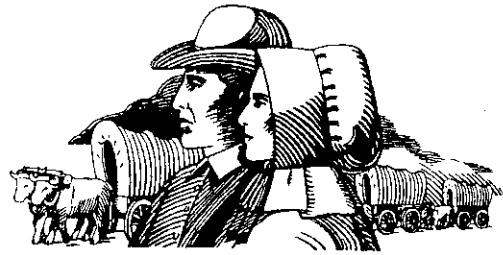


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 657-7892



AGENDA

City Commission Chambers - City Hall

October 25th, 2004 at 7:00 P.M.

The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.oregocity.org) under PLANNING.

PLANNING COMMISSION DELIBERATION

1. **CALL TO ORDER**

2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

3. **APPROVAL OF MINUTES:** *August 9, 2004, August 30, 2004 and September 13, 2004*

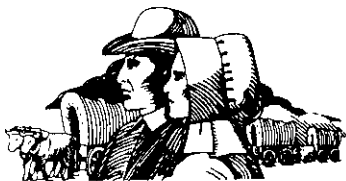
4. **DELIBERATION:**

PD 04-02 (Quasi-Judicial Hearing), Applicant: Paul Reeder, Requesting approval of a 67-unit Planned Unit Development. The sites are identified as Clackamas County Map 3S-1E-12A, Tax Lot 1700 (9.39-acres zoned R-10 Single-Family) and Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The sites are located at 19093 South End Road and 18879 Rose Road.

WR 04-12 (Quasi-Judicial Hearing), Applicant: Paul Reeder, Requesting a Water Resource determination and mitigation plan approval in association with a Planned Unit Development application (PD 04-02). The sites are identified as Clackamas County Map 3S-1E-12A, Tax Lot 1700 (9.39-acres zoned R-10 Single-Family) and Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The sites are located at 19093 South End Road and 18879 Rose Road.

5. **ADJOURN PUBLIC MEETING**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.



CITY OF OREGON CITY

INCORPORATED 1844

Community Development Department
Planning Division

P.O. Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045
Phone: (503) 657-0891 Fax: (503) 722-3880

TO: Oregon City Planning Commission
FROM: Tony Konkol, Senior Planner
DATE: October 20, 2004
RE: PD 04-02 & WR 04-12: Village at South Rose

Dear Commissioner's

At the September 27th Planning Commission Hearing the record was left open for 7 days of new written evidence, 7 days to rebut the new evidence and then 7 days for the applicant to provide final written testimony. There was new evidence submitted and the applicant provided the final written testimony. There was no rebuttal of the new evidence submitted into the record. I have enclosed the following information for your review and consideration at the Public Hearing concerning this application that is scheduled for 7pm on October 25th at City Hall:

- 1) Exhibits A – F entered at the September 27, 2004 Planning Commission Hearing; Due to the size of the poster boards entered as exhibits C, D and E by the applicant, they have not been included in this mailing and are available for review at City Hall.
- 2) New information entered between September 28th and October 4th, identified as exhibits:
 - G) Letter and supporting documents from Gene Grant dated October 4th, 2004;
 - H) Letter from Mr. and Mrs. Schmeltzer dated October 4th, 2004;
 - I) Letter from Mr. Maness dated October 4th, 2004;
 - J) Letter from Mr. Dinges dated October 4th, 2004;
 - K) Letter from Mr. Kosel dated October 3rd, 2004;
 - L) Letter from Mr. Norr dated October 3rd, 2004;
 - M) Letter from Mr. and Mrs. Rough dated October 3rd, 2004; and
 - N) Letter from Mr. and Mrs. Tondreau dated October 1st, 2004.
- 3) O) Final testimony from the applicant dated October 18th, 2004
- 4) P) Staff Memorandum addressing the minimum density requirement calculation in a Planned Unit Development and the issue of substantially similar.

CITY OF OREGON CITY

PLANNING COMMISSION LIST OF EXHIBITS

HEARING DATE:

9-27-04

CASE FILE #:

PD 04-02; WR 04-12

EXHIBIT ID LABEL (alphabetic)	TYPE OF EXHIBIT	SUBMITTED BY:
A	Letter (1 page) 9-26-04	Woodward
B	Letter (1 page) 8-13-04	Manross/Hawk
C	Poster Board - color - site layout	Applicant
D	Poster Board - color - jungle gym	Applicant
E	Jungle Gym handout - color - 4 pages	Applicant
F	Letter - 16 pages - 9/25/04	Galligan
G		
H		
I		
J		
K		
L		

Finnegan's Terrace Property Owners Association

P.O. Box 839
Oregon City, Oregon 97045

September 26, 2004

City of Oregon City Planning Division
320 Warner Milne Road
Oregon City, Oregon 97045

Attention: Mr. Tony Konkol

Subject: Files ZC 04-03, PD 04-02, WR-12

The Association continues to oppose Village at South Rose files.

It's concerns include changes to natural drainage patterns, additional traffic to the South End corridor, and a development that is out of character with the entire South End area.

Respectfully submitted,



Russ Woodward
President

OC PLANNING COMMISSION
HEARING DATE: 9-27-04
CASE FILE: PD 04-02, WR 04-12
EXHIBIT: A

RECEIVED
CITY OF OREGON CITY

Tony Konkol
Associate Planner
City of Oregon City

RE: Application for Land Division and PUD, Village at South Rose
ZC 04-03, PD 04-02, WR 04-12

I am writing regarding the above referenced application for Rose Road. There are several issues that still bother me about the above-mentioned application for Rose Road. The major issues are.

1. The density has not been "significantly" changed to solve the issues addressed in previous meetings with the Oregon City Commissions. For a dead end street, there are simply too many dwellings without sufficient access and egress for the residents much less for school and emergency vehicles. As an example, there are two smaller developments close by with more access and egress than this development. The Lienert Farms subdivision across South End Road has multiple paths in and out. The new subdivision off the Lawton/S. End Road intersection has four paths of egress. Both subdivisions are smaller than the above referenced subdivision. The above referenced application simply does not address this issue sufficiently.

2. Along those same lines, parking will be a serious problem. There is barely enough room for two vehicles per dwelling. No space has been set aside for RV's, boats, pickups, or any other vehicles the common home has in this day n' age. The insufficient streets in this subdivision will become clogged with vehicles so much no emergency vehicles or school busses will be able to maneuver.

2. The water drainage problems have not been sufficiently dealt with. In the North West Corner along Lafayette Ave. the application drawings show installing a drainage system only "in kind" with what already exists. What exists does not function well with the existing number of dwellings in the area, and with the addition of the high density dwellings of this application the water will become more of a problem than it already is. As everyone knows, the water table in this area is very close to the surface, and perks along on top of a clay base. The installation of a subdivision such as this will act as a dam on the South side of Lafayette Ave. and cause flooding all along those properties on the upstream side, plus will probably starve the properties on the down stream side. Again the above referenced application has not made significant changes sufficient to deal with the issues at hand.

Thank you for your consideration,

Steve Maness & Jane Hawk
18825 Lafayette Ave.
Oregon City, OR 97045

OC PLANNING COMMISSION
HEARING DATE: 9-27-04
CASE FILE: PD 04-02; WR 04-12
EXHIBIT: 13

September 25, 2004

Oregon City Planning Commission
Hearing regarding PD 04-02 and WR 04-12

My name is Kathleen Galligan and I reside at 18996 S Rose Road. I am here tonight representing the neighbors of Rose Road and many of those who live on Lafayette.

We would like to go on record as opposing the approval of the above referenced applications. Our first objection to both of these applications is that they are, in fact substantially similar to the previous applications, PD 03-01 and WR 03-01 which were denied by both this body and the City Commission in October of 2003.

First off, the staff and the applicant have worked very hard to provide a definition of substantial for this application. As you will note, they are using a portion of the code that applies to an already approved PUD application and a material deviation of same. This portion of the code references changes, generally considered as having a potential negative impact, as being material, if they are greater than 10%. This 10% number is then used to compare this application to the previous denied application. While we can appreciate the convenience of trying to find a number that defines substantial, your code itself does not use a number, I am sure for very good reason. Since the code does not define substantially similar, it is up to this body to determine what is substantially the same or different.

While it is true that the number of lots has been reduced by 9 and some cosmetic changes have been made (and were appreciated by the neighbors as they did come out of our discussions with the applicant) the overall plan is virtually the same. For all practical purposes, the houses, utility systems and roads are in the same place. The exterior appearance of the PUD is virtually the same, creating the same problem with a transition from urban to rural that this body and the City Commission found troublesome before. (Show composites) The set backs on this application are identical to those used previously, which the Planning Commission and the City Commission believed could lead the development to have an adverse impact on the adjacent properties.

OC PLANNING COMMISSION
HEARING DATE: 9-27-04
CASE FILE: PD 04-02, WR 04-12
EXHIBIT: F

Traffic is reduced on Rose Road with this application by 11% compared to the previous application. The impact of this traffic on the neighborhood because of its location on a dead end road is of concern to us and is mentioned as a significant concern by several commission members in their previous deliberations. We would argue that an 11% decrease when compared to a 6-700% increase in traffic does not define a substantial change. Reading the traffic report supplied, the executive summaries are nearly identical, but for the small change in Rose Road traffic. Included in the testimony is a statement from the public works department indicating that no impact study was done regarding South End and 2nd Street and 2nd Street and Highway 99E. I am unsure if those have been done. (2)

The PUD application has 44 conditions of approval, 34 of which are identical to the previous application. Of the 10 that are different, only two of those are directly related to a change in the application. One actually references lots 71-76, which only existed on the previous application. Of the 15 conditions that disappeared from the previous PUD application, ten disappeared simply because the applicant met the condition. Only two disappeared due to design changes. Simply meeting the previously denied conditions of approval does not make the application meet the necessary criteria regarding substantial change.

The Water Resource application, which is necessary for the PUD application, but is an entirely separate application as noted by the separate application form, fee and staff report, must also meet the criteria of not being substantially similar. WR 04-12, is more than substantially similar to WR 03-01. It is virtually identical. WR 04-12 says that there have been no significant changes from the last report. The staff report points out that the information relied upon in WR 04-12 is the same information as that used in WR 03-01. As I attempted to compare the two reports, I had to repeatedly go to the front of the folder to see what the date of the report was, as I could not tell the difference. The new staff report notes only two conditions of approval while the old one had thirteen. The only reason for the difference is that the second application met the conditions of the first. This body and the City Commission did not find the original report, with conditions of approval to be acceptable. Merely meeting the old conditions of approval does not make this new application substantially different. Since the application is virtually identical, it must be denied per section 17.50.220 of the code. (3)

Even if this body does not feel that the PUD applications are substantially similar, the accompanying water resource report is substantially similar. It should be denied on those grounds. This leaves the PUD application lacking a water resource report; therefore, it is incomplete and defective and must be denied.

Should this body disagree with us on the issue of substantially similar, we ask that you deny this PUD application as presented. We still have concerns that a development of this density creates an immense amount of impermeable surface area (estimated at 250000 Sq feet) over a relatively small total area that has a high water table. The Planning Commission and the City Commission had the same concerns when faced with essentially the same development. While the new application has moved the play areas to near the detention ponds, thus increasing the size of the ponds for a 50-100 year event (an excellent idea, we feel), the management of the "every day storm water" remains unchanged, creating the same potential problems. I have attached some of the testimony from the previous application that outlines the water concerns because they haven't changed and I will not take your time here to review them. (4)

We continue to be concerned about the traffic impact a development of this density will have on a neighborhood with only one access point. The connectivity plan is, I realize, the only feasible one, yet relies on significant changes that most likely will not take place for some time in the future.

Last, but not least, we are concerned about the compatibility of this PUD with the surrounding area. As noted before, one goal of the Comprehensive Plan is to "maintain and enhance the natural and developed character of Oregon City and its urban growth area". This site is very unique in shape and in its position on a dead end road. It is also unique in its location, an area of larger lots sizes and open acreage close to the urban growth boundary. The density of this proposal creates an abrupt change from the character of the surrounding neighborhoods. With the total number of units proposed, despite several ramifications created from our suggestions and reviewed by the neighbors, the basic problem of an abrupt shift in character could not be addressed. This abrupt change in density was a concern of this body previously as comments were made regarding the high density not being in keeping with the idea of transitional housing at the edge of the rural definition and the fact that the dense development did not fit in with South End Road. The City Commission agreed with the Planning Commission on this issue. Mind you, we understand that lot size does not define character or compatibility and neither does the presence or absence of a mix of single and multi-family homes. We are of the opinion that those types of changes could in fact exist in this neighborhood under the right circumstances. (5)

We have had several discussions with the applicant and the difficulty has generally been the density as it drives all other concerns. We believe that the starting point for density discussion is the allowed 40 homes that could be put in as a subdivision. The applicant is interested in a higher density. At this time, the applicant has proposed 67 lots, but did express interest in a lower number of lots as evidenced by the attempt to submit an application for 63 lots. The mere change of 4 less lots actually began to address our issue of compatibility as it allowed for larger lots along the Lafayette side of the project for a more gradual change in density. Moving the attached homes to the area around the open

spaces and into the middle of the development also helped. The reduction of a few more lots would allow for somewhat larger lots on the Rose Road side, allowing for transition back to land that is to be zoned R-10 in the future. A lower density also means less storm water to manage and less traffic.

We were told that there was no flexibility regarding the density requirements of a PUD. This put a stop to further negotiations leading us to the decision that we needed to oppose the current application.

In further reviewing the code, we noted the following:

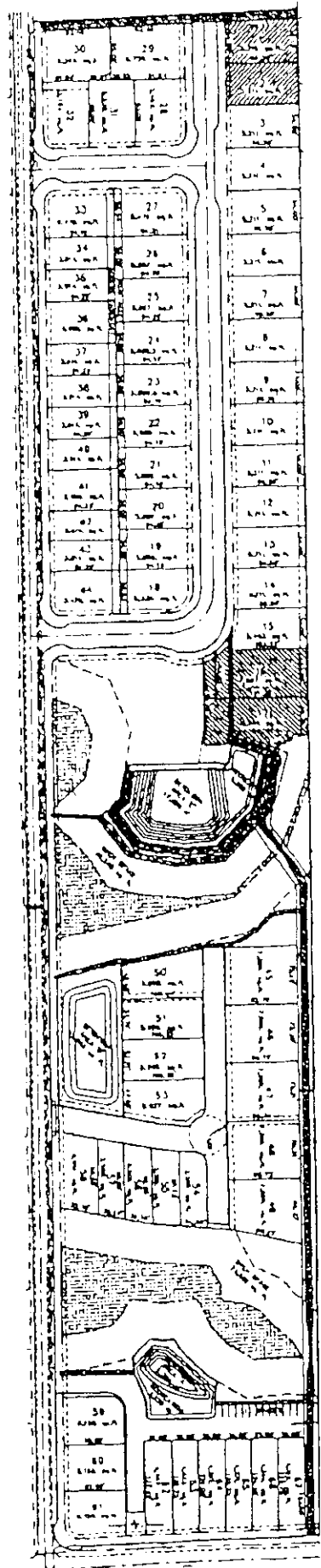
Code Section 17.49.060 (B) says that the Water Quality Resource Area Code applies "in addition to the requirements of the city land division and zoning ordinance..."

Code Section 17.49.070 (D) provides that "The area of land contained in a water quality resource area **may** be excluded from the calculations for determining compliance with minimum density requirements of the zoning code."

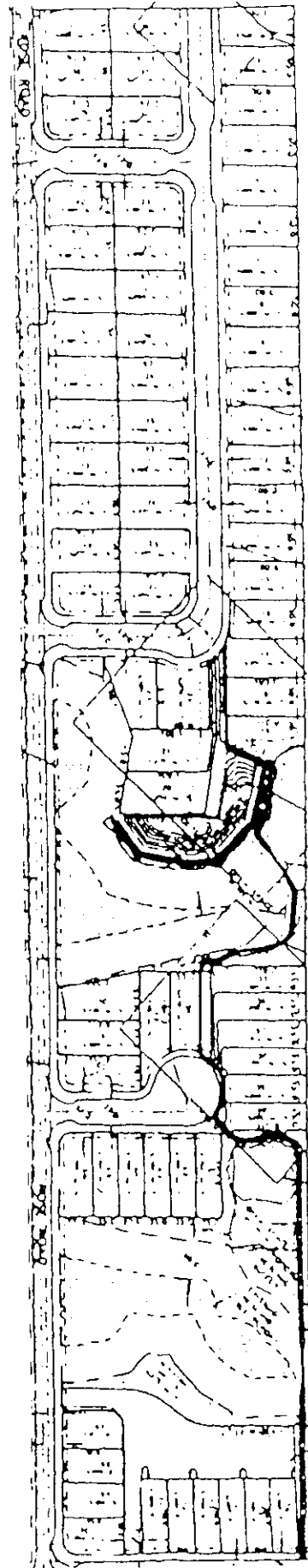
The PUD regulations are part of the zoning code; therefore the Planning Commission **may** reduce the PUD minimum density requirements by excluding the water quality resource area from the density calculations.

We are unsure of the exact placement on the two lots of the water resource area and can only estimate its size, but rough calculations tell us that this could allow for a minimum density of 51 units or so. (Calculations attached) The real point is it appears that the flexibility does exist and if the applicant showed interest in reducing the density a little more and we think our concerns can be met with that lower number, the possibility exists for a win-win-win situation for all involved. We get growth in our area that seems compatible and has a lower negative impact, the developer gets several more units than allowed by a subdivision and the city gets a mix of lot sizes and attached and detached housing, helping to increase density as required by Metro. (C)

Thank you for this opportunity to express our concerns. We request that the record be held open for at least seven days, but if you check back with me later in the hearing, we may decide that it isn't necessary.



PD 04-02



PD 03-01

①

TRANSMITTAL

July 27, 2004

HOUSE DISTRIBUTION
BUILDING OFFICIAL
ENGINEERING MANAGER
FIRE CHIEF
PUBLIC WORKS OPERATIONS
CITY ENGINEER PUBLIC WORKS DIRECTOR
TECHNICAL SERVICES (GIS)
PARKS MANAGER
ADDRESSING
POLICE Application, S & P
OFFICE ENGINEER
John Replinger @ DEA

MAIL-OUT DISTRIBUTION
 CLCC
 NEIGHBORHOOD ASSOCIATION ON A TCHUR
 N A LAND USE CHAIR
 CLACKAMAS COUNTY - Joe Meick
 CLACKAMAS COUNTY - Bill Spears
 ODOT - Sonya Kazen
 ODOT - Gail Hunt
 SCHOOL DIST 62 Application, S & P
 TRJ-MET Application, S & P
 METRO - Brenda Bernards
 OREGON CITY POSTMASTER
 DLCD

FOR COMMENTS TO: Tony Konkol, Senior Planner
COMMENTS DUE BY: August 10, 2004
MEETING DATE: August 23rd, 2004 - Planning Commission
September 15th, 2004 - City Commission
MEETING BODY: Staff Review, TYPE IV - XX PC, CC

PROJECT TYPE: ZC 04-03, PD 04-02, & WR 04-12
PREPARED BY: Tony Konkol, Senior Planner
CONTACT: Paul Reeder

- The applicant is requesting approval of
- 1) Zone Change (ZC 04-03) from R6 MH to R-8
 - 2) Planned Unit Development with 67 dwelling units (PD 04-02), and
 - 3) Water Resource Determination (WR 04-12)

LOCATION: The sites are identified as Clackamas County Map 3S-1E-12A Tax Lot 1700 (9.39 acres and zoned R-10 Single-Family Dwelling District) and 3S-1E-10D Tax Lot 300 (6.7 acres and zoned R-6/MH Single-Family Dwelling District). The sites are located at 19093 South End Road and 18879 Rose Road

KATHLEEN -
NOTE
FROM NETP/W
PUBLIC WORKS
8/21

Additional material is referred to you for your information, study and official comments. If extra copies are required, contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

The proposal does not conflict with our interests The proposal conflicts with our interests for the reasons stated below
The proposal would not conflict our interests if the changes noted below are included The following items are missing and are needed for review

traffic impact study lacks analysis of South End & S. 2nd St
as HWY 99E and S. 2nd
Signed: John M. [Signature] 8/12/04
Title: Operations Manager

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
 P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892
 www.ci.oregon-city.or.us

LAND USE APPLICATION FORM

REQUEST:

- | | | |
|--|--|---|
| Type II
<input type="checkbox"/> Partition
<input type="checkbox"/> Site Plan/Design Review
<input type="checkbox"/> Subdivision
<input type="checkbox"/> Extension
<input type="checkbox"/> Modification | Type III
<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Variance
<input type="checkbox"/> Planned Development
<input type="checkbox"/> Modification | Type III / IV
<input type="checkbox"/> Plan Amendment
<input type="checkbox"/> Zone Change
Other
<input type="checkbox"/> Annexation* |
|--|--|---|

OVERLAY ZONES: Water Resources Unstable Slopes/Hillside Constraint

Please *print or type* the following information to summarize your application request:

APPLICATION # WR 04-12 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Paul Reeder

PROPERTY OWNER (if different): _____

PHYSICAL ADDRESS OF PROPERTY: 19043 South End Road 18879 Rose Road

DESCRIPTION: TOWNSHIP: 3S RANGE: 1E SECTION: 1CD TAX LOT(S): 300
1700

PRESENT USE OF PROPERTY: Abandoned single family home, vacant

PROPOSED LAND USE OR ACTIVITY:
67 unit Planned Unit Development

DISTANCE AND DIRECTION TO INTERSECTION:

At Rose Road and South End Road

CLOSEST INTERSECTION: (See above)

PRESENT ZONING: R-10 and R-6MH

TOTAL AREA OF PROPERTY: 16.02 acres

Land Divisions

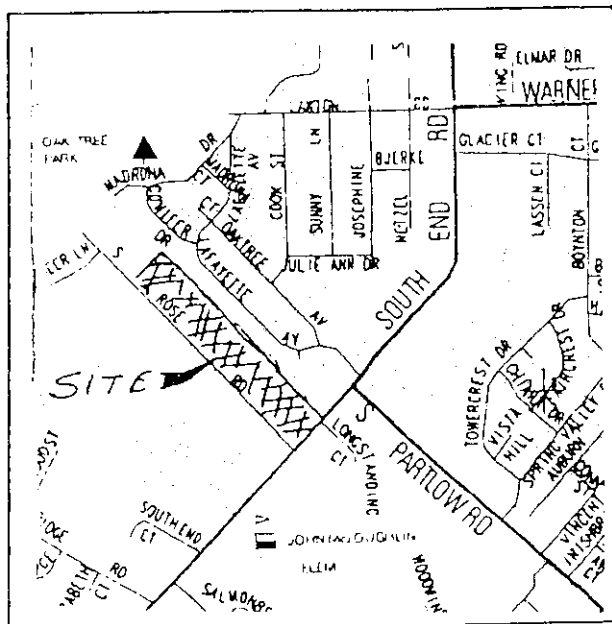
PROJECT NAME: Village at South Rose

NUMBER OF LOTS PROPOSED: 67

MINIMUM LOT SIZE PROPOSED: 3690 sf

MINIMUM LOT DEPTH PROPOSED: 82 feet

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO PURCHASER



*Please See Separate Annexation Submittal Checklist

3

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892
www.ci.oregon-city.or.us

LAND USE APPLICATION FORM

REQUEST:

- | | | |
|--|---|---|
| <input type="checkbox"/> Type II | <input type="checkbox"/> Type III | <input type="checkbox"/> Type III / IV |
| <input type="checkbox"/> Partition | <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Site Plan/Design Review | <input type="checkbox"/> Variance | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Subdivision | <input checked="" type="checkbox"/> Planned Development | Other |
| <input type="checkbox"/> Extension | <input type="checkbox"/> Modification | <input type="checkbox"/> Annexation* |
| <input type="checkbox"/> Modification | | |

OVERLAY ZONES: Water Resources Unstable Slopes/Hillside Constraint

Please *print or type* the following information to summarize your application request:

APPLICATION # PD 04-02 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Paul Reeder

PROPERTY OWNER (if different): _____

PHYSICAL ADDRESS OF PROPERTY: _____

DESCRIPTION: TOWNSHIP: 3S RANGE: 1E SECTION: 1CD TAX LOT(S): 300
12A 1700

PRESENT USE OF PROPERTY: Abandoned single family home, vacant.

PROPOSED LAND USE OR ACTIVITY:

67 unit Planned Unit Development.

DISTANCE AND DIRECTION TO INTERSECTION:

At Rose Road and South End Road

CLOSEST INTERSECTION: (See above)

PRESENT ZONING: R-10 and R-6MH

TOTAL AREA OF PROPERTY: 16.02 acres

Land Divisions

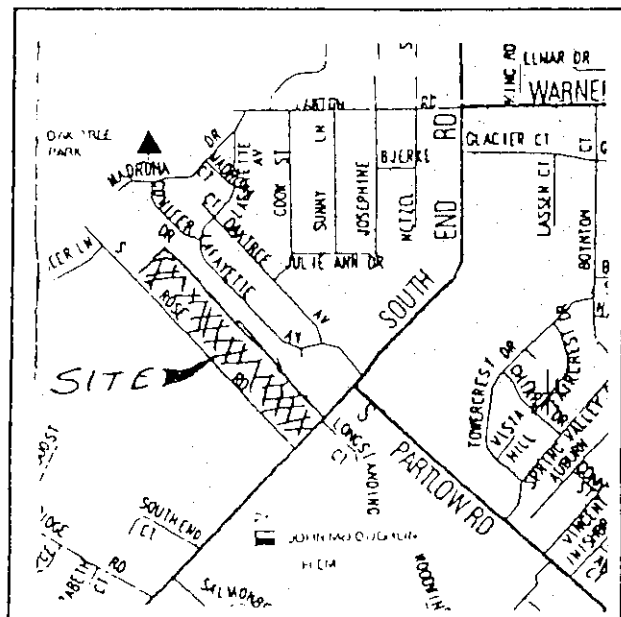
PROJECT NAME: Village at South Rose

NUMBER OF LOTS PROPOSED: 67

MINIMUM LOT SIZE PROPOSED: 3690 sf

MINIMUM LOT DEPTH PROPOSED: 82 feet

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS
NOTICE, IT MUST BE PROMPTLY FORWARDED TO
PURCHASER



*Please See Separate Annexation Submittal Checklist



CITY OF OREGON CITY
COMMUNITY DEVELOPMENT DEPARTMENT
2004 FEE SCHEDULE
(EFFECTIVE JANUARY 21, 2004)

Fees are subject to change by Resolution of the City Commission. The applicant is responsible for paying the application fee in effect at the time the formal application is submitted

APPLICATION TYPE	FILING FEE
Appeal - Administrative (includes SDC)	\$250
Appeal - PC Decision	\$2,530 Plus actual city attorney fees
Annexation	\$3,150
Annexation Metro Mapping / Acre	<1 = \$150, 1-5 = \$250, 5-40 = \$300, >40 = \$400
Amendment to Comp Plan	\$3,200
Code Interpretation/Similar Use	\$760
Conditional Use	\$2,750
Conservation Easement Vacation	\$450
Expedited Land Division	\$3,000 plus \$300 per lot
Extension (Land Use Permit)	\$490
Grading Permit	\$201 plus 2.5% of grading cost for plan review
Geo-Technical Review	\$432
Historic Review	
- Remodel	\$50
- New Construction	\$50 plus 2.5% of construction cost (max \$1,000)
- Demolition	\$200 for under 1000SF \$500 for over 1000SF
Home Occupation Review	\$75
Map of Record	\$695
Plot Li. Adjustment	\$840
Modifications	50% of current application fee for application being modified
Partition	\$2,870
Planned Development	\$5,000 plus \$200 per unit
Pre-Application Conference	\$400 Minor \$775 Major
Power and Right-of-Way Permits	\$115 each
Recreation Vacation	\$766
Sign Permit	\$145 plus 0.05 X sign construction cost
Sign Variance	\$920
Site Plan & Design Review - Minor	\$600
Site Plan & Design Review	
- Less than \$500,000	\$1,500 plus 0.007 X project cost
- \$500,000 to \$3,000,000	\$2,500 plus 0.005 X project cost
- Over \$3,000,000	\$8,500 plus 0.003 X project cost Max is \$40,000
Subdivision	\$3,000 plus \$250 per lot
Technical Plan Check & Inspection	0.05 X Construction Cost
Traffic Impact Study Review	See Traffic Impact Study Sheet
Unstable Slope Review	\$630
Variance (Administrative)	\$975
Variance (Hearing)	\$1,810
Water Resource Review	
- Verification for Single Family lot	\$153
- Verification for non-Single Family lot	\$305
- Water Resource for Single Family lot	\$711
- Water Resource for non-Single Family	\$1,422
Washburn Greenway	\$1,110
Zone Change	\$2,030

Surface / Subsurface Water & Drainage Issues

Our concerns are well-defined by Section 3.1 (General Design Considerations) of the City's *Drainage Master Plan* (1988) but our primary issues are summarized below:

- 1) The volume and location of surface and subsurface water on neighboring parcels should not be "... materially different from that which existed before development occurred."
- 2) "Surface water entering and exiting the subject property shall be received and discharged at naturally occurring locations with no diversion at either of these points unless a diversion is called for in the Drainage Master Plan."
- 3) "The design storm peak discharge from the subject property may not be increased from conditions existing prior to the proposed development except where it can be satisfactorily demonstrated by the applicant that there is no adverse impact to the downstream drainage system."

The neighborhood surrounding the subject property has a long and undeniable history of spongy lawns, standing water in yards and crawl spaces and occasional flooding throughout fall, winter and spring months. In spite of several engineering studies of the area, we see neither a clear recognition of these problems nor a complete grasp of the circumstances that create them. As a result, we have no confidence that this proposed development will not exacerbate already difficult groundwater conditions.

Most of the engineering reports and statements regarding this tract have referenced earlier studies in their attempts to understand and explain these issues; many of these studies have referenced even earlier studies. We're not sure how much "new" work has been done in this process. There has been significant development in recent years on both sides of the subject property. Even with the dictated ground water mitigation now included in these new developments, the residents of this area see a slow steady increase in the standing ground water on their properties during the rainy season. We're concerned that some earlier assumptions and calculations may now be incorrect but, if repeated enough, will be considered fact and continuously used when new developments are proposed.

We are of the opinion that the water resource data and reports raise more questions than provide answers. The proponent's report indicates that groundwater in this area travels primarily horizontally. It also notes that horizontal conductivity is on average, 3 times the vertical conductivity, in soils that do not have a low conductivity layer in the sub soil. We have such a layer, with the same report stating that the soil in our area has a slowly permeable layer at a depth of 33-36 inches that causes our high water table. This would seem to indicate the horizontal conductivity of water in this area could be faster than the average. Have the unique characteristics of this site been adequately addressed? Is there a clear understanding of how subsurface water will be impacted by this proposal and what problems it may create?

The applicant dug test wells on December 19, 2002. Test results varied greatly with water seepage reported between 2 – 3 feet in some wells with nothing revealed in other wells at 10-foot depths. These tests were made nearly two months into the “Wet (Rainy) Season” of November 1 through April 30 (as defined in City of Oregon City *Stormwater and Grading Design Standards*). The report failed to recognize that calendar year 2002 was substantially drier than normal and that the two months preceding the measurements were the 4th and 5th driest months in recorded history. Within a few weeks after these measurements were made, one property owner experienced water in a crawl space and standing surface water in his yard and driveway less than 200 feet from one of the “no water at 10 feet” test wells. How can we trust the accuracy of the water resource report if the data was collected during a time that does not represent anything close to an “average” wet season?

An “Addendum to the original Water Resources Report (dated July 15, 2003 – staff Exhibit 7) was sent in response to a staff report that water issues had not been adequately addressed. While a little confusing, it reports “The water table in this soil is from 2.0 – 3.0 feet below ground during the winter and early spring.” It further discusses the wetland areas indicating “The water table in the winter and early spring is from ground level to 18 inches below the ground.”

This appears to be reporting that during wet months, water may be on the surface in the wetlands but is 2 – 3 feet below the surface elsewhere.

While we do not impugn the integrity of those investigating these issues, they don't live here! These studies and statements are simply not substantiated by the facts. Properties on both sides of this parcel minimally experience standing water through much of every rainy season. Many residents on both sides of this proposed development have sump pumps under their homes that run on a very regular basis during the rainy season. Digging postholes in April, I found water 6 inches below the surface. Homeowners installing French drains have then had to install pumps to empty the drains. If the data does not accurately represent the reality, what happens in the long run?

The report appears to acknowledge that in order to hopefully adequately collect all of the newly created groundwater, the detention ponds created may drain water from the wetlands. This is not acceptable, so a utility trench will be filled with an impervious substance to stop the horizontal flow of water across Rose Road, hopefully maintaining the wetlands in their current state. Unfortunately, there are residents on the other side of Rose Road who draw their water from a well. What will be the impact of completely blocking the natural horizontal flow of water under Rose Road be on these wells? We do not see this addressed in the report.

The staff report readily admits that the applicant does not show how the storm system for the southeast swale will function. How can those of us living downstream from that area be comfortable with accepting this as something to be determined later?

This site is a Wet Soils-Hi Water Table area. (See attached photos) The soil types in this area cause this situation. (Please see attached map of soil types) Type 8B soil is classed as slowly permeable, while Type 30C is classed as extremely low permeable soil. The applicant proposes to collect and drain storm water from the gutters and drains of the homes located in the Type 8B area and move it to detention ponds in the Type 30C area. This will drain away many millions of gallons of storm water from an area where some of it could be stored in the subsoil to slowly recharge the groundwater to an area where there will be virtually no permeation. We are concerned about the impact a development of this density will have on this delicate balance of storm and ground water.

Federal, State, Regional and City directives require management of this natural resource looking to conserve and restore, prevent contamination and maintain the high quality of Oregon's groundwater for present and future uses.

Reducing the density of the proposed development would decrease the amount of impervious surfaces and provide more open space for storage, permeation and recharging of the ground water.

We could continue on about water, but believe that these examples make our point. There are more questions than answers here. There has not been an adequate recent study of the water issues in this area, in particular in light of the amount of development that has occurred. It is being recommended that this application be accepted with conditions, and yet, many of the conditions acknowledge that major water resource standards have not yet been met. Such statements as "the applicant has preliminarily addressed how the storm system will function in high ground water create concern for us.

PHOTO'S TAKEN APRIL 26, 2003

TAX LOT 1700

WARMER FUEL CO.

1

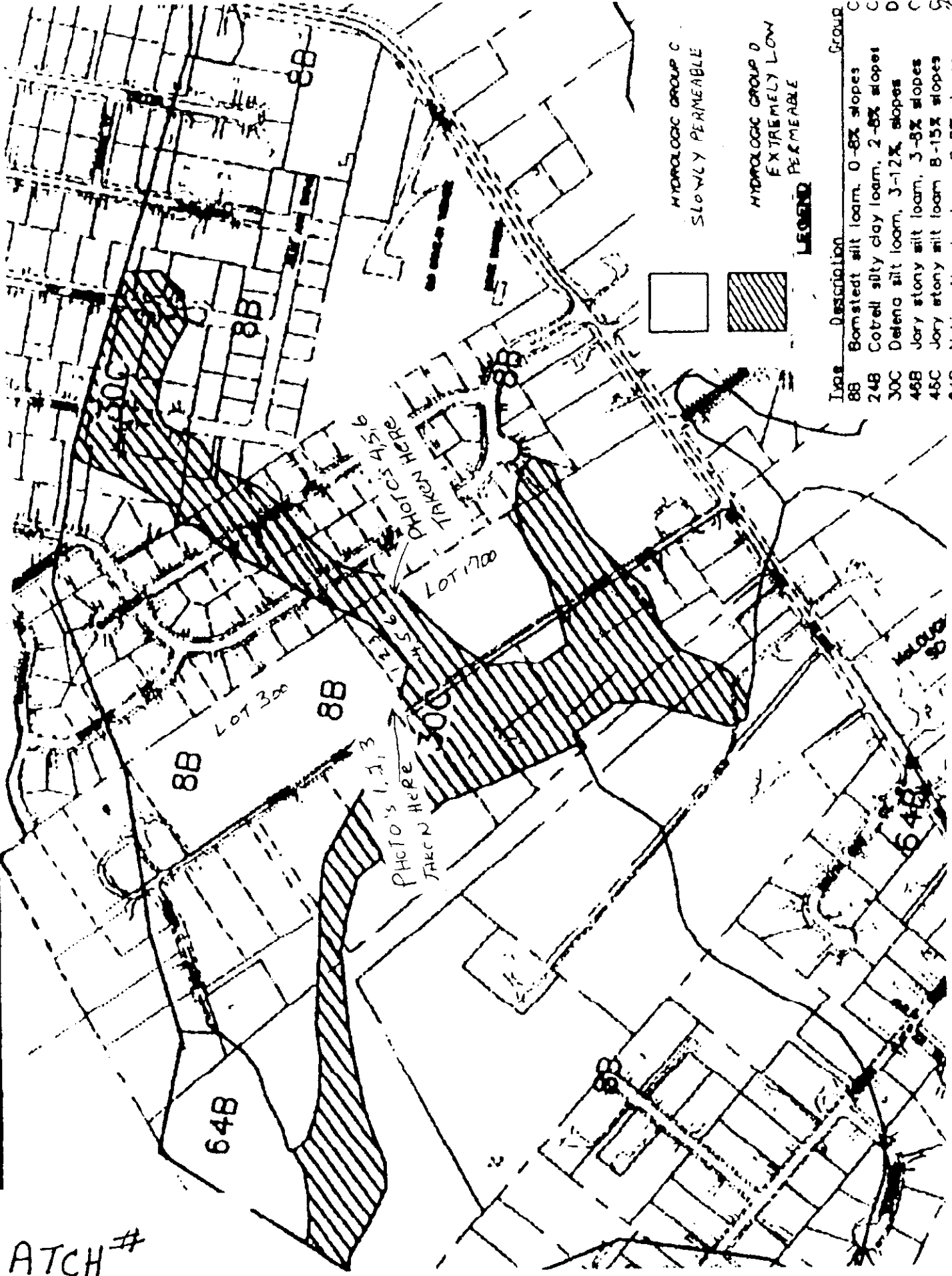
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HYDROLOGIC GROUP C
SLOWLY PERMEABLE

HYDROLOGIC GROUP D
EXTREMELY LOW
PERMEABLE

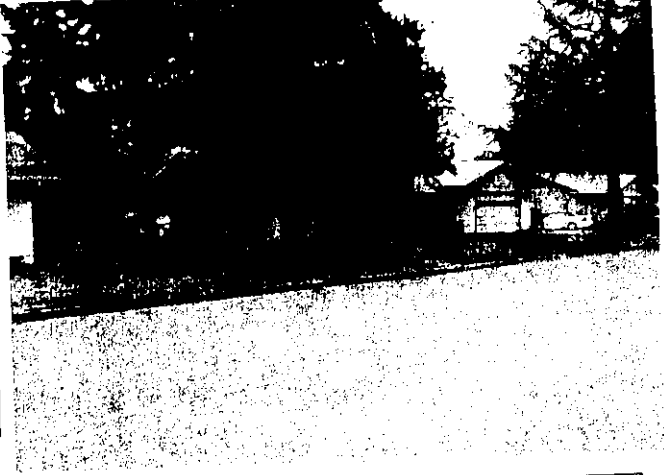
LEGEND

Uses	Description	Group
88	Bornstedt silt loam, 0-8% slopes	C
248	Cotrell silty clay loam, 2-8% slopes	C
300	Delena silt loam, 3-12% slopes	D
468	Jory stony silt loam, 3-8% slopes	C
45C	Jory stony silt loam B-15% slopes	C
648	Nekia silty clay loam 2-8% slopes	C

ATCH #



Similar development to what is being proposed-per Mr. Grant. These would be on the backside of Lafayette.



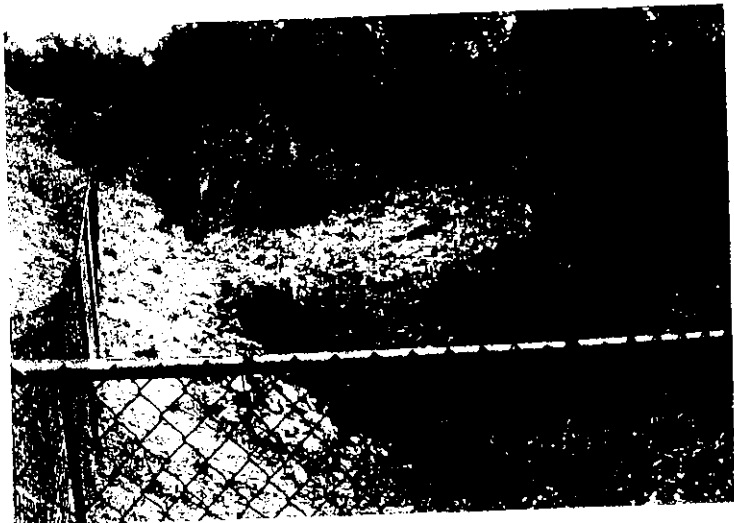
Current homes on Lafayette



Current home and acreage on Rose Rd.



Proposed type of attached housing to be developed across from acreage on Rose Rd.



Detention Pond at similar development.



Rural setting on Rose Road.

It appears from the applicant's site plan that the southern water quality resource area contains 73,582 square feet. It is more difficult to tell about the northern area, but it appears to be approximately 70,000 square feet. Thus, both areas together seem to be approximately 143,582 square feet. Both water quality resource areas appear to be in the R-10 zoned area. The applicant lists the R-10 area (Tax Lot 1700) as 414,891 square feet. If the total R-10 square footage is reduced by excluding the R-10 water quality resource area as allowed by Section 17.49.070(D), then the remaining "net" R-10 square footage would be approximately 271,309 square feet or 6.23 acres.

6.23 acres times 4.4 units per acre yields 27.4 units. Adding the maximum R-10 units (27.4) to the R-6 units (calculated by the applicant on the site plan to be 36.8), yields a new maximum density of 64.2. Multiplying this new density of 64.2 times 80% yields an adjusted minimum density of 51.36 units..

6



Davis Wright Tremaine LLP

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October 4, 2004

Via Email and Fax

LINDA CARTER
 Chair, Oregon City Planning Commission
 320 Warner Milne Rd.
 Oregon City, Oregon 97045

Re: Village at South Rose; J.O. SGL 00-107
 City File No. PD 04-02 and WR 04-12

Dear Ms Carter:

I am writing this letter to answer certain questions asked by the members of the Planning Commission and witnesses prior to the close of the public hearing on September 27th regarding the above referenced development applications.

- Storm Water Drainage

I want to reiterate that the developer's consultants testified they have designed a larger than required storm water drainage system to accommodate more than the legally required level for a 25 year storm. Instead the proposed system will accommodate the storm water from a 100 year storm event. Accordingly the storm water drainage conditions down stream from this project will be substantially improved by the development. The system will meter out the flow of the storm water during major storms such that the flooding complained by the opponents should be a thing of the past to the extent it has been caused by the existing storm drainage conditions on the subject property. The system will be designed to avoid too much or too little water flow from the development into the downstream water resources to the south.

In order to collect storm water that flows towards the project on or near the surface of the land from the north of the project, the developer will install a French drain system. As you will probably recall, the French drain is needed, because some of the lots along the northern project boundary must be filled and thereby elevated to provide proper functioning of the storm water drainage within the project itself. The French drain will collect storm water crossing the north boundary of the project whether traveling in pipes, across the surface, or near the surface.

A French drain is a collection system that constructed similar to a septic leach line, but instead of expelling water it collects water and directs it away from the point of collection generally through the use

of a perforated pipe. As currently envisioned this drain system would be approximately 2 feet below the existing surface elevation and would have a gravel backfill extending to the surface of the trench. At the bottom of the trench a perforated pipe would be installed with sufficient slope to carry water that enters the French drain to the drainage corridors in the water resource areas. Through the gravel backfill, the French drain will collect the storm water crossing the drain area either at the surface or as much as two feet below the surface.

A separate solid wall pipe will be used to pick up roof drains from neighboring parcels that encroach onto Mr. Reeder's parcels. Where these roof drains have been extended across the property line the pipes, will be connected to the solid wall pipe that will also be sufficiently sized and sloped to convey the drainage to the drainage way corridors. Both the French drain and solid wall pipes will be on Mr. Reeder's side of the property line but near the boundary.

Additionally, where fills are required to allow the proposed lots to drain to the development's detention system, those lots will be graded to drain towards the street, except for a few feet near the rear of the lots where the French drains will be placed. Care will be taken to be sure that this small area at the rear of the lots drains properly into the French drain system.

- Impervious areas

Opponents raised concerns at the hearing about the "high" amount of impervious area that would be generated by the proposed development. Please note that the development area of the site is only slightly over 60% of the total site area. This development area includes lot yard areas, as well as the homes, driveways and street areas. Within this 60% development area, the amount of impervious area created will be slightly higher than with a standard lot subdivision, but when 100% of the development site is considered, the total impervious area will be substantially lower than a standard subdivision such as the neighboring "Oaktree" subdivision. This is because of the open spaces, because there is less total road surfaces constructed and because of the smaller lots and smaller house footprints. Of course the storm drainage system will be designed to collect and deliver all the rain falling on these impervious surfaces to the storm water detention ponds, which will then gradually release the storm water down stream to the existing water resource areas to the south of the project.

- Available parking

Please note that on the westerly side of the project, all the streets are proposed to be public streets of standard width. On these streets parking is allowed on both sides of the street. With the alley that is proposed to provide access to the center block, more parking than normal will be available on the streets as there will be fewer driveways than what would otherwise exist.

In the center development area of the project, the street perpendicular to Rose Road will be 32 feet curb to curb matching the standard public street, and parking on both sides will be allowed. On the private street parallel with Rose Road, parking will be permitted on one side of the private street, as that street is proposed to have a 28 foot curb to curb width.

On the development area adjacent to South End Road, we are proposing 13 extra parking spaces for the 9 proposed lots in this area in addition to the parking available in garages and on-lot parking spaces.

In addition to internal project parking, we expect additional parking will be allowed on South End Road as part of the minor arterial road requirements of the Transportation System Plan. We also expect that parking will be allowed along Rose Road adjacent to the development except for perhaps near the intersection with South End Road.

- Substantial Similarity to Prior Proposal; Density Reduction

The claim was made by Kathleen Galligan that the Water Resources Application must be considered separately from the PUD application to determine whether City Code Section 17.50.220 prohibits approval, because this is a substantially similar "proposal." The Water Resources Permit is ancillary in nature to the PUD development application and pertains to an overlay zone to protect water resources from development. The conditions and application requirements for a water resources permit leave substantially no lee way on the part of the developer to modify the water resource part of the development proposal. Accordingly interpreting the rule as desired by the witness would clearly be wrong, because it would be practically impossible to file a substantially different water resource application that complies with the law. Accordingly the only reasonable interpretation of this rule is that the PUD permit is the primary development permit application that should be the focus of consideration regarding whether a substantially different proposal has been made. The ancillary water resources permit application should be considered part of the overall development "proposal" as that term is used in Code Section 17.50.220. The City has the discretion to make such a common sense interpretation of this requirement.

The PUD application provides a substantially different development configuration and substantially lower density of development than the earlier application. In an effort to further differentiate the new application, the developer has agreed to restrict development of four of the lots for five years. The density of the proposal has always been the opponents' major concern about this project. The developer met repeatedly with the opponents in an effort to reach agreement upon density. Please note that the City staff correctly acknowledged that the applicant cannot legally propose less than 67 lots in response to Ms. Galligan's mistaken assertion to the contrary. In other words, the 67 unit density proposed by the applicant is as different as legally possible for a PUD to be. Reducing the number of lots by nine from 76 to 67 and then agreeing to hold four vacant lots for five years is a very substantial cost and loss of profit to the developer. To call such a change insubstantial flies in the face of economic reality.

To deny the application due to its density or to condition approval on a lower density would be the equivalent of saying the applicant cannot do a PUD, which would be contrary to the City Code in effect when this application was filed and would be overturned upon appeal. After this application was filed, the City Commission rezoned this subject property to a density allowing 78 dwelling units, still more density than is being applied for. The developer could develop this property as a condominium with 78 units without requiring any Planning Commission approval, because a condominium does not divide the land into new lots. Accordingly, denial of this application will not result in a lower density of development on this property or delay its development. The City Commission decision to zone this property for up to 78 units reflects a reaffirmation of the policy determination regarding the density on this property that the Planning Commission should follow.

It is natural that at the edge of the City limits and the Urban Growth Boundary, the urban level of density proposed will be somewhat different in character than the very low density of existing houses outside the City. If the City could not approve any development of higher than existing housing density, because it would be "out of character" with the existing housing, there would be no means to increase density within

the City. Where the developer has proposed the minimum density allowed for a PUD, there is no legal basis to make the development any more in character with the existing development. The City cannot use the developer's compliance with the City's own density requirements as the basis to deny this application as being out of character with the existing density level.

- School Capacity

Oregon Revised Statutes 195.110(9) and (10) prohibit the denial of a development application based upon concerns regarding the capacity of the local schools.

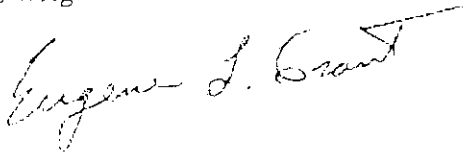
- Open Space Usage by Neighbors

One witness questioned whether the open space areas would be open to use by neighbors outside the PUD. The developer would not be opposed to a condition that all or part of the open space recreational areas be dedicated to the City to insure availability to the public similar to the streets. If the area is used by the public then the City should be responsible for its maintenance and liability regarding its use.

We hope this detailed information provides the Planning Commission with additional clarity on these issues.

Very truly yours,

Davis Wright Tremaine LLP



Eugene L. Grant

ELG:elg

Enclosure

cc: Paul Reeder
Tom Sisul
Annakate Martin, NRS
Todd Mobley
Tony Konkol
Bill Kabeiseman



MEMORANDUM

To: Eugene Grant, Davis Wright Tremaine
From: Todd E. Mobley, PE
Date: October 1, 2004
Subject: Village at South Rose, File No. PD 04-02

This memorandum is written in response to testimony in opposition to the subject application made at the September 27, 2004 Planning Commission hearing in Oregon City, Oregon. Each issue raised is stated below in italics, with a response immediate following.

Traffic on Rose Road will increase by 600 to 700 percent. All traffic will be on a dead-end and there is no certainty regarding the timing of future connectivity.

Response:

The percentage increase given sounds quite spectacular, although this is due to the very low existing traffic volumes on this public street. If compared as a percentage, any new development would cause significant increase. A more important measure is the expected average daily traffic volume (ADT) on Rose Road compared to what a local street is intended to carry. Even with the project at full buildout, including the four shadow-platted lots, the ADT is expected to be less than 1,000 vehicles per day. This volume of traffic is reasonable for a street of this functional classification.

We have been involved in other developments in Oregon City with problems arising from local streets being unduly overloaded by new development when additional street connections were not in place. This is not the case here, as even with additional traffic from the development, the traffic volumes will be consistent with the intended function and classification of Rose Road.

Traffic study findings in the latest report were identical to the findings in the original report, which was done for the previous application that was denied.

Response:

The statement above was made to support the argument that the subject application is "substantially similar" to that previously denied. The findings of the two reports are identical largely because the traffic impacts in both instances are not substantial and no mitigations were recommended. Some of the details of the reports differ, such as trip generation, intersection delay, etc., although the overall findings are consistent.

This consistency is not a good indicator of an application being "substantially similar" from a land-use or code compliance standpoint. As an extreme example, if the entire site were pro-



Eugene Grant
October 1, 2004
Page 2 of 2

posed to be developed as a ten-lot subdivision, the *details* of the traffic study would differ, but the overall findings would be the same. Clearly a development proposal of this nature would not be substantially similar, although the findings of its traffic study would be.

The traffic study did not examine impacts to Second Street or Highway 99E.

Response:

As mentioned by Tony Konkol at the hearing, the scope of the traffic study was reviewed and approved by David Evans and Associates, the City's contract Traffic Engineer. It is not feasible to have this development analyze transportation facilities such as those mentioned above that are not within reasonable proximity of the site and are not directly impacted by traffic generated by the development.



Real-World Geotechnical Solutions
Investigation • Design • Construction Support

October 4, 2004

Project No. 02-8100

Tom Sisul
Sisul Engineering
375 Portland Avenue
Gladstone, OR 97027

Via Facsimile: 503-657-5779

**Subject: Added Geotechnical Discussion on Groundwater Testimony
Village At South Rose Development
Oregon City, Oregon**

References:

1. GeoPacific Engineering Inc., Geotechnical Engineering Report, Village at South Rose Development, Project No. 02-8100, revised February 3, 2004.
2. GeoPacific Engineering Inc., Added Discussion on Groundwater Concerns from Neighboring Residents, Village At South Rose Development, Project No. 02-8100, February 3, 2004

This brief letter is for the specific purpose of discussing groundwater testimony relating to Village at South Rose. GeoPacific Engineering Inc., has little to add technically on this issue that we haven't already clarified more than once. The regional study citing groundwater concerns for the area (DOGAMI Bulletin 99, ca.1979), starts with four paragraphs on how to use the study on the first page. The language states that the regional study should not supercede site studies and that a geologist can determine that no hazards exist and that a detailed study need not be performed. As we have stated, shallow groundwater is a concern and a nuisance, but not a hazard to the proposed development. Recommendations for improvement should reduce the groundwater effects beneath the proposed homes and will not add to groundwater effects on surrounding existing homes. It is our opinion that the concern has been adequately addressed and the proposed construction is appropriate for such a site concern. We hope that the planning commission members comprehend the use of the study and the expertise of GeoPacific Engineering, Inc. for groundwater issues. No expert testimony on groundwater issues has been presented that opposes our conclusions and recommendations.

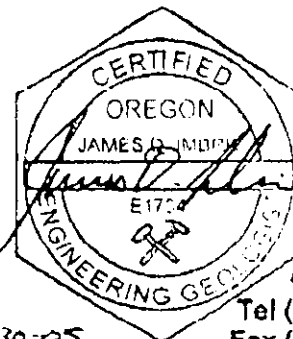
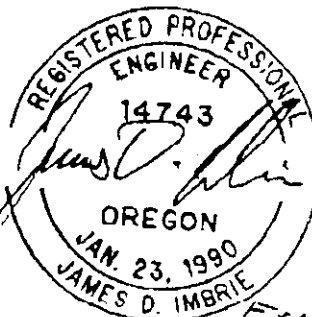
We trust this insight is helpful. Please call if you have any questions.

Sincerely,

GEOPACIFIC ENGINEERING, INC.

James D. Imbria, P.E., C.E.G.
Principal Engineer

7312 SW Durham Road,
Portland, Oregon 97224



Tel (503) 598-8445
Fax (503) 598-8705

October 4, 2004

To: Oregon City Planning Commission

From: Milo and Norene Schmeltzer

Ref: PD 04-02, WR 04-12

Subject: Testimony Presented at September 27, 2004 Hearing

Our feeling on the proposed development:

First, we will say that we have met with the developer several times, and appreciate the fact that he listened to our concerns and appeared to try to address some of them. The big stumbling block on agreement between him and the neighborhood is the number of units.

He, and apparently the Planning Commission seem to be of the opinion that the number of units is not flexible. Our spokesperson and attorney have shown this not to necessarily be the case.

In our opinion, since the first proposal by Mr. Reeder a number of years ago, nothing has changed with the land itself or the neighborhood surrounding. As the Planning Commissioners decided each time it came up, this is not the place for that high a density. The wetlands on the land, the type of land that it is, and the fact that it is on a little country deadend road, all are against this high a density.

A PUD is supposed to fit into the surrounding area, and as has been pointed out repeatedly, it does not do that. Now they are developing across South End Road, extending Rose Road. Those

Exhibit H

lots will be between 8,000 and 10,000 square feet. Some of the lots in the proposed development will be less than 4000.

The objection we have to the development has not waivered. It is too high density for its location. As Chairperson, Ms. Carter said at one of the hearings -- we need the high density developments, but that little deadend country road is not the place for it.

Nothing has changed since she said those words.

Respectfully submitted,

Milo and Norene Schmeltzer
18908 S. Deer Lane

October 4, 2004

TO: Oregon City Planning Commission: Chairperson Linda Carter

FM: Steven Maness
18825 Lafayette Ave.

Oregon City
503-655-4740

RE: Concerns over issues from the 27 Sept. 04 Planning Commission Meeting

Comment: There were two specific issues that I believe did not get clarified during the hearing on Application PD 04-02 and WR04-12.

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1.) Chairperson Carter attempted to get an explanation from the client clarifying how surface water (rain/storm water that exists in the top soil above the layer of clay) and the high water table (water that exists below the layer of clay but often raises above the layer of clay in wet conditions) interacted and how these two different bodies of water would affect the planned housing construction on this property. The client never did clarify the difference or how they would act upon the development together, but kept ignoring the high water table and continued to explain how their application design would deal with the water entering this property as runoff from the North and from rain. I might add it is still very questionable as to the effectiveness of that design in dealing with the water issues. I still do not think Chairperson Linda Carter ever did get a good answer to her question.

2.) When Mr. Jim Kosel, representing the Leland Road/Central Point/New Era Community Planning Organization, spoke before the commission and voiced the fact that he had communicated with the fire department and that there were indeed concerns about there being insufficient turn-around space and access space through the roads and to the buildings throughout this development. The Staff reacted very strongly against this person's credibility by making statements to the affect of "I can't imagine them needing that much space to turn around a vehicle." when clearly that much space is required. The Staff then continued in a fashion that strongly implied that Mr. Kosel had no place presenting information concerning the fire department in front of the Planning Commission and this information was incorrect and non-creditable. It is the right of anyone who chooses, to present any information applicable to the application under review to the Planning Commission. It is extremely important that any and all information that might aid the commission in making a fair unbiased decision on such a controversial matter be presented before the commission. This type of conduct does not promote Citizen Involvement called for in Oregon's Statewide Planning Goals, Goal 1- Citizen Involvement.

I would like to ask the Planning Commission to take a minute and re-evaluate the information presented during the 27 Sept. meeting and be assured they are clear on what is truly happening with these issues.

Thank You,
Steven Maness

Exhibit I

October 4, 2004

To: Oregon City Planning Commission

From: John P. Dinges

Ref: PD 04-02, WR 04-12

Subj: Testimony Presented at Sept 27, 2004 Hearing

04 OCT -4 PM 3:38
OFFICE OF THE CITY CLERK
CITY OF OREGON

It is an extremely difficult and time consuming task to research and put together a Staff Report for a project this complicated. It is not unusual for unintended errors or omissions to creep into such a large undertaking. I don't agree with some things in the data provided in the Staff Report and comments made during the public hearing. Perhaps my comments will provide a different perspective for all participants. It is a little lengthy but I thought it was important to be thorough.

The purpose of the Planning Commission is to make recommendations to the City Commission concerning land use proposals.

I wish to comment on two areas of the hearing.

- Validity of information/testimony presented .
- Investigation of comments made.

1. Validity of information/testimony presented.

It is imperative that all information submitted or presented to the Planning Commission for their consideration, whether oral or written be factual and valid, not misleading or based on conjecture or personal opinion unless so stated.

ORS 227.170(2) States that council decisions made on permits and zone changes will be based on factual information.

After listening to some of the testimony offered by Mr. Tony Konkol, the principal planner responsible for these two land use proposals I question some of the comments he made and am somewhat apprehensive as to the validity of the staff report on these two proposals. How much of the staff reports is based on factual, valid information based on the City's land use directives and NOT on Mr. Konkol's conjecture and personal opinion? In past conversations with Mr. Konkol when I have asked questions or expressed my opinion regarding a proposal Mr. Konkol has sometimes stated "People who come in here asking questions are generally anti-development. People who are for the development don't come in and ask questions", or words to that effect. He frequently displays a self righteous attitude that he/they in the Planning Department were the only ones who were qualified to interpret the land use directives and make recommendations to the Planning Commission. I feel this is contrary to Oregon State Planning Goal 1- 4, which states-" Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information". If the citizens understood the information they wouldn't be asking questions. Based on the number of questions asked during the hearing it was apparent that many members of the Planning Commission did not understand much of the information presented.

The purpose of the Planning Commission holding a public hearing is to afford persons particularly interested and the general public an opportunity to be heard and provide testimony they believe pertinent to the pending land use decision.

During the initial presentation of the staff report Mr. Konkol stated that the police and fire dept had not responded when in fact the fire dept had responded by fax on 8-17-04, see Exhibit 12. Mr. Jim Kosel, representing the Central Point/Leland Rd/New Era Community Planning Organization offered testimony

that the fire department had in fact responded and had requested a turn around in the proposed development. Mr. Konkol said, words to the effect "They don't need a turn around", then went on to say why he didn't think they needed a turn around. They didn't understand the development and would change their requirement. This is conjecture. The fire dept's request was faxed to Mr. Konkol 5 weeks prior to the hearing and he could have resolved the misunderstanding prior to the hearing.

Ms. Kathleen Galligan testified that she did not believe all of the applicable portions of the city code had been applied to the application and that other portions should apply. Mr. Konkol stated the portions she cited were not applicable then proceeded to quote parts he said was pertinent. How can the public be assured Mr. Konkol included ALL of the applicable code or just those parts he thought were applicable? I have questioned applicable parts of the code in the past but was told by Mr. Konkol it didn't apply. When I attempted to get an explanation his reply was " He wasn't going to discuss it or argue about it. It would be a case for the lawyers to decide", or words to that effect.

Mr. Konkol insinuated that someone had suggested that the subject property was undevelopable. I don't recall anyone saying that. We, myself included, said the property was developable but due to the unusual water conditions and other conditions/characteristic's of this property the carrying capacity of the land is reduced and we don't feel it should be developed at the density the applicant desires.

Mr. Konkol made other comments regarding the high water table and site preparation that I questioned. He stated that many of the problems associated with this site are very common thruout the Oregon City area and implied the water issues associated with this site should not restrict the sites developability. I know of no other development in the Oregon City area that was developed within a drainage basin.

2. Investigation of comments made.

To clarify and better understand some of the technical testimony offered I spoke with the Planning Department on Sep 29,04. Testimony was given that the whole area surrounding this proposed development was in a high water table area and had development conditions similar to this site. I suggested comparing the development of Maxwell Meadows, Gentry Meadows and Lienert Farm construction requirements. I was told the requirements change periodically and last changed in year 2000. Maxwell Meadows,'99 and Gentry Meadows'95 could not be used for a factual comparison. A comparison was done with Lienert Farm (under construction) across South End Road from the proposed development. This is classed as a High Water table area.

I asked what reports were required for development?

Answer- It depends on the development characteristics and topography of the area. If the development is on relatively level land with no indication of water or drainage problems no Geotechnical Report is required. If not in a water resource area, no water resource report is required. Not sure about Hydrology report, referred to engineering.

A comparison was done with Lienert Farm.

There was no water resource or geotechnical reports required as the land is relatively level with no apparent water or drainage problems. There was a brief limited Hydrology report. More in engineering. On Sept 30,04 I went to engineering and spoke with one of the city engineer's. I asked the following questions:

Footing Drains- Are they required everywhere? No-Site specific, depends on hydrology, soil conditons and area.

How and where are they placed?- They are placed around the outside perimeter of the footing.

Crawl space/low point drains- Are they required? Yes in most cases to prevent standing water in the crawl space.

Hydrology Reports- Are they required for all developments? Usually, to determine soil characteristics, storm water handling requirements and detention pond requirements. The report for Lienert Farms is pretty basic.

Ground water storage and recharging- Is ground water storage and recharging of the ground water considered? No, not a consideration. They are concerned with collecting, handling, storage of the water collected on impervious surfaces.

Site Preparation- What are the requirements to prepare the site for construction?

They want a relatively level consistent grade across the site without low spots that would cause ponding

or drainage problems. Site topography determines requirements. Some grading is always required.
Topsoil- Is removed from area to be graded, stored, grading done, topsoil replaced in some areas. This prevents topsoil from being removed from one area to fill a low spot leaving the area where soil was removed without topsoil.

Overexcavation, drying out- What is the purpose of overexcavation and drying out the subsoil? To provide a stable base to construct on and attain final desired grades.

Are all sites overexcavated and dried out? Yes to some extent- depends on soil hydrology. Location and amount of overexcavating varies. Areas where streets will be located and sometimes driveway areas are always overexcavated to various depths to allow placement of 10 inches to 15 inches of rock and gravel for the road/street base. Development work done during wet or rainy weather requires deeper subcourse than drier conditions. Engineer then looked at the site preparation requirements for the Village at South Rose, then looked a second time noting the requirement to overexcavate and aerate the structure areas. How many other developments in the Oregon City area require overexcavation similar to Village at South Rose? Don't know. Overexcavation of the structure(homesite) area is seldom necessary or required.

Long term effects- After this area goes thru several annual cycles of wet/dry, wet/dry, wet/dry, year after year, season after season will it still be satisfactory and stable? Should not cause any problems. Can't say for sure. Don't know.

I went to the Lienert Farm development and viewed two sites which appear to be ready for backfilling and framing to start. The sites are located at 19148 and 19183 Rose. The properties are supposed to have a high water table. The sites have footings, foundations and low point crawl space drains installed. They do not have footing drains. I went to the site Sun Oct 3, 04 to take pictures of the installed drains, but the foundations apparently were backfilled on Fri and home construction started. I observed the removal of the topsoil, grading and overexcavation of the area where streets have been put in and the installation of rock/gravel road sub-base and initial paving. I did not see any overexcavation of the structure (homesite) areas.

Elevation of lots 16&17-

Engineering Publication- Guidelines for Development Policy 00-01 requires not more than a maximum grade differential of two feet at all site boundaries. This will require sloping at the rear of lots raised more than two feet. Backyards will be sloped plus this area will have french drains installed at the back edge of the lots. May limit the useability of the backyards.

Asked the engineer what he thought of this situation. He said it wouldn't fit his lifestyle and wouldn't want to live there.

Comments- I looked at the South Meadows development. Along the NE side the lots were sloped when developed. A few of the yards are still sloped. Many property owners have installed retaining walls of some sort, and filled and leveled their yards to some degree. Some lots are now approx 4 feet above the adjacent property. See attached pictures.

This application has been changed and modified several times. As a result it has become so confused and convoluted it is difficult to discern what data does and does not apply. There are several plat maps. Which one is going to be the final correct map? Which criteria is applicable? This application has 44 conditions of approval attached. ORS 227.170(2) requires that decisions be made based on factual information. This application does not provide that factual information and should be denied.

This letter is submitted in hopes it will enable everyone involved in this proceeding to better understand how the final development if approved would look and function.

Respectfully,

John P. Dinges
18896 S. Rose Road
Oregon City, OR 97045



Central Point-Leland Road-New Era
Community Planning Organization
11466 Finnegan's Way
Oregon City, Oregon 97045

October 3, 2004

Oregon City Planning Commission
320 Warner Milne Road
Oregon City, Oregon 97045

Subject: Files PD 04-02 and WR 04-12

Dear Planning Commission Members:

The credibility and completeness of the information presented the Planning Commission on the above named files is suspect. One specific point is that Mr. Konkol stated in his staff report presentation that there was no response from the fire department.

During public testimony, when a copy of the fire department response was offered, Mr. Konkol then acknowledged there was a response. Mr. Konkol then stated that, contrary to the fire department request, a turn around was not needed. This is contrary to the request of the fire department, and there's no record in fire department files that the turn around is no longer required.

Furthermore, Mr. Konkol did not state that the fire department response was to an early revision, and lot numbers/lots in their request are not the same lot numbers/lots you are reviewing for this hearing.

Our primary concern still is the long-term impacts any changes to the wetlands and their discharges will have on downstream waters. Much information is contained in the "Hydrologic Study of South Basin", dated February 1996, and it appears that this data was not considered for these files. Downstream creek(s) and wildlife (the beaver population at Roberts Pond) will be adversely impacted if there are reduced flows, as the applicant has proposed, from the wetlands.

Based on staff reports and testimony submitted at the September 27, 2004 hearing, Planning Commission members do not have enough factual/valid/credible information to make a decision on these files. This application should either be denied, or sent back to staff for further processing.

Respectfully submitted,


James A. Kosel
Chairperson

Exhibit

K

RECEIVED
OCT 10 2004

04 OCT -4 PM 3:37

PAUL NORR
ATTORNEY AND COUNSELOR AT LAW
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PORTLAND, OREGON 97239
TELEPHONE: (503) 228-3862
FAX: (503) 225-1028

OF COUNSEL TO
REEVES KAHN & HENNESSY

E-MAIL: PAULNORR@IPNS.COM

October 3, 2004

Planning Commission
City of Oregon City
Community Development Department
320 Warner Milne Road
Oregon City, OR 97045

RE: PD 04-02 and WR 04-12 (Village at South Rose)

**PLANNING COMMISSION'S ABILITY TO REDUCE THE
MINIMUM DENSITY UNDER SECTION 17.49.070(C)**

Dear Planning Commission:

I represent Kathleen Galligan and Liz Wakeman, who own property and reside at 18996 S. Rose Road, across from the proposed Planned Development/Subdivision. This letter only addresses the Planning Commission's ability to reduce the minimum density of the proposed PD/subdivision by excluding the water quality resource area from the minimum density calculations.

The applicant has proposed 67 lots, and has claimed that the City's zoning ordinance won't allow a reduced density because of the minimum density provision of the PD section of the zoning code. I believe the applicant is wrong.

The Water Quality Resources Area code says in Section 17.49.030(C)(1) that:

"Applications for subdivision, partitions and planned developments shall demonstrate compliance with these standards as part of the review proceedings for those developments." (Emphasis added).

The Water Quality Resources Area code Section 17.49.070(C) then provides that:

The area of land contained in a water quality resource area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code. (Emphasis added)

Exhibit L

Oregon City Planning Commission
October 3, 2004
page 2

(RE: PD 04-02/WR 04-12)

Of course, the Planned Development regulations, before they were repealed this Spring, were part of the "zoning code". Thus, Section 17.049.07(C) applies to the proposed planned development.

Therefore, the Planning Commission may reduce the regular PD minimum density requirements by excluding the water quality resource area from the minimum density calculations, if the Planning Commission so chooses.

It makes sense that the Planning Commission is given this flexibility. The former Planned Development code was designed to provide design flexibility for difficult sites. The Water Quality Resources Area code provides additional flexibility when proposed projects contain water resource areas.

The code recognizes that in some situations the relatively large size of the water resources area may make it impractical to cram the otherwise required minimum density onto the relatively small remaining non-resource portion of the project site. Thus, the code gives the Planning Commission the flexibility to make an adjustment in the minimum density. This can keep the non-resource area from being overcrowded.

I understand that the applicant or planning staff has previously taken the position that the Water Quality Resources Area code only applies to subdivisions and not to planned developments. However, the staff reports in both PD 04-02 and WR 04-12 say that the Water Quality Resources Area code applies to this planned development. That's why case WR 04-12 is required. The planned development cannot go forward without complying with the Water Quality Resources Area code.

I request the following of the Planning Commission: If the applicant or staff believes that the Water Quality Resource Area code does not apply to planned developments, please simply ask the applicant or staff to point out the code language that specifically exempts planned developments. I don't think they can.

Using the calculations provided by Kathleen Galligan at the hearing on September 27, 2004, Ordinance Section 17.49.070(C) gives the Planning Commission the flexibility to reduce the overall density of the proposed PD/subdivision to about 51 units.

Oregon City Planning Commission
October 3, 2004
page 3

(RE: PD 04-02/WR 04-12)

Thank you for the opportunity to address this issue. Please include this letter in the records of PD 04-02 and WR 04-12.

Respectfully,



Paul Noir

PN2

c: Edward J. Sullivan and William K. Kabeiseman,
City Attorneys
Kathleen Galligan and Liz Wakeman
Tony Konkel

RECEIVED
CITY OF OREGON CITY

October 3, 2004

To: Oregon City Planning Commission

From: John and Susan Rough

Ref. No. PD 04-02, WR 04-12

We have been present at most of the many meetings regarding this property and the proposed Planned Unit Development. We have seen many plans for this development and there have been changes to the plan. Many of these changes seem to be substantial at first glance, but many are cosmetic with no real change taking place. For instance, at the meeting of September 27, Mr. Reeder's experts told the planning commission they turned down his application last time with no reason. We feel this is not the case. Listed below are some of our observations and concerns on the application and the process.

WATER

There have been significant changes to the water issues; we feel changes for the better. For instance, french drain along the back of development providing drainage for Oak tree subdivision homeowners. The increased water retention of the overall development has been increased substantially. Is there more to be done? We feel as though there is. Fill still seems to be an issue. In order to get the needed slope for drainage, lots in the middle of the development would need to be raised two feet. Even with just two feet of fill, some of our Oak tree neighbors will still have houses looking down at them. In our minds this glaring difference only reinforces the continuing failure of this development to blend in with the surrounding community.

DENSITY

Density rules seem to be a major stumbling block. We can get close to a number that both sides could live with. Point of Mr. Reeder's: High cost of developing lots. His number from conversation at Clackamas Community College was 50 or 60k per lot for installing utilities. If 6 or 8 lots were not developed a savings of at least 150 to 200k would be realized. We feel that if allowances could be made on the density rules, significant progress could be made towards an agreement that would be in the best interest of all involved parties. Traffic has been mentioned and it has been determined not to be a significant problem. This development will not increase traffic to the point that traffic control devices will be needed at the intersections of South End Road and Partlow or at South End Road and Warner Parrot. At what point does traffic become a problem and how is addressed. Do we wait until we have gridlock in our backyards to fix the problem or will traffic be handled before it becomes unbearable? Does Oregon City have the resources to address these issues at this time, or will we be waiting for a solution to catch up with our mistakes from the past.

SCHOOLS

While the commission was told that they cannot legally use schools as a reason for not approving a development, lets talk about what is right. Don't we morally have a responsibility to provide safe and fully functional schools for the children of this community? While the elementary schools boundaries can be rezoned to fit the needs and population within the district, the high school cannot. What students are in the district have got to go through OCHS and already, in just it's second year, it is within 30

or 40 students of capacity. How does having inadequate schools add to the livability and character of Oregon City. In an article in the Sept. 13th Metro section of the Oregonian, Mr. Ron Naso, the superintendent of North Clackamas schools points out similar unchecked development. To paraphrase Mr. Naso, to continue such growth without regard to schools, "we are marching toward an infrastructure catastrophe."

In our opinion, we feel to continue developing residential properties with no guarantee of funding for schools as well as other essential services is foolhardy at best. This is perhaps a discussion which needs to take place elsewhere, possibly at a state level. Maybe developers need to help fund school when they develop property. Once again, this is probably the wrong forum for this discussion, but somebody needs to say something about these looming disasters.

Respectfully,

John And Susan Rough
18944 S. Rose Rd.
Oregon City, OR

1 October 2004

City of Oregon City
Planning Commission
320 Warner-Milne Road
Oregon City, OR 97045

Attn: Tony Konkol


Re: PD 04-02 (Rose Road)

At the September 27, 2004 Oregon City Planning Commission meeting, the applicant of the above-reference project requested removal or modification to the Planning Staff's Condition of Approval item #44. We support that request.

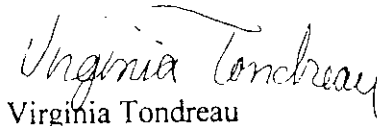
We have met with the applicant, Mr. Paul Reeder on several occasions to discuss how we may treat a portion of our yard that lies on his property. To address the issue, Mr. Reeder has provided for a 12-foot buffer between his proposed development and our property. The intent, as stated in his request, was to leave that portion of the property undisturbed and allow for the continued use of our yard.

Requiring the development's street to extend into this 12-foot section defeats the purpose of the buffer as well as causing the applicant needless expense. We have no objection if the City requires a right-of-way within the buffer to facilitate extension of the street should it be required by future development. Failing that, we would appreciate the opportunity to discuss the disposition of this matter with both the City and Mr. Reeder before a final decision is made.

Sincerely,



Michael Tondreau
18851 Rose Rd.
Oregon City, OR 97045
(503) 657-7997



Virginia Tondreau

RECORDED
CITY OF OREGON CITY

04 OCT -4 AM 10:15



Davis Wright Tremaine LLP

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October 18, 2004

Via Email

LINDA CARTER
 Chair, Oregon City Planning Commission
 320 Warner Milne Rd.
 Oregon City, Oregon 97045

Re: Village at South Rose; J.O. SGL 00-107
 City File No. PD 04-02 and WR 04-12

Dear Ms Carter:

I am writing this letter in rebuttal to the materials submitted by the opponents after the close of the public hearing on September 27th regarding the above referenced development applications.

- Storm Water Drainage

Mr. Dinges, Mr. Kosel and Mr. Maness all wrote at length regarding their concerns about the storm water drainage and water table. Most of what they had to say was a repeat of past arguments, and I will not extend this letter by repeating our previous rebuttal of their general concerns. Mr. Kosel refers to the 1996 Hydrologic Study of the South End Basin that is a part of the South End Basin Master Plan. That document was considered by the developer's team and the application is based upon and consistent with that study. Mr. Kosel reiterates his concern about the outflow of storm water being too slow whereas most of the opponents are concerned it will be too fast. The Applicant's design will restore a more natural storm water outflow that has been artificially increased over the years by prior developments not adequately detaining and metering their storm water. The applicant is willing to meter the storm water outflow from this project as directed by the City Engineer per the conditions of approval. We have demonstrated by two different qualified engineers that the storm water system is designed to more than adequately store and meter the storm water reaching this site up to a 100 year event in order to improve the hydrology downstream from this project as desired by the existing residents.

- Elevation of Lots 16 & 17

Mr. Dinges cites the requirement that there be no more than a two foot grade difference at the boundary between the lots. This requirement will be fully satisfied in some cases by the use of retaining walls that will be located inside of the lot rather than on the boundary line. Mr. Dinges also questions the usability of sloping back yards with French drains. French drains are subsurface facilities and the surface of the yards in this project will be usable for landscaping. Level back yards are not an approval criteria, however, and sloping yards, retaining walls and French drains are common in residential developments.

- Density Requirements

Paul Norr responded on behalf of certain opponents arguing that the Planning Commission does have the legal authority to require less than 67 lots by factoring out the water resource area from the minimum density calculation. The City planning staff has interpreted the City Code Section 17.49.070(C) to only allow disregarding the water resource area for a subdivision density calculation, and we agree with their interpretation. Subdivision lot sizes cannot be reduced as in a PUD, and therefore, the combination of a large water resource area and the fixed lot sizes could in the right circumstances make a subdivision impossible without violating the minimum density requirement. Because the lot sizes may be reduced in a PUD, the water resource area should not be factored out of the minimum density calculation. There is an easy answer to Mr. Norr's hypothetical situation of a water resource area so large that the minimum density requirement would result in PUD lots that are too small. The answer is simply that the developer could and would develop such a property as a subdivision and not as a PUD in order to obtain the benefit of Section 17.49.070(C). It would be fundamentally unfair for the Planning Commission to adopt a retroactive change in their longstanding interpretation of this Section. Any such change in an established interpretation of the Code should be prospective only. The general arguments about compatibility of the density with surrounding properties in the October 4 letter of the Schmeltzers was addressed previously, and there is no need to repeat them here.

- Lack of Fire Department Concerns

Mr. Maness and Mr. Dinges wrote concerning the adequacy of the streets for Fire Department access. The developer is fully prepared to comply with any Fire Department requirements and the proposed approval conditions already require that. If the Planning Commission believes the opponents claim that the fire department will require a change in the configuration then the Planning Commission should rely upon the conditions of approval to require whatever change is necessary.

- Condition 44

LINDA CARTER

October 18, 2004

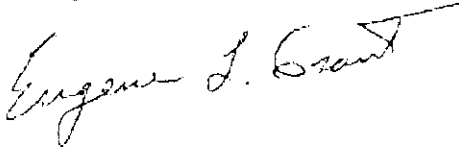
Page 3

We concur with the request of Mr. and Mrs. Tondreau regarding the removal or modification of condition of approval 44 in order to permit them to have a 12 foot buffer between their property and the proposed development.

We hope this additional information provides the Planning Commission with additional clarity on these issues sufficient to approve the application. We will be available at your meeting on October 25th in case you have any further questions you would like to ask the development team. Thanks for your time and effort on this matter.

Very truly yours,

Davis Wright Tremaine LLP

A handwritten signature in cursive script that reads "Eugene L. Grant". The signature is written in black ink and is positioned above the typed name.

Eugene L. Grant

ELG:elg

Enclosure

cc: Paul Reeder
Tom Sisul
Monty Hurley
Tony Konkol
Bill Kabeiseman



MEMORANDUM

TO: City of Oregon City Planning
Commission

FROM: Carrie Richter, Deputy City
Attorney

DATE: October 18, 2004

RE: Village at South Rose (PD 04-02 and WR 04-12)
Staff Response to Planning Commission Questions

FILE NO.: 34758-00100

Two issues have arisen in the course of public comment that City staff believes require additional comment from staff.

The first issue deals with the density requirements for a PUD under OCMC 17.64.030. This issue was raised at the public hearing on September 27, 2004 hearing and again by Mr. Norr in a letter dated October 3, 2004. In that letter, Mr. Norr claims that the Water Quality Resource Area code provisions allow the City to exclude the Water Quality Resource Areas ("WQRA") from the total gross area used to determine the minimum density for a PUD under OCMC 17.64.030 thereby allowing a reduction in the required density to 51 units. As support for this claim, Mr. Norr quotes section 17.49.070(C), which provides:

The area of land contained in a water quality resource area **may be excluded** from the calculations for determining compliance with minimum density requirements of the zoning code. (Emphases added by Mr. Norr.)

However, the minimum density requirements for PUDs set forth in OCMC 17.64.030 contain a series of specifically defined terms that must be considered before the Planning Commission can decide to exercise its discretion to remove this area from the density calculations. OCMC 17.64.030 provides, in relevant part:

A development proposal may be processed as a PUD at the applicant's option, and is offered as an alternative process for residential development; provided that at least eighty percent of the **gross density** allowed by the underlying zone is met. (Emphasis added).

The term "gross density" is defined in OCMC 17.64.020, the PUD chapter of the Code, and provides:

'Gross density' shall be expressed as the number of residential units per acre of gross area.

“Gross area” is defined in the same OCMC section as:

‘Gross area’ means the total area of the subject property including the unbuildable portions such as wetlands, natural features, slopes, streets, rights-of-way and the like.

The resource in the WQRA in this case is a wetland. The PUD regulations specifically require that the minimum density for a PUD be determined by based on the “gross area,” which must include the unbuildable portions such as wetlands or other natural features. When a general and particular provision are inconsistent, the latter is paramount to the former so that a particular intent controls a general intent that is inconsistent with the particular intent. ORS 174.020. Because these terms are expressly defined to prevent exclusion of unbuildable areas reserved for the protection of wetlands or other natural resources, staff recommends that the Planning Commission deny the opponents’ request to exercise discretion to exclude this area.

The second issue the Planning Commission asked that staff consider is the issue of substantial similarity between the Water Resources Permit request that was previously denied and the one currently pending before the Commission. The substantially similar requirement is set forth in OCMC 17.50.220:

If the application is denied or withdrawn following the close of the public hearing, no reapplication for the same or substantially similar proposal may be made for one year following the date of the final decision denying the permit.

The PUD application provides a substantially different development configuration and reducing the number of lots from 76 to 67. According to the opponents, even though the PUD application may not be substantially similar to the previous PUD proposal, the Water Resources application is still exactly the same. However, considered in context, the Water Resources application may also be found to be not substantially similar.

In order to understand the context, it is important to first understand why the PUD is not substantially similar to the previous application. The configuration of the units and number of units has changed to such a degree that, had this current proposal been considered as a modification to the original proposal, City staff would have viewed this as a major modification and require approval by the Planning Commission under OCMC 17.64.170(B). Since this would qualify as a major modification had the original PUD proposal been approved, staff concluded that the PUD configuration currently proposed as not substantially similar to the original proposal.

As part of the new PUD, applicants were required to include the WQRA; however, the determination made in that process does not involve the development of the WQRA; all of the development is addressed in the PUD application. Thus, the Water Quality Review is the same as for the first PUD, but is part of the new PUD application.

The City Commission has interpreted the “substantially similar” provision only once before – in its recent decision on Wal-Mart. In that decision, the City Commission stated:

... the Commission notes that all of the applications in the previous denial were consolidated and that OCMC 17.50.220 bars reapplication “for the same or substantially

similar proposal.” The Commission interprets that provision to focus on the “proposal” that was denied in the previous proceeding, not simply on the application.

Based on this previous interpretation along with the plain meaning of the term “proposal,” it is proper for the Planning Commission to consider the substantial similarity requirements in terms of the overall proposal rather than a particular application.

This also makes sense from a policy perspective as well; reading the substantial similarity requirement as the opponents propose would lead to an unreasonable and probably unanticipated result. Opponents’ reading would require a one year delay for all development when a water resource application is similarly required because, unless the regulations change, the protected natural resources and vegetative buffer requirements will not vary when the development proposal changes. Whatever the amended proposal, the development must still avoid the unbuildable areas, address storm water and erosion requirements. Since it seems unlikely that the City Commission intended such a result when adopting its Water Resource review requirements, a more reasonable reading of OCMC 17.50.220 is to deal with the proposal as a whole rather than the Water Resource element of the proposal.

Based on the foregoing analysis, staff recommends that the Planning Commission deny the opponents’ challenge to the decision based on density requirements or the substantially similar proposal standard.



PC Mailing List

Meeting Date: 10.25.04

Sent On: 10.20.04

Number	Recipients	Sent
10	Copies for Front Table	X F
1	PC Binder	X F
1	Front Counter	X F
1	Dan Drentlaw	X F
1	Tony Konkol	X F
1	Christina Robertson-Gardiner	✓ A
1	Sean Cook	✓ A
1	Larry Patterson	X F
1	Bob Cullison	✓ A
1	Nancy K	X A
1	City Recorder	X A
1	Fire Department	✓ A
1	Public Works	✓ A
1	Police Department	X A
1	Library	✓ F
1	Carnegie Center	✓ F
1	Pioneer Center	X F
5	City Commission	X A

*In addition to the names on the following page

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John and Phyllis Dinges
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~~Hazel Grove / Westling Farm N/A
Bill Vickers, Chairman
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Oregon City, OR 97045~~



CICC Chairman/Hillendale Nbrhd
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Attn: Steve Mayes

Rene Hinneberg
AV Tech
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PC Mailing List

Meeting Date: 10.18.04

Sent On: 10.12.04

Number	Recipients	Sent
10	Copies for Front Table	
1	PC Binder	F
1	Front Counter	F
1	Dan Drentlaw	F C
1	Tony Konkol	F C
1	Christina Robertson-Gardiner	A
1	Sean Cook	A
1	Larry Patterson	F C
1	Bob Cullison	F
1	Nancy K	F
1	City Recorder	A
1	Fire Department	A
1	Public Works	A
1	Police Department	A
1	Library	F
1	Carnegie Center	F
1	Pioneer Center	F
5	City Commission	F C

*In addition to the names on the following page

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