattern and reduction in the square footage of public street per dwelling, thereby reducing travel by single-occupancy vehicles and increasing use of alternative modes of transportation. Public sidewalks will be provided on all streets within this project. This standard has been met.

Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.

Finding: Complies as Proposed. This policy is implemented by development standards that require appropriate handling of storm water runoff. Standard erosion control measures will be implemented during construction. Storm runoff from the proposed development will be collected with a storm sewer system, as shown on the preliminary utility plan submitted with this application. The applicant has proposed to construct erosion control improvements at the existing outfall. Please refer to the findings within this report.

Goal 10: Housing

Goal 10.1.3: Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Finding: Complies as Proposed. The proposed zone change will maintain the basic land use for this site as Low Density Residential, consistent with the Oregon City Comprehensive Plan. The increased density allowed by the R-6 zoning, as compared with the existing R-10 district will provide for a greater number of single-family homes on this site, thereby increasing the availability of more choices in the marketplace. This standard has been met.

Goal 11: Public Facilities

Goal 11.1: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Finding: Complies as Proposed. All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. Sanitary sewer is available from an existing 8-inch line that is installed in Canyon Ridge Drive which will be extended into the property. Water service is available from an 8-inch City line in Canyon Ridge Drive that will be extended into the property. Storm water service is provided by a 12-inch pipe on Canyon Ridge Drive that will be extended into the property. Oregon City Public Schools provide education services and has adequate levels of service available. Police and fire protection are provided by the City of Oregon City. The site is located approximately a half mile southwest of the future Glen Oak park site to meet recreational needs and is less than a mile from the athletic fields at Oregon City High School. Please refer to the findings within this report under Chapter 16.08.030 paragraph B.

Policy 11.1.4: Support development of underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning and comprehensive plan goals.

Finding: Complies as Proposed. All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. The proposed zone change will maintain the basic land use for this site as Low Density Residential, consistent with the Oregon City Comprehensive Plan. Please refer to the findings within this report.

Goal 12: Transportation

Goal 12.6: Develop and maintain a transportation system that has enough capacity to meet users' needs.

Finding: Complies as Proposed. A Traffic Assessment Letter (TAL) was prepared for this project, dated February 15, 2013, under the direction of Brent Ahrend of Group MacKenzie (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, a City transportation consultant, who concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues

associated with this subdivision requiring mitigation." (Exhibit 3).

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

Finding: Complies as Proposed. The public facilities and services have been addressed in the discussion of compliance with Goal 11, above and within this report. All the services are available and adequate to meet the needs of this property when developed to levels allowed by the R-6 zoning district.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

Finding: Complies as Proposed. The proposed development would maintain the Comprehensive Plan designation of Low Density Residential. The proposed Zone Change would retain the use of the site as for single-family dwellings. A Traffic Assessment Letter (TAL) was prepared for this project, dated February 15, 2013, under the direction of Brent Ahrend of Group MacKenzie (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, a City transportation consultant, who concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation." (Exhibit 3).

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Finding: Not Applicable. The comprehensive plan contains specific policies and provisions which control the zone change.

CHAPTER 17.12 "R-6" SINGLE-FAMILY DWELLING DISTRICT

17.12.040. A. Minimum lot area, six thousand square feet;

Finding: Complies as Proposed. Chapter 16.12.050 of the Oregon City Municipal Code allows lots that are up to 20% less than the required minimum lot area of the applicable zoning designation provided the subdivision, on average, meets the minimum site area requirement of the underlying zone. In the R-6 zone, the 20% standard would allow lots as small as 4,800 square feet. All proposed lots exceed 6,000 square feet. The average lot size for the entire subdivision is 6,759 square feet.

Lot	Size (Sq. Ft.)
1	6,073
2	6,521
3	7,775
4	6,185
5	7,663
6	9,075
7	6,012
8	6,108
9	6,010
10	6,166

17.12.040. B. Minimum lot width, fifty feet;

Finding: Complies as proposed. As demonstrated below, the proposed lot widths exceed the minimum lot width of 50 feet. This standard has been met.

Lot	Lot Width Ft.
1	70
2	68
3	60
4	60
5	110
6	55
7	60
8	60
9	70
10	55

17.12.040. C. Minimum lot depth, seventy feet;

Finding: Complies as Proposed. As demonstrated below, the proposed lot depths exceed the minimum lot depth of 50 feet. This standard has been met.

Lot	Lot Depth Ft.
1	85
2	93
3	120
4	100
5	75
6	130
7	95
8	95
9	85
10	100

17.12.040.D. Maximum building height: two and one-half stories, not to exceed thirty-five feet.

Finding: Not Applicable. The Applicant did not propose to construct a structure with the proposed development. Building heights will be reviewed upon submission of a building permit.

17.12.040.E

- 1. Front yard: ten feet minimum depth.*
- 2. Front porch, five feet minimum setback,*
- 3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.*
- 4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,*
- 5. Corner side yard, fifteen feet minimum setback,*
- 6. Rear yard, twenty-foot minimum setback*
- 7. Rear porch, fifteen-foot minimum setback.*

Finding: Complies as Proposed. The site recently contained an existing single-family home and a large shop building which were removed to allow development of the site. The Applicant has submitted a building permit for one single family home on the property, located near the southern property line. The home is permitted on its own as is on the site, and would become part of the subdivision as Lot 5 upon City approval of the zone change and subdivision request. The site plans submitted with the application for a single family home showed that the home is in compliance with the dimensional standards of the current zoning of the site, "R-10," and showed that the home will comply with the proposed zoning (R-6). It additionally meets the requirements of the "R-8" zone. Setbacks for all other structures will be reviewed upon submission of a building permit.

17.12.040.F. Garage standards: See Chapter 17.21—Residential Design Standards.

Finding: Complies as Proposed. The site recently contained an existing single-family home and a large shop building which were removed to allow development of the site. The Applicant has submitted a building permit for one single family home on the property, located near the southern property line. The home is permitted on its own as is on the site, and would become part of the subdivision as Lot 5 upon City approval of the zone change and subdivision request. The garage setback for the home is at least 20 feet, in compliance with this standard. The site plans submitted with the application for a single family home showed that the home is in compliance with the dimensional standards of the current zoning of the site, "R-10," and showed that the home will comply with the proposed zoning (R-6). It additionally meets the requirements of the "R-8" zone. Setbacks for all other structures will be reviewed upon submission of a building permit.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Finding: Complies as Proposed. The site recently contained an existing single-family home and a large shop building which were removed to allow development of the site. The Applicant has submitted a building permit for one single family home on the property, located near the southern property line. The home is permitted on its own as is on the site, and would become part of the subdivision as Lot 5 upon City approval of the zone change and subdivision request. The site plans submitted with the application for a single family home showed that the home is in compliance with the dimensional standards of the current zoning of the site, "R-10," and showed that the home will comply with the proposed zoning (R-6). It additionally meets the requirements of the "R-8" zone.

The lot coverage of the home is as follows:

R-10 (existing site): 3.3%
 R-10 (subdivision): 29%
 R-8 (subdivision): 36%
 R-6 (subdivision): 38%

Setbacks for all other structures will be reviewed upon submission of a building permit.

CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS

16.08.010

All subdivisions shall be in compliance with the policies and design standards established by this chapter and with applicable standards in the City's Public Facilities Master Plan and the City Design Standards and Specifications. The evidence contained in this record indicates that the proposed subdivision is in compliance with standards and design specifications listed in this document, subject to the conditions of approval.

Finding: Complies with Conditions. As demonstrated within this staff report the proposed project was reviewed by the appropriate agencies and will comply with the criterion in the Oregon City Municipal Code with the conditions of approval. **The Applicant can meet this standard through all Conditions of Approval.**

16.08.015 *Preapplication conference required.*

Finding: Complies as Proposed. The Applicant held a pre-application conference on January 9, 2013.

16.08.020 - *Preliminary subdivision plat application.*

Within six months of the preapplication conference, an Applicant may apply for preliminary subdivision plat approval. The applicant's submittal must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submittal requirements for a preliminary subdivision plat, which include plan drawings, a narrative statement and certain tabular information. Once the application is deemed to be complete, the community development director shall provide notice of the application and an invitation to comment for a minimum of fourteen days to surrounding property owners in accordance with Section 17.50.090(A). At the conclusion of the comment period, the community development director will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with Chapter 17.50. The community development director's decision may be appealed to the city commission with notification to the planning commission.

Finding: Complies as Proposed. This application was submitted on March 26, 2013, within 6 months of the pre-application conference held on January 9, 2013. The application was reviewed and determined to be incomplete on April 26 2013, and was deemed complete on May 7, 2013, after additional materials were submitted.

16.08.025 - *Preliminary subdivision plat—Required plans.*

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.

Finding: Complies as Proposed. The development application included a preliminary site plan displaying the necessary submittal requirements. This standard is met.

B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation

engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.

Finding: Complies as Proposed. The development application included a preliminary site plan as well as a Transportation Analysis Letter, prepared by Brent Ahrend of Group Mackenzie (Exhibit 2). This standard is met.

C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:

1. Proposed and existing street rights-of-way and all other transportation facilities;
2. All proposed lots and tracts;
3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h.);
4. All natural resource areas pursuant to Chapter 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division of State Lands and wetlands identified in the City of Oregon Local Wetlands inventory, adopted by reference in the City of Oregon City comprehensive plan;
5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to Chapter 17.42
6. The location of any known state or federal threatened or endangered species;
7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
8. All wildlife habitat or other natural features listed on any of the city's official inventories.

Finding: Complies as Proposed. The development application included preliminary site and drainage plans as well as the proposed lots, street, and trees proposed to be removed. The site does not contain wetlands or other natural or cultural features.

D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement

of native soils. The community development director may waive any of the foregoing requirements if the community development director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

Finding: Complies as Proposed. A description of the proposed development was sent to the Oregon State Historic Preservation Office (SHPO) as well as various tribes for review.

16.08.030 – Preliminary Subdivision Plat – Narrative Statement

In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

A. Subdivision Description. *A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances;*

Finding: Complies as Proposed. A detailed description of the proposed subdivision including the above listed information, as applicable, was submitted with this development application.

B. Timely Provision of Public Services and Facilities. *The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:*

1. Water

Finding: Complies with Conditions. There is an existing 8-inch Oregon City (City) water main in Canyon Ridge Drive. The Applicant proposed the water line be installed in the proposed street connecting to the existing pipe with an 8-inch pipe.

All new water services shall be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter.

Staff concurs that sufficient water mains are installed. Prior to final plat, the Applicant shall submit the proposed development to Clackamas County Fire District No. 1 for review. In the event that fire hydrants are required by Clackamas County Fire District No. 1, staff finds there is adequate area available on the subject property for such installation. The Applicant has proposed a water system that appears to meet City code requirements with a few modifications. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 3, and 4.**

2. Sanitary Sewer

Finding: Complies with Condition. There is an existing 8-inch gravity sanitary sewer main in Canyon Ridge Drive. A new 8-inch public sanitary sewer main will be installed in the proposed street. The Applicant has proposed to provide sanitary sewer laterals to all of the lots in the proposed development.

The proposed sanitary sewer system will meet City code requirements with a few modifications. All new sanitary sewer laterals shall be constructed with individual laterals connecting to the sanitary sewer main.

The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, and 5.**

3. Storm Sewer and Storm Water Drainage

Finding: Complies with Condition. There are existing storm water facilities in Canyon Ridge Drive which consist of 12-inch pipe and an underground detention pipe. The existing detention pipe is located such that it cannot be utilized by the proposed subdivision due to elevation. A new 12-inch public storm sewer main will be installed in the proposed street and connected to the existing system just downstream of the existing detention tank.

Storm water detention and treatment is required. However, due to the small amount of storm water flow from the proposed development the applicant has proposed to perform erosion control improvements and flow control at the existing outfall that serves the property. This includes repair to the rip-rap, repair of the existing erosion issues, and construction of a flow dispersal basin at the location of the outfall. The flow dispersal basin would spread out the flow which would reduce the flow velocity and decrease the erosion potential. Overland flow will be utilized for treatment.

As the additional storm flow from the proposed development is small (0.13 cfs), which is approximately 1.7% of the storm flow in the system, Staff finds the proposed storm improvements acceptable with a few modifications. It is recommended that on-site infiltrators be constructed for the run-off from the homes. This will further reduce the storm flow.

The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 6, 7 and 8.**

4. Parks and Recreation

Finding: Complies as Proposed. The site is located within a half mile of the future Glen Oak park site. According to the Oregon City Parks and Recreation Department, this site is planned for improvements within the next five years, if not sooner. Park System Development Charges will be paid at the time building permits are issued for each lot in the subdivision.

5. Traffic and Transportation

Finding: Complies as Proposed. A Traffic Assessment Letter (TAL) was prepared for this project, dated February 15, 2013, under the direction of Brent Ahrend of Group MacKenzie (Exhibit 2). John Replinger, the City's Traffic Consultant Engineer found the analysis meets the essential City requirements and does not require off-site mitigation measures to address transportation impacts (Exhibit 3). He concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The

subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation." (Exhibit 3). Highway 213 is an ODOT facility. This application, including its traffic analysis letter, was submitted to ODOT. In an email on May 20, 2013 Sandra Koike of ODOT acknowledged receiving the submittal. No further comments were received.

6. Schools

Finding: Complies as Proposed. The Oregon City School District provides education services for the children of future residents. School funding is provided through a variety of sources including property taxes and surcharges that will be assessed with future building permits for the homes.

7. Fire and Police Services

Finding: Complies with Condition. Clackamas County Fire District No. 1 will provide fire services to the subject site. There are no noted concerns about fire services and property taxes will be paid by future property owners to fund fire protection services thereby ensuring funding for protection services. In order to assure adequate protection new fire hydrants shall be located and installed as required per Clackamas County Fire District No. 1. Staff concurs that sufficient water mains are installed. In the event that fire hydrants are required by Clackamas County Fire District No. 1 requirements, staff finds there is adequate area available on the subject property for such installation.

The City of Oregon City Police Department will provide police services to the subject site. Property taxes will be paid by future property owners to fund police protection services, thereby ensuring funding for police services. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 4.**

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the Applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;

Finding: Not Applicable. As described above, all public facilities and services are available. Therefore, this standard does not apply to this application.

C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12, 12.04 and any other applicable approval standards identified in the municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60.

Finding: Not Applicable. This application does not include any requests for variances.

D. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;

Finding: Complies as Proposed. The Applicant included draft CC&R's in the application submittal. There are no conflicts with City codes within the CC&Rs.

E. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;

Finding: Complies as Proposed. The Applicant proposed to construct the subdivision in a single phase. This standard has been met.

F. Overall density of the subdivision and the density by dwelling type for each.

Finding: Complies as Proposed. The proposed subdivision includes 10 lots for the future construction of single-family attached homes in the R-6 zone. The gross site area is 89,919.56 square feet (2.064 acres). The net developable area is 67,762 sf. The maximum density allowed on the site is 11 lots ($67,762/6000 = 11.29$). The proposed ten-lot subdivision achieves 91% of the maximum density.

16.08.035 - Notice and invitation to comment.

Upon the city's determination that an application for a preliminary subdivision plat is complete, pursuant to Section 17.50, the city shall provide notice of the application in accordance with requirements of Section 17.50 applicable to Type II decisions.

Finding: Complies as Proposed. The application was deemed complete and notice was transmitted for comment in accordance with Section 17.50. This standard is met.

16.08.040 - Preliminary subdivision plat—Approval standards and decision.

The minimum approval standards that must be met by all preliminary subdivision plats are set forth in Chapter 16.12, and in the dimensional and use requirements set forth in the chapter of this code that corresponds to the underlying zone. The community development director shall evaluate the application to determine that the proposal does, or can through the imposition of conditions of approval, meet these approval standards. The community development director's decision shall be issued in accordance with the requirements of Section 17.50.

Finding: Complies as Proposed. This staff report contains findings and conditions of approval to assure that the applicable approval criteria are met. These findings are supported by substantial evidence which includes preliminary plans, a Transportation Analysis Letter, and other written documentation.

16.08.045 - Building site—Frontage width requirement.

Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.

Finding: Complies as Proposed. As shown in the preliminary plans, each proposed lot's street frontage is in excess of twenty feet.

16.08.050 - Flag lots in subdivisions.

Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.

Finding: Not Applicable. No flag lots are proposed.

CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

Chapter 16.12.015 - Street Design-Generally

Street design standards for all new development and land divisions shall comply with Chapter 12.04—Street Design Standards.

Finding: Please refer to the analysis in Chapter 12.04 of this report.

16.12.020 - Blocks - Generally

The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

Finding: Complies as Proposed. The proposed subdivision provides for a new cul de sac, which is permitted due to the shape of the site and the surrounding development patterns. The proposed street

pattern provides for adequate building site size, as demonstrated by the site plan submitted with this application.

16.12.025 Blocks-Length

Block lengths for local streets and collectors shall not exceed five hundred feet between through streets, as measured between nearside right-of-way lines.

Finding: Complies as Proposed. The proposal does not create any blocks in excess of 500 feet.

16.12.030 Blocks-Width

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.

Finding: Complies as proposed. The proposed development creates only one tier of lots adjacent to HWY 213. This is consistent with surrounding patterns and is allowable due to the desire to limit access along 213. There are not multiple streets proposed in the development that create less than two tiers of lots. The development consists of one cul-de-sac.

16.12.035 Blocks-Pedestrian and Bicycle Access

- A. *To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, subdivisions shall include pedestrian/bicycle access-ways between discontinuous street right-of-way where the following applies:*
 - 1. *Where a new street is not practicable;*
 - 2. *Through excessively long blocks at intervals not exceeding five hundred feet of frontage as measured between nearside right-of-way lines; or*
 - 3. *Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.*
- B. *Pedestrian/bicycle accessways shall be provided:*
 - 1. *To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities;*
 - 2. *Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;*
 - 3. *To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;*
 - 4. *To provide connections from cul-de-sacs or local streets to arterial or collector streets.*
- C. *An exception may be made where the Community Development Director determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:*
 - 1. *That other federal, state or local requirements prevent construction of an accessway;*
 - 2. *That the nature of abutting existing development makes construction of an accessway impracticable;*
 - 3. *That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district;*
 - 4. *That the accessway would cross topography consisting predominantly of slopes over twenty-five percent;*
 - 5. *That the accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.*
- D. *Pedestrian/bicycle accessways shall comply with the development standards set out in Section 12.24 of this code, with the ownership, liability and maintenance standards in Section 12.24 of this code, and with such other design standards as the city may adopt*

Finding: Complies as Proposed. The proposal includes a fully contiguous street system that minimizes out-of-direction travel by pedestrians and bicyclist with installation of sidewalks and a street system. Residents will only be required to walk 600 feet to get onto HWY 213. Separate pedestrian and bicycle access ways are neither proposed nor required because new sidewalks and a street system will be installed.

16.12.040--Building Sites

The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance.

Finding: Complies as Proposed. The buildings sites proposed are appropriate in size, width, shape, and orientation for low-density residential development, exceeding the minimum lot size, lot depth and lot width and similar to other development within the "R-6" Single-Family Dwelling District. The Applicant is not requesting a variance to any dimensional standard.

16.12.045 Building Sites--Minimum Density

All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.

Finding: Complies as Proposed. The proposed subdivision includes 10 lots for the future construction of single-family attached homes in the R-6 zone. The gross site area is 89,919.56 square feet (2.064 acres). The net developable area is 67,762 sf. The maximum density allowed on the site is 11 lots ($67,762/6000 = 11.29$). The proposed ten-lot subdivision achieves 91% of the maximum density.

16.12.050 Calculations of Lot Area.

A subdivision in the R-10, R-8, R-6, R-3.5 and R-2 Dwelling District may include lots that are up to 20% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone.

Finding: Complies as Proposed. The proposed subdivision includes 10 single-family residential units in the R-6 zone, which requires a minimum lot size average of 6,000 square feet. This standard allows lots within 20 percent of the 6,000 square foot minimum lot size (4,800 square feet). The applicant has proposed a subdivision with lots ranging from 6010 square feet to 9,075 square feet. The average lot size is approximately 6,759 square feet.

16.12.055 Building Sites -Through Lots

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography.

Finding: Complies as Proposed. The Applicant proposed three through lots that abut HWY 213. The proposed design provides for the separation of residential development from a major arterial.

16.12.060 Building site--Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

Finding: Complies as Proposed. As far as practicable, the proposed lot lines and parcels run at right angles to the street upon which they face. Lots 6 and 9 have lines that are not at right angles with the curved street.

16.12.065 Building site--Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.

Finding: Complies with Condition. The Applicant provided a preliminary grading plan demonstrating compliance with the City's Public Works requirements for grading standards if a few modifications are provided. The Applicant shall submit an erosion control plan and obtain an erosion control permit and field installation for review by the Public Works Department prior to start of construction.

The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements.

The Applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. The Applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or other ponding situations. The plan shall show the existing and proposed swales. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1 and 9.**

16.12.070 Building site--Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.

A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.

B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.

C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.

D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:

- 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
- 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*

E. The community development director may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.

Finding: Complies as Proposed. All lots proposed front a local street. The applicant has proposed to combine the driveways of lots 1-2, 3-4, 6-7, and 9-10, with a 24-foot wide driveway approach, which will reduce the conflicts between cars entering and exiting the driveway and pedestrians walking on the sidewalk. Requiring a shared driveway for lots 5 and 8 was not practicable.

16.12.075 Building site--Division of lots.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

Finding: Not Applicable. No lots have been proposed which are capable of redivision in accordance with this chapter.

16.12.080 Protection of trees.

Protection of trees shall comply with the provisions of Chapter 17.41--Tree Protection.

Finding: Please refer to the analysis in chapter 17.41 of this report.

16.12.085 Easements.

The following shall govern the location, improvement and layout of easements:

A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

Finding: Complies with Conditions. The Applicant proposed public utility easements (PUE's) along all street frontages. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 11.**

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Finding: Complies with Conditions. There are proposed improvements to the storm drainage outfall, that is located on private property. The applicant will likely need a temporary construction easement to perform the work, and may require additional permanent easement from neighboring property owners for the improvements proposed. The applicant shall obtain the easements and provide copies to the City prior to approval of the design plans.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 11.

C. Watercourses. Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

Finding: Not Applicable. There are no watercourses traversing or bounding the site.

D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.

Finding: Not Applicable. There are no access easements proposed or required with this development.

E. Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

Finding: Not Applicable. There are no identified significant natural features that require resource protection pursuant to this section.

16.12.090 Minimum improvements--Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

A. Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer and to the extent that improvements are in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of Chapter 17.49 and the Public Works Erosion and Sediment Control Standards.

Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.

D. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.

E. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies with Condition. The Applicant indicated that construction plans for all required improvements will be presented to the city for review and approval prior to the commencement of any construction activities on the site. Inspection will be provided for as required by this standards and city policy. Erosion control measures will be provided and are depicted in conceptual form on the attached preliminary grading plans. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1 and 2.**

16.12.095 Same--Public facilities and services.

The following minimum improvements shall be required of all applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to

neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.

Finding: Complies as Proposed. A Traffic Assessment Letter (TAL) was prepared for this project, dated February 15, 2013, under the direction of Brent Ahrend of Group MacKenzie (Exhibit 2). John Replinger, the City's Traffic Consultant Engineer found the analysis meets the essential City requirements and does not require off-site mitigation measures to address transportation impacts (Exhibit 3). He concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation." (Exhibit 3). Highway 213 is an ODOT facility. This application, including its traffic analysis letter, was submitted to ODOT. In an email on May 20, 2013 Sandra Koike of ODOT acknowledged receiving the submittal. No further comments were received.

B. Stormwater Drainage System. *Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards.*

Finding: See section 16.08.030.B.3 of this report for a description of the storm drainage system.

C. Sanitary Sewer System. *The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.*

Finding: See section 16.08.030.B.2 of this report for a description of the sanitary sewer system.

D. Water System. *The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.*

Finding: See section 16.08.030.B.1 of this report for a description of the water system.

E. Sidewalks. *The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the land division. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a land division without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.*

Finding: Complies with Conditions. Currently there are sidewalks on the north side of Canyon Ridge Drive, the street that abuts the proposed development. There are also existing sidewalks on Highway 213 along the proposed development frontage. The Applicant has proposed to install 5- foot wide sidewalks on the south side of Canyon Ridge Drive, and 5-foot wide sidewalks on the new streets within the proposed development. These sidewalks should be constructed to City standards. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 10, 12 and 13.**

F. Bicycle Routes. *If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.*

Finding: Not Applicable. There are no identified bicycle routes.

G. Street Name Signs and Traffic Control Devices. *The applicant shall install street name signs at all street intersections. The applicant shall install traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.*

Finding: Complies with Condition. The Applicant indicated it will comply with this section. **The Applicant can meet this standard through Condition of Approval 16.**

H. Street Lights. *The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.*

Finding: Complies with Condition. As required in this criterion, the Applicant shall install street lights along the frontage of the project. A street lighting plan shall be provided as part of the design plans to be reviewed by the City. PGE owns, installs and maintains all new street lights within the City. The applicant shall coordinate directly with PGE for the design of street lights. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 12, 13, and 17.**

I. Street Trees.

Finding: Please refer to Chapter 12.08, Street Trees.

J. Bench Marks. *At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.*

Finding: Complies as Proposed. The Applicant's plans indicated compliance with this section.

K. Other. *The Applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.*

Finding: Complies as Proposed. The Applicant's application materials indicated compliance with this section.

L. Oversizing of Facilities. *All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.*

Finding: Complies as Proposed. The Applicant indicated it will comply with this section.

M. Erosion Control Plan--Mitigation. *The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.*

Finding: Complies with Condition. The Applicant provided a preliminary rough grading plan that indicates the Applicant will be able to meet the City's Public Works erosion control standards. The Applicant shall provide an Erosion Prevention and Sedimentation Control Plan suitable to the Public Works Department to meet the Public Works requirements for erosion control. The Applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or other ponding situations. The plan shall show the existing and proposed swales. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 9.**

16.12.100 Same--Road standards and requirements.

A. *The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of Chapter 12.04.*

Finding: Please refer to the findings in chapter 12.04 within this report.

16.12.105 Same--Timing requirements.

A. *Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with this section.*

B. Construction. *The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the city engineer. Under this option, the improvement must be complete and accepted by the city engineer prior to final plat approval.*

C. Financial Guarantee. *The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements in accordance with Oregon City Municipal Code Chapter 17.50. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance guarantee, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the*

city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer.

Finding: Complies as Proposed. The Applicant indicated compliance with this section and will submit the required performance guarantees or will perform the improvements required for this application. This standard is met.

16.12.110 - Minimum improvements—Financial guarantee.

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney. Approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.

B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows:

1. After Final Approved Design by the City: A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.

2. Before Complete Design Approval and Established Engineered Cost Estimate: A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.

C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

Finding: Complies as Proposed. The Applicant indicated compliance with this section and will submit the required performance guarantees or will perform the improvements required for this application. This standard is met.

CHAPTER 12.04 – STREETS, SIDEWALKS AND PUBLIC PLACES

12.04.175 - Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The 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. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.

Finding: Complies as Proposed. The location, widths, and grades of the proposed street network provide for a convenient street system, the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. The street layout does not provide for extension of the street system as it is at the urban growth boundary.

12.04.180 Street design--Minimum right-of-way.

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

A. Complying with the Street Design Standards contained in the table provided in chapter 12.04. The Street Design Standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 12.04.020 STREET DESIGN STANDARDS		
Type of Street	Maximum Right-of-way Width	Pavement Width
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood Collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet

B. The applicant may submit an alternative street design plan that varies from the Street Design Standards identified above. An alternative street design plan may be approved by the City Engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate multi-modal transportation services for the development as well as the surrounding community.

Finding: Complies with Conditions. The Applicant has proposed a street system that will meet City requirements with a few modifications. The existing street, Canyon Ridge Drive is a local street which has a 60-foot right-of-way (ROW). A 53-foot ROW is required; thus there is sufficient ROW. The proposed local street within the development is 54 feet wide, and the cul-de-sac ROW is shown as 56 foot radius. The city standards are 53 feet in width and a 56 foot radius. The ROW on Highway 213 is 80 feet, and is sufficient as it is. Highway 213 is an ODOT facility. This application, including its traffic analysis letter, was submitted to ODOT. In an email on May 20, 2013 Sandra Koike, Assistant Planner at ODOT acknowledged receiving the submittal. No further comments were received. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 10, 12 and 13.**

12.04.185 Street design--Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The City may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Not Applicable. There is no street that dead ends at the boundary of the development, and no half street dedication. The proposed development will extend an existing dead end street.

12.04.190 Street design--Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than ten feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Finding: Complies as Proposed. The proposed street centerline alignments meet the City requirements. This standard is met.

12.04.195 Street design—Minimum Street Intersection Spacing.

A. All new development and redevelopment shall meet the following public street intersection spacing standards:

	Distance in Feet between Streets of Various Classifications
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	Between n Arterial & Arterial	Between Arterial & Collector	Between Arterial & Nbhd Collector	Between n Arterial & Local Street	Between Collector Street & Collector Street	Between Collector Street & Nbhd Collector	Between Collector Street & Local Street	Between Nbhd Collector & Local Street	Between two adjacent Local Streets
Measured along an Arterial Street	1320	800	600	300	600	300	150	150	150
Measured along a Collector Street	800	800	600	300	600	300	150	150	150
Measured along a Nbhd Collector Street	800	600	300	300	300	150	150	150	150
Measured along a Local Street	600	600	300	300	300	150	150	150	150

Note: With regard to public intersection spacing standards, the same distances apply to both major arterial and minor arterial streets. In this table, the term "arterial" applies to both major arterial and minor arterial streets.

Table 12.04.040—Public Street Intersection Spacing Standards
or

B. A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard.

Finding: Complies with Conditions. The proposed street intersection on Canyon Ridge Drive is more than 150-feet from the intersection to the west, but is only approximately 65-feet from the local intersection to the east. The proposed street intersection on Canyon Ridge Drive is approximately 243-feet from the arterial intersection (Highway 213) to the east. While the intersections do not meet spacing requirements, the proposed layout appears to be the most reasonable layout to serve the property. Regardless of where the new intersection is located, the spacing standards will not be met. Staff agrees that the proposed intersection spacing will provide for a safe transportation system in this particular case. It is recommended that the proposed layout be accepted. **The Applicant can meet this standard through Conditions of Approval 1, 2, 12 and 13.**

12.04.200 Street Design--Constrained Local Streets and/or Rights-of-Way.

Any accessway with a pavement width of less than thirty-two feet shall require the approval of the City Engineer, Community Development Director and Fire Chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on-street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the City Engineer and Community Development Director.

Table 12.04.045

**STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED
STREETS**

	<i>Minimum</i>	<i>Required</i>
<i>Type of Street</i>	<i>Right-of-Way</i>	<i>Pavement Width</i>
<i>Constrained local street</i>	<i>30 to 40 feet</i>	<i>20 to less than 32 feet</i>

Finding: Complies as Proposed. There are no proposed constrained streets or right-of-ways.

12.04.205 Intersection Level of Service Standards.

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action.

Finding: Complies as Proposed. A Traffic Assessment Letter (TAL) was prepared for this project, dated February 15, 2013, under the direction of Brent Ahrend of Group MacKenzie (Exhibit 2). John Replinger, the City's Traffic Consultant Engineer found the analysis meets the essential City requirements and does not require off-site mitigation measures to address transportation impacts (Exhibit 3). He concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation." (Exhibit 3).

12.04.210 Street Design--Intersection Angles

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Finding: Complies as Proposed. All proposed street intersections in the subdivision have intersection angles of approximately 90-degrees and meet the 50-foot tangent requirement for local streets. This standard is met.

12.04.215 Street design--Off-Site Street Improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Finding: Complies with Conditions. The existing ROW of Canyon Ridge Drive is 60-feet. Canyon Ridge Drive has 28-feet of pavement with curb on both sides, and a 15-foot planter strip and 5-foot sidewalk on the north side. The south side of Canyon Ridge Drive has no sidewalk or planter strip. The standard for a local street is 53-feet of ROW, 32-feet of pavement, curb, 5 foot sidewalk and 5 foot planter strip.

Although Canyon Ridge Drive has only 28 feet of pavement, the pavement is not centered in the ROW; it is further south than the true centerline. Thus, the usual 16-feet of pavement required on the south side had already been installed. The adjacent property is fully developed, so there is very little opportunity for the street to be widened on the North side. Staff recommends that the pavement width on Canyon Ridge Drive be accepted as it exists. An unimproved 11 foot ROW is located on the south side of the pavement, which is

sufficient width for a planter strip and sidewalk. The applicant has proposed the installation of a 5-foot planter strip and 5-foot sidewalk on the applicant's side of Canyon Ridge Drive. Staff agrees with the proposed improvements on Canyon Ridge Drive.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, and 10.

12.04.220 Street Design--Half Street

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access Control as described in 12.04.200 may be required to preserve the objectives of half streets.

Finding: Not Applicable. The Applicant has not proposed to construct a half street.

12.04.225 Street Design—Cul-de-sacs and Dead-End Streets

The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as unstable soils, wetland, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs and permanent dead-end streets shall have a maximum length of three hundred fifty feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face, and include pedestrian/bicycle accessways as provided in Section 17.90.220 of this code and Chapter 12.24. This section is not intended to preclude the use of curvilinear eyebright-of-way widening of a street where needed to provide adequate lot coverage.

Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way/ easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

Finding: Complies as Proposed. The Applicant has proposed to construct a new cul-de-sac that is approximately 340-feet long. Construction of a through street is not reasonable in this location due to the location of the Urban Growth Boundary and HWY 213. The applicant has proposed a cul-de-sac instead of a new intersection with HWY 213. Staff concurs that it is preferable and safer to limit access points to the highway. It is recommended that the cul-de-sac be accepted. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 12 and 13.**

12.04.230 Street Design - Street Names

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the city and shall be subject to the approval of the city.

Finding: Complies with Condition. The Applicant has proposed the name Kinslie Court, which does not meet this standard. Prior to final plat, the applicant shall coordinate with the City to select an appropriate name for the new street. **The Applicant can meet this standard through Condition of Approval 16.**

12.04.235 Street Design - Grades and Curves

Grades and center line radii shall conform to the standards in the city's street design standards and specifications. (Prior code §9-4-1)

Finding: Complies as Proposed. The Applicant indicated that the proposed street will be designed to conform to City standards. The Applicant has satisfied this standard as proposed.

12.04.240 Street Design—Development Abutting Arterial or Collector Street

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Complies as Proposed. The proposed development abuts an arterial street (Highway 213). There is an existing planter strip with trees and sidewalk on Highway 213. The applicant has not proposed access from HWY 213 or a wall along the frontage. Staff recommends against requiring screen planting or a wall. The applicant's plans show additional trees along the Highway 213 frontage, which is acceptable to the City but is not required.

12.04.245 Street Design--Pedestrian and Bicycle Safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic. All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the City Engineer.

Finding: Complies as Proposed. The Applicant has not proposed additional protective measures at the intersection of Canyon Ridge Drive and the cul-de-sac. However, as the cul-de-sac is a dead end street local traffic is not expected to impact with pedestrian and bicycle safety.

12.04.255 Street Design--Alleys

Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet. (Prior code §9-4-3)

Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker.

Finding: Not Applicable. No alleys are proposed or required.

12.04.260 Street Design--Transit

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The Applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this Code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: Not Applicable. The subject site does not abut a transit street.

12.04.265 Street Design–Planter Strips

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable.

Finding: Complies with Conditions. The Applicant proposed to construct a 5-foot planter strip along Canyon Ridge Drive and the new local street.

The Applicant can meet this standard through Conditions of Approval 10, 12 and 13.

12.04.270 Standard Construction Specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Complies as Proposed. The Applicant indicated compliance with this section. All rights-of-way will be within the City's jurisdiction.

CHAPTER 12.08 - PUBLIC AND STREET TREES

12.08.015 Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

B. The following clearance distances shall be maintained when planting trees:

- 1. Fifteen feet from streetlights;*
- 2. Five feet from fire hydrants;*
- 3. Twenty feet from intersections;*
- 4. A minimum of five feet (at mature height) below power lines.*

C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Finding: Complies with Condition. The property fronts HWY 213, Canyon Ridge Drive, and the new cul-de-sac. There are already street trees on HWY 213; no additional street trees are required. The Applicant proposed to construct a 5-foot planter strip including curb width along Canyon Ridge Drive and the new cul-de-sac frontage. The Applicant submitted a tree mitigation and connectivity plan that includes 24 total street trees spaced evenly throughout the frontage of the site. The total street frontage in the plans is 923 feet, requiring 26 total trees ($923/35 = 26.37$). The plan did not identify the location of street lights, fire hydrants, or power lines or the size of the proposed street trees. Prior to final plat the Applicant shall submit a final Street Tree Plan for the frontage of the property that includes the number, location, size, and species of the trees. **The Applicant can meet this standard through Conditions of Approval 14.**

12.08.020 *Street tree species selection.*

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Finding: Complies with Condition. The Applicant indicated that the street trees would be planted in accordance with Chapter 12.08 but did not indicate the species. Prior to final plat the Applicant shall submit a final Street Tree Plan for the frontage of the properties that includes the number, location, size, and species of the trees. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 14.**

12.08.035 - *Public tree removal.*

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

Finding: Not Applicable. There are no existing street trees proposed to be removed with this development.

Chapter 17.41 TREE PROTECTION STANDARDS

17.41.010-040 *Tree Protection.*

New development shall be designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements shall provide for the protection of tree resources to the maximum extent practicable. This applies to all subdivision, partition and site plan and design review applications.

Finding: Applicable. The Applicant has proposed a subdivision. Compliance with this section is required.

17.41.050 *Same--Compliance options.*

Applicants for review shall comply with these requirements through one of the following procedures:

A. Option 1 - Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070; or

B. Option 2 -- Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Section 17.41.080, or

C. Option 3 -- Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Section 17.41.090.

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased, dying or hazardous, pursuant to the following applicable provisions.

The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

1. Preclude achieving eighty percent of minimum density with reduction of lot size; or

2. Preclude meeting minimum connectivity requirements for subdivisions.

Farm or forest resources. An applicant for development may claim that the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning set out in ORS 30.930. "Farming practice" as used in this subsection shall have the meaning set out in ORS 30.930. "Farm use" as used in this subsection shall have the meaning set out in ORS 215.203. In this case, the applicant may propose an alternative mitigation plan to be approved by the community development director.

Finding: Complies as Proposed. The subject site contains a total of 34 trees that are subject to the provisions of this section. Half of these trees are proposed to remain while the other half, 17 trees, are proposed to be removed. The applicant proposed mitigation per Option 1.

17.41.060 Tree removal and replanting--Mitigation (Option 1).

Regulated trees that are removed outside of the construction area, if removed shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1

Tree Replacement Requirements

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	5	2
19 to 24"	8	3
25 to 30"	10	4
31 and over"	15	5

Finding: Complies with Condition. The subject site contains a total of 34 trees that are subject to the provisions of this section. Half of these trees are proposed to remain while the other half, 17 trees, are proposed to be removed.

DBH"	Species	In / Out Construction Area	# Mitigation Trees Required
20	Ash	In	3
20	Ash	Out	8
21	Maple	In	3

13	Maple	In	2
15	Maple	In	2
39	Ash	In	5
16	Maple	Out	5
14	Maple	In	2
33	Ash	In	5
14	Maple	In	2
13	Maple	In	2
49	Ash	In	5
14	Fir	In	2
18	Fir	In	2
28	Fir	In	4
16	Maple	In	2
13	Maple	In	2
		Total	56

The applicant proposed only 47 trees for planting on site under Option 1; while 56 are required. Prior to final plat, the Applicant shall submit a revised tree mitigation plan in accordance with OCMC 17.41.

Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 15.

17.41.070 Planting area priority for mitigation (Option 1).

Development applications which opt for removal or trees with subsequent replanting pursuant to Section 17.41.050A. and shall be required to mitigate for tree cutting by complying with the following priority for replanting standards C.1.--4. below:

First Priority. Replanting on the development site. First priority for replacement tree locations shall be planting on-site.

Finding: Complies with Condition. The applicant indicated 47 trees to be planted on site to meet mitigation requirements. Prior to final plat, the Applicant shall submit a revised tree mitigation plan for all 56 trees in accordance with OCMC 17.41. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 15.**

17.41.075 -125 Tree Mitigation Options

These code sections provide a variety of compliance options for land use applications, including preservation and mitigation of trees, the use of flexible lots sizes and setbacks, on-site density transfer, preservation tracts, and fee-in-lieu of planting.

Finding: Not Applicable. The Applicant did not seek compliance based on these options.

17.41.130. Regulated Tree Protection Procedures During Construction.

No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to OCMC 17.41.130(B). No trees designated for removal shall be removed without prior written approval from the Community Development Director.

Finding: Complies as Proposed. The Applicant indicated that the required procedures and arborist recommendations will be followed throughout the period of construction activities on the site. Changes in soils hydrology and site drainage within tree protection areas will be avoided.

Stormwater Conveyance, Quantity and Quality in Chapter 13.12

13.12.050 Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.

A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:

1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.

Finding: Complies with Condition. The applicant has proposed to install a storm water collection system within the street ROW, which shall connect to an existing City owned storm water collection system. The City owned system discharges to a County storm water collection system. The applicant performed a capacity evaluation of the existing system and found that there is sufficient capacity in both the City and County collection system to convey the run-off from the proposed development. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 6, 7 and 8.**

13.12.050.B. Stormwater Quantity Control. The stormwater quantity control requirements of this chapter shall apply to the following proposed activities, uses or developments:

1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven-year period;

Finding: Not applicable. The development is not in a Natural Resource Overlay District.

2. Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period; or

Finding: Complies with Condition. The proposed development will create more than 2,000 square feet of new impervious area, so storm water quantity control is required. See section 16.08.030 B3 of this report for a description of the storm drainage system and quantity control.

3. Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious surface. This five thousand square foot measurement cumulates over any given seven year period;

Finding: Not Applicable. The proposed work is not redevelopment.

4. An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:

- a. The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,
- b. The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42

Finding: Not Applicable. Exemption not required.

13.12.050.C. Stormwater Quality Control. *The stormwater quality control requirements of this chapter shall apply to the following proposed activities, uses or developments:*

1. *Category A. Activities subject to general water quality requirements of this chapter:*
 - a. *The construction of four or more single-family residences;*
 - b. *Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven year period; or*
 - c. *Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;*
 - d. *An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.*

Finding: The applicant has proposed to construct more than four homes, so storm water quality control is required. See section 16.08.030.B.3 of this report for a description of the storm drainage system and quality control.

2. *Category B. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices as contained in the Public Works Stormwater and Grading Design Standards:*

- a. *Fuel dispensing facilities;*
- b. *Bulk petroleum storage in multiple stationary tanks;*
- c. *Solid waste storage areas for commercial, industrial or multi-family uses;*
- d. *Loading and unloading docks for commercial or industrial uses; or*
- e. *Covered vehicle parking for commercial or industrial uses.*

Finding: Not Applicable. The proposed work does not include these elements.

3. *Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).*

Finding: Not Applicable. No new waste discharges or increased stormwater flow will flow into the Clackamas River with this development.

IV. CONCLUSION AND DECISION:

In conclusion, the proposed zone change and 10-lot subdivision located at 14270 Canyon Ridge Drive and identified as Clackamas County Map 3-2E-16BB, Tax Lot 300, can meet the approval standards outlined in this Staff Report, subject to the Applicant's proposal and attached Conditions of Approval contained in this report. Therefore, the Community Development Director recommends approval of the application with Conditions.

V. EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity Map
2. Applicant's Submittal
3. Comments from John Replinger of Replinger and Associates
4. Public Comments received to date
5. Engineering Policy EP 00-01

PROPOSED CONDITIONS OF APPROVAL
TP 13-02 and ZC 13-01

1. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. This includes attending a pre-design meeting with the City. *(DS)*
2. Prior to final plat approval, the Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water and/or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. *(DS)*
3. All new water services shall be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter. *(DS)*
4. Prior to final plat, the Applicant shall submit the proposed development plans to Clackamas County Fire District No. 1 for review and install any required fire hydrants. *(F)*
5. All new sanitary sewer laterals shall be constructed with individual laterals connecting to the sanitary sewer main. *(DS)*
6. Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage in a manner suitable to the Public Works Department. *(DS)*
7. The storm system improvements shall include on-site infiltrators for each lot, a standard collection system in the street right-of-way, erosion control and repair improvements at the outfall including rip-rap, and construction of a flow dispersal basin at the outfall. *(DS)*
8. A final storm water report shall be completed as part of the design, and it shall include an evaluation of the estimated impact to the steep slopes of any additional storm water flow. The evaluation of the impact to the steep slopes shall be conducted by a geotechnical engineer. *(DS)*
9. Prior to final plat approval, the Applicant shall provide an Erosion Prevention and Sedimentation Control Plan suitable to the Public Works Department to meet the Public Works requirements for erosion control. The Applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or other ponding situations. The plan shall show the existing and proposed swales. *(DS)*
10. The applicant shall construct a 5-foot planter strip and 5-foot sidewalk behind the curb on the south side of Canyon Ridge Drive along the frontage of the development. *(P)*
11. Ten-foot public utility easements along all street frontages and all easements required for the final engineering plans shall be dedicated to the public on the final plat. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this

project, such as for work on the storm outfall, shall be obtained and submitted to the City prior to approval of the construction plans. *(DS)*

12. The Applicant shall construct improvements on the proposed new street that includes dedication of 53-feet of right-of-way, and improvements that include, but are not to limited to, base rock, paved street width of 32 feet, curb and gutter, 5-foot landscape strip including curb width, 5-foot concrete sidewalk (curb, landscape strip and sidewalk on both sides of the street), curb return radii, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. *(DS)*
13. The Applicant shall construct the cul-de-sac with a 56-foot radius right-of-way, and improvements that includes, but are not to limited to, base rock, paved street radius of 45 feet, curb and gutter, 5-foot landscape strip including curb width, 5-foot concrete sidewalk (curb, landscape strip and sidewalk on both sides of the street), curb return radii, centerline monuments in boxes, traffic control devices, street trees, and street lights. *(DS)*
14. Prior to final plat the Applicant shall submit a final Street Tree Plan for the frontage of the properties that includes the number, location, size, and species of the trees. The Applicant shall plant twenty-six street trees. *(P)*
15. Prior to final plat approval the Applicant shall submit a tree mitigation plan in accordance with OCMC 17.41 and plant 56 mitigation trees, in addition to the 26 required street trees.. *(P)*
16. Prior to final plat, the applicant shall coordinate with the City to select an appropriate name for the new street. *(P)*
17. Prior to final of building permits, the applicant must submit street lighting plan and documentation from a lighting professional that confirms that the lighting meets the City's requirements under OCMC 16.12.090. *(DS)*

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(F) = Verify that condition of approval has been met with the Clackamas County Fire Department.